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<https://us02web.zoom.us/j/81042976734?pwd=Zjh6bFFuQXINUjdpcXBBRnQ3NEJvQT09>

The public may participate in the virtual meeting by using the link listed above or join by phone at **1-301-715-8592 Meeting ID: 810 04297 6734.**

The public will be able to listen to all discussion by Council members and will be permitted to speak for up to 5 minutes during the public comment section of the agenda. Please use the ZOOM feature in the participant section to raise your hand or press \*9 on the telephone keypad if you are using audio and you will be called upon to speak.

## MARSHALL CITY COUNCIL AGENDA

Monday – 7:00 P.M.

December 7, 2020

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) INVOCATION – Melaney Chalker, Marshall United Methodist 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 – Amendments to City Ordinance Chapter 70: Vehicle and Traffic Code**

City Council will consider the recommendation to establish a public hearing for Monday, January 4, 2021 to hear comments on the proposed amendments to sections 70.13 through 70.17 of Chapter 70: Vehicle and Traffic of the Marshall City Code of Ordinances.
  - B. **2021 City Council Meeting Schedule**

City Council will receive the dates for the 2021 City Council Meetings.
  - C. **2021 Boards and Commissions**

City Council will receive the listing of the 2021 Board and Commission positions that are scheduled to expire and the term of office.
  - D. **Title VI Non-Discrimination Plan**

City Council will consider the recommendation to approve the revised Title VI Non-Discrimination Plan as presented.
  - E. **MERS Plan Addendum Agreement**

City Council will consider the recommendation to approve the Defined Contribution Plan addendum and the Defined Benefit Plan addendum with an effective date of January 1, 2021 and to authorize the City Clerk to sign the agreements.

**F. City Council Minutes**

Work Session .....Monday, November 16, 2020  
Regular Session.....Monday, November 16, 2020  
Special Session..... Thursday, November 19, 2020

**G. City Bills**

Regular Purchases..... \$ 154,288.76  
Weekly Purchases –11/13/20 ..... \$ 44,741.11  
Weekly Purchases –11/20/20 ..... \$ 34,125.16  
Weekly Purchases –11/25/20 ..... \$ 16,189.06  
**Total..... \$ 249,344.09**

**8) PRESENTATIONS AND RECOGNITIONS**

**A. 2020 Annual Financial Audit**

**B. Certificates of Appreciation**

**9) INFORMATIONAL ITEMS**

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

**A. Solid Waste Disposal Ordinance**

City Council will hear public comment regarding the proposed Chapter 50: Garbage and Rubbish Ordinance.

**B. Zoning Ordinance and City Ordinance, Chapter 121 to define Hoop House and Commercial Greenhouse and define Use Standards**

City Council will hear public comment regarding the changes to the Zoning Ordinance and Code of Ordinances, Chapter 121 to define Hoop House and Commercial Greenhouse and define Use Standards for same.

**C. Obsolete Property Rehabilitation Exemption (OPRA)**

City Council will hear public comment regarding the application for an Obsolete Property Rehabilitation Exemption for Schuler’s Restaurant located at 115 South Eagle Street.

**11) OLD BUSINESS**

**A. City Council Rules of Procedure**

City Council will consider the recommendation to adopt the revised City Council Rules of Procedure.

**12) REPORTS AND RECOMMENDATIONS**

**A. Transformer Purchase for CRESCO Labs Inc.**

City Council will consider the recommendation to approve awarding the purchase of three (3) new 3000KVA transformers for the Cresco Labs development project to Solomon Corporation in the amount of \$133,425.

**B. Social District Changes**

City Council will consider the recommendation to adopt the changes proposed by the Ad-Hoc Committee.

**C. Solid Waste Proposals**

City Council will consider the recommendation to accept the bid from Granger to provide Solid Waste Services for a period of 5 years and to approve the proposed Rules & Regulations for the provision of Solid Waste Services.

**D. Assistant Director of Electric Utility Salary and FiberNet Manager and IT Team Leader Salary Adjustment**

City Council will consider the recommendation to approve a \$65,000 annual salary for the FiberNet Manager and IT Team Leader effective January 4, 2021 and a salary range of \$90,000 - \$100,000 for the Assistant Director of Electric Utility.

**13) APPOINTMENTS / ELECTIONS**

**14) PUBLIC COMMENT ON NON-AGENDA ITEMS**

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

**15) COUNCIL AND MANAGER COMMUNICATIONS**

**16) ADJOURNMENT**

Respectfully submitted,



Tom Tarkiewicz  
City Manager



**ADMINISTRATIVE REPORT**

**December 7, 2020 – CITY COUNCIL MEETING**

**TO:** Honorable Mayor and City Council  
**FROM:** Tom Tarkiewicz, City Manager  
Scott E. McDonald, Director of Public Safety

**SUBJECT:** Several amendments of City Ordinance Chapter 70, Vehicle and Traffic Code. In particular 70.13- Bicycles and Electric Bicycles; 70.14- Skateboards, In-line Skates, Roller Skates and other similar wheeled devices; 70.15- Electric Skateboards and Electric Personal Assistive Mobility Devices; 70.16- Commercial Quadricycles and Pedal-Cabs; and 70.17- Animal Drawn Vehicles.

**BACKGROUND:** Due to advancements in technology and marketing, we are seeing a tremendous increase in the use of various wheeled devices (non-motor vehicle) on our streets and sidewalks. Many of these vehicles are very fast, very small, and very appealing for individuals to ride. Our current code does not address many of these vehicles at all, while the definitions and regulations of others are dated.

During a review of these codes, and some recent complaints, it was discovered that our City code had no language for Quadricycles, Pedi-cabs, and Animal Drawn Vehicles. As Marshall is steeped in tourism and history, it is anticipated that these methods of transportation will be utilized by area businesses in the future.

The proposed ordinance is attached. Overall, the changes include some definitions, bringing our ordinance more in line with state law, addressing traffic safety concerns, defining boundaries and areas of operations, as well as defining licensing requirements and cleaning up the penalty language. Several internal policies and forms will be implemented in the City Clerks Office defining specific procedures in the licensing of Quadricycles, Pedal-cabs and Animal Drawn Vehicles.

**RECOMMENDATION:** It is recommended that the Council set a public hearing for January 4, 2021 to hear comments on amendments to the City Ordinance Chapter 70, sections 70.13, 70.14, 70.15, 70.16 and 70.17.

**FISCAL EFFECTS:** There are no known significant fiscal effects. There is potential for some revenue from MCI citations and permit fees.

**ALTERNATIVES:** As suggested by City Council.

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

Respectfully Submitted,

Scott McDonald  
Director of Public Safety

Tom Tarkiewicz  
City Manager

City of Marshall, Michigan  
Ordinance # \_\_\_\_\_

**AN ORDINANCE AMENDING CITY OF MARSHALL CODE OF ORDINANCES,  
SECTION 70.13**

**WHEREAS**, new technology and innovation has led to a significant increase in the diversity of vehicles and devices which are used on public highways, streets, sidewalks, bike paths and other places open to the general public; and,

**WHEREAS**, many of the new vehicles and devices are less visible to other motorists and pedestrians and provide less protection to the operators; and,

**WHEREAS**, the use of these new vehicles and devices has resulted in an increase in the shared use of the city's public highways, streets, sidewalks, bike paths and other places open to the general public; and,

**WHEREAS**, council finds that the current level of shared use will continue to grow as the new vehicles and devices become more popular and available to the public; and

**WHEREAS**, council finds that the proposed ordinance provides for the safe and co-existent use of traditional modes of transportation as well as the newer forms of transportation; and

**WHEREAS**, city council finds that the proposed ordinance is in furtherance of the health, safety and welfare of its residents and visitors;

**NOW, THEREFORE, THE CITY OF MARSHALL ORDAINS** that the current version of Section 70.13 be deleted and replaced with the version set forth herein;

**§ 70.13 Bicycles and Electric Bicycles**

**(A) Definitions.**

- 1) **Bicycle.** The term "bicycle" means a device propelled by human power upon which a person may ride, having either 2 or 3 wheels in a tandem or tricycle arrangement, all of which are over 14 inches in diameter.

2) Electric Bicycle. The term "electric bicycle" means a device upon which an individual may ride that satisfies all of the following:

(a) The device is equipped with all of the following:

- (i) A seat or saddle for use by the rider.
- (ii) Fully operable pedals for human propulsion.
- (iii) An electric motor of not greater than 750 watts.

(b) The device falls within 1 of the following categories:

- (i) Class 1 electric bicycle, defined as an electric bicycle that is equipped with a motor that provides assistance only when the rider is pedaling and that disengages or ceases to function when the electric bicycle reaches a speed of 20 miles per hour.
- (ii) Class 2 electric bicycle, defined as an electric bicycle that is equipped with a motor that propels the electric bicycle to a speed of no more than 20 miles per hour, whether the rider is pedaling or not, and that disengages or ceases to function when the brakes are applied.
- (iii) Class 3 electric bicycle, defined as an electric bicycle that is equipped with a motor that provides assistance only when the rider is pedaling and that disengages or ceases to function when the electric bicycle reaches a speed of 28 miles per hour.

(B) Devices prohibited.

Devices which do not fall within the definition of either a bicycle or an electric bicycle under this ordinance, and which are not otherwise permitted under City Code or state law, shall not be operated on public highways, streets, sidewalks, bike paths, bike lanes or other places open to the general public.

(C) Manner of operation.

- 1) Operators of bicycles and electric bicycles on a public highway, street, sidewalk, bike paths, bike lanes or other place open to the general public, including areas designated for the parking of vehicles shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle under the Motor Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923 as amended, and the Uniform Traffic Code for Cities, Townships, and Villages, as amended, incorporated under Section 70.001 of this Code, except as to those provisions which by their nature do not apply,

and except as otherwise provided herein.

- 2) The hands of the operator of a bicycle or electric bicycle shall be on the handle bars at all times, except when in the act of signaling. (Prior Code, Section 70.013(A), Prior Code, Section 75.30)
- 3) No person shall operate a bicycle or an electric bicycle in a careless or negligent manner likely to endanger any person or property.
- 4) No person shall operate a bicycle or electric bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (Prior Code, Section 70.013(B), Prior Code, Section 75.31).

(D) Areas of operation.

- 1) No person shall operate a bicycle or electric bicycle on any sidewalk, part of a sidewalk, street or other place open to the general public where signs have been erected prohibiting the riding of bicycles or electric bicycles, or as prohibited herein.
- 2) No person shall ride a bicycle or electric bicycle upon any sidewalk adjacent to Michigan Avenue between Park Avenue and Marshall Avenue at any time; provided, however, that a person may ride across Michigan Avenue where it intersects with Grand, Eagle, Jefferson, Madison, Hamilton, High, Exchange Street or Marshall Avenue.
- 3) No person shall ride a bicycle or electric bicycle at any time in Carver Park, Brooks Memorial Fountain Park, Riverwalk Park (except the paved areas), the open space located at 228 W. Michigan Avenue commonly known as Grand Street Park, or the open space located at 231 W. Michigan Avenue commonly known as Peace Park.
- 4) No person under age 12 shall operate a bicycle or Class 1 or Class 2 electric bicycle on any of the following roads: Old US 27, Michigan Avenue, Industrial Road, Dobbins Court and Dobbins Street between the railroad tracks and Industrial Drive, West Drive from Verona Road to Industrial Drive, West Hughes Street and Partello Road.
- 5) No person under age 12 shall operate a bicycle or Class 1 or Class 2 electric bicycle in Oakridge Cemetery without adult supervision.
- 6) Where a usable and designated path or lane for bicycles is provided adjacent to a highway or street, a person operating a bicycle or electric bicycle shall use the path or lane and shall not use the adjacent highway or street.

- (E) Penalty. A person who violates this section is responsible for a municipal civil infraction and shall be subject to a fine which does not exceed \$500.00, provided however, that if a greater penalty is provided under the Motor Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923 as amended, or the Uniform Traffic Code for Cities, Townships, and Villages, as amended, incorporated under Section 70.001 of this Code, the greater penalty shall apply.

(Ord. passed 11-16-1992; Am. Ord. 20-13-07, passed 6-17-2013; Am. Ord. 2021-\_\_\_\_\_, passed \_\_\_\_\_, 2021)

**Statutory reference:**

*MCL 257.659 - MCL 257.662, UTC R28.1615*

**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 \_\_\_\_ day of \_\_\_\_\_, 2021, and ordered to be given publication in the manner prescribed by law.

**AYES:**

**NAYES:**

**ABSTENTIONS:**

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**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 \_\_\_\_ day of \_\_\_\_\_, 2021, the original of which is on file in my office.

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**Clerk**

**Adopted:**

**Published:**

City of Marshall, Michigan  
Ordinance # \_\_\_\_\_

AN ORDINANCE OF THE CITY OF MARSHALL CODE OF ORDINANCES,  
SECTION 70.14

**WHEREAS**, new technology and innovation has led to a significant increase in the diversity of vehicles and devices which are used on public highways, streets, sidewalks, bike paths and other places open to the general public; and,

**WHEREAS**, many of the new vehicles and devices are less visible to other motorists and pedestrians and provide less protection to the operator; and,

**WHEREAS**, the use of these new vehicles and devices has resulted in an increase in the shared use of the city's public highways, streets, sidewalks, bike paths and other places open to the general public; and,

**WHEREAS**, council finds that the current level of shared use will continue to grow as the new vehicles and devices become more popular and available to the public; and

**WHEREAS**, council finds that the proposed ordinance provides for the safe and co-existent use of traditional modes of transportation as well as newer forms of transportation; and

**WHEREAS**, council finds that the proposed ordinance is in furtherance of the health, safety and welfare of its residents and guests;

**NOW, THEREFORE, THE CITY OF MARSHALL ORDAINS:**

§ 70.14 Skateboards, in-line skates, roller skates or other similar wheeled devices.

(A) Definitions.

- 1) Skateboard. The term "skateboard" means a device with at least one wheel or ball that has a floorboard designed to be stood upon when riding.
- 2) Roller skates. The term "roller skates" means a pair of frames fitted to footwear with small wheels, for gliding across a hard surface.

- 3) In-line skates. The term "in-line skates" means a pair of frames fitted to footwear with small wheels arranged in a straight line, for gliding across a hard surface.

(B) Manner of operation:

- 1) A person riding a skateboard, roller skates, in-line skates or other similar wheeled device shall be granted all of the rights, and shall be subject to all of the duties, applicable to pedestrians under the Motor Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923 as amended, and the Uniform Traffic Code for Cities, Townships, and Villages, as amended, incorporated under Section 70.001 of this Code, except as to those provisions which by their nature do not apply and except as otherwise provided herein.
- 2) A skateboard, in-line skates, roller blades or other similar wheeled device shall not be used to carry more than one person at a time.
- 3) A person riding a skateboard, roller skates, in-line skates or other similar wheeled device shall not attach the same or himself or herself to a vehicle or other wheeled device while the vehicle or other wheeled device is moving.
- 4) No person shall operate a skateboard, roller skates, in-line skates or other similar wheeled device in a careless or negligent manner likely to endanger any person or property.
- 5) No person shall operate a skateboard, roller skates, in-line skates or other similar wheeled device at a speed greater than is reasonable and prudent under the conditions then existing.
- 6) No person shall operate a skateboard, roller skates, in-line skates or other similar wheeled device between ½ hour before sunset and ½ hour after sunrise.

(C) Areas of operation.

- 1) No person shall operate or ride a skateboard, roller skates, in-line skates or other similar wheeled device on any sidewalk, part of a sidewalk, street or other place open to the general public where signs have been erected prohibiting the riding of these devices, or as otherwise prohibited herein.
- 2) Except as otherwise provided herein, a person shall operate or ride a skateboard, roller skates, in-line skates or other similar wheeled device on sidewalks where provided and not on the main traveled portion of the highway or street. Where sidewalks are not provided, a person shall operate or ride a skateboard, roller skates, in-line skates or other similar

wheeled device, when practicable, on the left side of the highway or street facing traffic.

- 3) Where a usable and designated path or lane for bicycles is provided adjacent to a highway or street, a person operating a skateboard, roller skates, in-line skates or other similar wheeled device shall use the path or lane and shall not use the adjacent highway, street or sidewalk.
  - 4) No person shall ride a skateboard, roller skates, in-line skates or other similar wheeled device upon any sidewalk adjacent to Michigan Avenue between Park Avenue and Marshall Avenue at any time; provided, however, that, the person may ride across Michigan Avenue where it intersects with Grand, Eagle, Jefferson, Madison, Hamilton, High, Exchange Street or Marshall Avenue.
  - 5) No person shall ride a skateboard, roller skates, in-line skates or other similar wheeled device at any time in Carver Park, Brooks Memorial Fountain Park, Riverwalk Park (except the paved areas), the open space located at 228 W. Michigan Avenue commonly known as Grand Street Park, or the open space located at 231 W. Michigan Avenue commonly known as Peace Park.
  - 6) No person shall ride a skateboard, roller skates, in-line skates or other similar wheeled device on any of the following roads: Old US 27, Michigan Avenue, Industrial Road, Dobbins Court and Dobbins Street between the railroad tracks and Industrial Drive, West Drive from Verona Road to Industrial Drive, West Hughes Street, west of South Kalamazoo Avenue, and Partello Road.
  - 7) No person shall ride a skateboard, roller skates, in-line skates or other similar wheeled device on city-owned parking Lots.
- (D) Penalty. A person who violates this section is responsible for a municipal civil infraction and shall be subject to a fine which does not exceed \$500.00, provided however, that if a greater penalty is provided under the Motor Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923 as amended, or the Uniform Traffic Code for Cities, Townships, and Villages, as amended, incorporated under Section 70.001 of this Code, the greater penalty shall apply.

(Ord. passed 11-16-1992; Am. Ord. 2013-07, passed 6-17-2013; Ord. 2020-03, repealed 2-18-2020; Ord. 2021-\_\_\_\_\_, passed\_\_\_\_\_, 2021)

**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 \_\_\_\_ day of \_\_\_\_\_, 2021, 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 \_\_\_\_ day of \_\_\_\_\_, 2021, the original of which is on file in my office.

\_\_\_\_\_  
Clerk

Adopted:

Published:

City of Marshall, Michigan  
Ordinance # \_\_\_\_\_

AN ORDINANCE OF THE CITY OF MARSHALL CODE OF ORDINANCES,  
SECTION 70.15

**WHEREAS**, new technology and innovation has led to a significant increase in the diversity of vehicles and devices which are used on public highways, streets, sidewalks, bike paths and other places open to the general public; and,

**WHEREAS**, many of the new vehicles and devices are less visible to other motorists and pedestrians and provide less protection to the operator and,

**WHEREAS**, the use of these new vehicles and devices has resulted in an increase in the shared use of the city's public highways, streets, sidewalks, bike paths and other places open to the general public; and,

**WHEREAS**, council finds that the current level of shared use will continue to grow as the new vehicles and devices become more popular and available to the public; and

**WHEREAS**, council finds that the proposed ordinance provides for the safe and co-existent use of traditional modes of transportation as well as newer forms of transportation; and

**WHEREAS**, council finds that the proposed ordinance is in furtherance of the health, safety and welfare of its residents and guests;

**NOW, THEREFORE, THE CITY OF MARSHALL ORDAINS:**

§ 70.15 Electric Skateboards and Electric Personal Assistive Mobility Devices.

(A) Definitions.

- 1) Electric skateboard. The term "electric skateboard" means a device with at least one wheel or ball that has a floorboard designed to be stood upon when riding, has an electrical propulsion system with power of no more than 2,500 watts, and has a maximum speed on a paved level surface of not more than 25 miles per hour. An electric skateboard may, in addition to having an electrical propulsion system with power of no more than 2,500 watts, be designed to also be powered by human propulsion.

- 2) Electric personal assistive mobility device. The term "electric assistive mobility device" means a self-balancing nontandem 2-wheeled device, designed to transport only 1 person at a time, having an electrical propulsion system with average power of 750 watts or 1 horsepower and a maximum speed on a paved level surface of not more than 15 miles per hour.

(B) Devices Prohibited.

- 1) Devices which do not fall within the definition of either an electric skateboard or electric assistive mobility device under this ordinance, and which are not otherwise permitted under City Code or state law, shall not be operated on public highways, streets, sidewalks, bike paths, bike lanes or other places open to the general public.

(C) Manner of operation:

- 1) Operators of electric skateboards and electric personal assistive mobility devices on a public highway, street, sidewalk, or other place open to the general public, including areas designated for the parking of vehicles shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle under the Motor Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923 as amended, and the Uniform Traffic Code for Cities, Townships, and Villages, as amended, incorporated under Section 70.001 of this Code, except as to those provisions which by their nature do not apply, and except as otherwise provided herein.
- 2) No person shall operate an electric skateboard and electric personal assistive mobility device in a careless or negligent manner likely to endanger any person or property.
- 3) No person shall operate an electric skateboard and electric personal assistive mobility device at a speed greater than is reasonable and prudent under the conditions then existing.

(C) Area of operation.

- 1) No person shall operate or ride an electric skateboard and electric personal assistive mobility device on any sidewalk, part of a sidewalk, street or other place open to the general public where signs have been erected prohibiting the riding of these devices, or as otherwise prohibited herein.
- 2) No person shall ride an electric skateboard or electric personal assistive mobility device upon any sidewalk.

- 3) No person shall ride an electric skateboard or electric personal assistive mobility device at any time in Carver Park, Brooks Memorial Fountain Park, Riverwalk Park (except the paved areas), the open space located at 228 W. Michigan Avenue commonly known as Grand Street Park, or the open space located at 231 W. Michigan Avenue commonly known as Peace Park.
  - 4) No person shall operate an electric skateboard or electric personal assistive mobility device on any of the following roads: Old US 27, Michigan Avenue, Industrial Road, Dobbins Court and Dobbins Street between the railroad tracks and Industrial Drive, West Drive from Verona Road to Industrial Drive, West Hughes Street and Partello Road.
  - 5) No person shall ride an electric skateboard or electric personal assistive mobility device on city-owned parking Lots.
- (D) Penalty. A person who violates this section is responsible for a municipal civil infraction and shall be subject to a fine which does not exceed \$500.00, provided however, that if a greater penalty is provided under the Motor Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923 as amended, or the Uniform Traffic Code for Cities, Townships, and Villages, as amended, incorporated under Section 70.001 of this Code, the greater penalty shall apply.

(Ord. 2021-\_\_\_\_\_, passed \_\_\_\_\_, 2021)

**Statutory reference:**

*Electric skateboards, MCL 257.658, MCL 257.660, MCL 257.662*

**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 \_\_\_\_day of \_\_\_\_\_, 2021, 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 \_\_\_\_day of \_\_\_\_\_, 2021, the original of which is on file in my office.

\_\_\_\_\_  
Clerk

Adopted:

Published:

City of Marshall, Michigan  
Ordinance # \_\_\_\_\_

AN ORDINANCE OF THE CITY OF MARSHALL CODE OF ORDINANCES,  
SECTION 70.16

**WHEREAS**, the City of Marshall is known as a destination point for visitors who come to enjoy the city's historical homes, restaurants and the ambiance of the downtown district; and,

**WHEREAS**, council finds that sightseeing and commercial passenger vehicle businesses within the city would positively impact and promote the city's tourism industry; and,

**WHEREAS**, council finds that the promotion of the tourism industry by the addition of these commercial enterprises must be balanced by the need to maintain the current quality of the city's business and residential life and to promote a safe co-existing use of the city's public highways, streets, sidewalks, bike paths and other places open to the general public; and,

**WHEREAS**, council finds that the proposed ordinance provides for the safe and co-existent use of commercial sightseeing and passenger vehicle businesses with other forms of transportation while maintaining the current quality of the city's business and residential life;

**WHEREAS**, council finds that the proposed ordinance is in furtherance of the health, safety and welfare of its residents and guests;

**NOW, THEREFORE, THE CITY OF MARSHALL ORDAINS:**

§ 70.16 Commercial Quadricycles and Pedal-Cabs

(A) Definitions.

- 1) Operator. The term "operator" means any person who operates a commercial quadricycle or pedal-cab.
- 2) Owner. The term "owner" means any person, partnership, corporation, association, or other organization engaged in the business of transporting

persons for hire by means of a commercial quadricycle or pedal-cab.

- 3) Commercial Quadricycle. The term "Commercial Quadricycle" means a vehicle that satisfies all of the following:
    - (a) The vehicle has fully operative pedals for propulsion by human power.
    - (b) The vehicle has at least 4 wheels and is operated in a manner similar to a bicycle.
    - (c) The vehicle has one or more seats for passengers.
    - (d) The vehicle is designed to be operated by a driver and powered either by passengers providing pedal power to the drive train of the vehicle or by a motor capable of propelling the vehicle in the absence of human power.
    - (e) The vehicle is used for commercial purposes.
    - (f) The vehicle is operated by the owner of the vehicle or an employee or agent of the owner of the vehicle.
  - 4) Pedal-Cab. The term "Pedal-Cab" means a vehicle that satisfies all of the following:
    - (a) The vehicle is multi-wheeled.
    - (b) The vehicle is designed to be operated by a driver and powered by human power with or without mechanical means.
    - (c) The vehicle is used for commercial purposes.
    - (d) The vehicle is operated by the owner of the vehicle or an employee or agent of the owner of the vehicle.
- (B) Operating license required. An owner shall not operate, or permit another person to operate, a commercial quadricycle or pedal-cab on a public highway, street, or other place open to the general public, including areas designated for the parking of vehicles, without first having obtained a license from the City Clerk. A license to operate a commercial quadricycle or pedal-cab shall automatically expire at the end of the calendar year for which they are issued. Applications to obtain a license to operate a commercial quadricycle or pedal-cab, or to renew an existing license, shall be made pursuant to application procedures and criteria established by the City Clerk.

- (C) Insurance required. The owner of a commercial quadricycle or pedal-cab shall at all times maintain a policy of bodily injury and property damage insurance in a minimum amount of one million dollars and no cents (\$1,000,000.00) per occurrence, or such other amount as may be required by statute. The policy shall directly protect the City of Marshall, its officers, employees and agents as additional named insureds, and provide that no other insurance purchased by the City will be called upon to contribute to a loss covered by said policy. The policy shall further provide 10 days' notice of cancellation or material change to the City Manager. Evidence of insurance coverage must be provided before any permit is issued.
- (D) Operator requirements. No person shall operate a commercial quadricycle or pedal-cab, nor shall an owner or agent of an owner permit the operation of a commercial quadricycle or pedal-cab, unless the operator meets all of the following requirements:
- 1) Is 18 years of age or older.
  - 2) Possesses a valid motor vehicle operator's license.
  - 3) Does not have a conviction of any criminal offense which is assaultive or violent in nature, stalking, reckless driving, operating while intoxicated, operating while visibly impaired, minor operating with a bodily alcohol content of 0.02 or more or any other crime reasonably related to the safe transport of passengers, unless 5 years has elapsed since the successful completion of the sentence for any such conviction.
  - 4) Does not have a conviction of any criminal sexual conduct offense, indecent exposure or any other criminal offense associated with sexual deviancy.
  - 5) Has not previously had his or her privileges to operate a commercial quadricycle or pedal-cab suspended or revoked by the City of Marshall or any other municipality.
- (E) Vehicle requirements. No person shall operate a commercial quadricycle or pedal-cab, nor shall an owner or agent of an owner permit the operation of a commercial quadricycle or pedal-cab, unless the vehicle meets the standards set forth in the definition section of this ordinance and meets all of the following:
- 1) Is equipped with such safety devices as are required by the state or federal law.
  - 2) Is constructed and maintained so as to have the structural integrity to support the safe transport of the operator and passengers.

- 3) Is equipped with headlights and tail lights which are visible for a distance of 500 hundred feet when the vehicle is operated from a half hour before sunset to a half hour after sunrise, and at any other time when inclement weather or environmental factors severely reduce the ability to clearly discern persons and vehicles on the street or highway at a distance of five hundred feet ahead, or less.
- 4) Displays reflectors on each wheel and at each corner of the body of the vehicle.
- 5) Displays a reflectorized equilateral triangle device as set forth in section 257.688 of the Motor Vehicle Code, 1949 PA 300, incorporated under Section 70.001 of this Code.as set forth in the Motor Vehicle Code, MCL 257.688, as amended.
- 6) Is equipped with a proper braking system.
- 7) Is equipped with a refuse container for use by the operator and passengers.
- 8) Is equipped with seats for the operator and all passengers.
- 9) Is no wider than eight feet, including fenders, running boards, mirrors and other devices.
- 10) Passes an annual safety inspection performed by the Director of Public Safety or his or her designee.

(F) Manner of operation:

- 1) Operators of commercial quadricycles or pedal-cabs on a public highway, street, or other place open to the general public, including areas designated for the parking of vehicles shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle under the Motor Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923 as amended, and the Uniform Traffic Code for Cities, Townships, and Villages, as amended, incorporated under Section 70.001 of this Code, except as to those provisions which by their nature do not apply, and except as otherwise provided herein.
- 2) No person shall operate a commercial quadricycle or pedal-cab in a careless or negligent manner likely to endanger any person or property.

- 3) No person shall operate a commercial quadricycle or pedal-cab at a speed greater than is reasonable and prudent under the conditions then existing.
- 4) The operator of a commercial quadricycle or pedal-cab shall only permit passengers to board or exit the vehicle from the curbside or other non-traffic area.
- 5) The operator of a commercial quadricycle or pedal-cab shall require all passengers to be seated except when boarding or discharging.
- 6) The operator of a pedal-cab shall not permit the vehicle to move when a passenger is in possession of alcoholic liquor in a container which is open or uncapped or which has a broken seal.
- 7) The operator shall not operate a commercial quadricycle or pedal-cab while wearing headphones.

(G) Areas of operation.

- 1) No person shall operate or ride a commercial quadricycle or pedal-cab on any sidewalk, part of a sidewalk, street or other place open to the general public where signs have been erected prohibiting the riding of these devices, or as otherwise prohibited herein.
- 2) No person shall operate a commercial quadricycle or pedal-cab upon a street or highway with a speed limit which exceeds 30 mph.
- 3) The operator of a commercial quadricycle or pedal-cab shall only cross Michigan Avenue at intersections controlled by lighted traffic control devices.
- 4) No person shall operate or ride a commercial quadricycle or pedal-cab upon any sidewalk or part of a sidewalk.
- 5) No person shall operate or ride a commercial quadricycle or pedal-cab at any time in Carver Park, Brooks Memorial Fountain Park, Riverwalk Park (except the paved areas), the open space located at 228 W. Michigan Avenue commonly known as Grand Street Park, or the open space located at 231 W. Michigan Avenue commonly known as Peace Park.
- 6) No person shall operate a commercial quadricycle or pedal-cab on city-owned parking Lots except in areas designated for loading or unloading passengers.

(H) Denial, suspension or revocation of license. Licenses issued under section (B) may be denied, suspended or revoked by the City Clerk based on any of

the following grounds:

- 1) The owner of the commercial quadricycle or pedal-cab fails to comply with the application procedures, or fails to meet the approval criteria established by the City Clerk.
  - 2) The owner of the commercial quadricycle or pedal-cab knowingly makes a false statement of a material fact, or knowingly failed to state a material fact, in the application process.
  - 3) The operator has been convicted of any criminal offense which is assaultive or violent in nature, stalking, reckless driving, operating while intoxicated, operating while visibly impaired, minor operating with a bodily alcohol content of 0.02 or more or any other crime reasonably related to the safe transport of passengers, unless 5 years has elapsed since the successful completion of the sentence for any such conviction.
  - 4) The owner or operator has been convicted of any criminal sexual conduct offense, indecent exposures or any other criminal offense associated with sexual deviancy.
  - 5) The operator or owner has been convicted of Operating a Quadricycle in violation of MCL 257.625p, as amended.
  - 6) The operator's motor vehicle operator's license is suspended, revoked or denied.
  - 7) The owner has previously had his or her privileges to operate a commercial quadricycle or pedal-cab suspended or revoked by the City of Marshall or any other municipality.
  - 8) The owner or operator is engaged in any activity that, in the judgment of the City Clerk constitutes a threat to public health, safety or welfare.
- (I) Right to inspect. The Director of Public Safety or his or her designee shall have the right to inspect a commercial quadricycle or pedal-cab operated within the city as often as may be necessary to ensure compliance with this ordinance. The operator and owner shall not refuse a request to inspect the vehicle or interfere with the inspection.
- (J) Staging areas. Areas designated for the loading and unloading of passengers and for the keeping of vehicles and equipment shall be established by the City Clerk during the licensing process. The owner shall, at all times, maintain the staging area in a clean and sanitary condition.

(K) Quadricycles and pedal cabs not for hire. A quadricycle or pedal cab not for hire may be operated in the areas set forth in subsection (G) provided all of the following requirements are met:

- 1) The operator has a valid motor vehicle operator's license.
- 2) The vehicle is in compliance with subsection (E)1)-9).
- 3) The operator complies with subsection (F) 1)-6).

(L) Penalty. A person who violates this section is responsible for a municipal civil infraction and shall be subject to a fine which does not exceed \$500.00, provided however, that if a greater penalty is provided under the Motor Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923 as amended, or the Uniform Traffic Code for Cities, Townships, and Villages, as amended, incorporated under Section 70.001 of this Code, the greater penalty shall apply.

(Ord. 2021-\_\_\_\_\_, passed\_\_\_\_\_, 2021)

**Statutory reference:**

*Commercial quadricycles, MCL 257.627, MCL 257.662*

**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 \_\_\_\_day of \_\_\_\_\_, 2021, 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 \_\_\_\_ day of \_\_\_\_\_, 2021, the original of which is on file in my office.

---

**Clerk**

**Adopted:**

**Published:**

City of Marshall, Michigan  
Ordinance # \_\_\_\_\_

AN ORDINANCE OF THE CITY OF MARSHALL CODE OF ORDINANCES,  
SECTION 70.17

**WHEREAS**, the City of Marshall is known as a destination point for visitors who come to enjoy the city's historical homes, restaurants and the ambiance of the downtown district; and,

**WHEREAS**, council finds that sightseeing and commercial passenger vehicle businesses within the city would positively impact and promote the city's tourism industry; and,

**WHEREAS**, council finds that the promotion of the tourism industry by the addition of these commercial enterprises must be balanced by the need to maintain the current quality of the city's business and residential life and to promote a safe co-existing use of the city's public highways, streets, sidewalks, bike paths and other places open to the general public; and,

**WHEREAS**, council finds that there also is a need to protect and ensure the health, safety, and welfare of animals involved in commercial transportation;

**WHEREAS**, council finds that the proposed ordinance provides for the safe and co-existent use of commercial sightseeing and passenger vehicle businesses with other forms of transportation while maintaining the current quality of the city's business and residential life;

**WHEREAS**, council finds that the proposed ordinance is in furtherance of the health, safety and welfare of its residents and guests;

**NOW, THEREFORE, THE CITY OF MARSHALL ORDAINS:**

§ 70.17 Animal-Drawn Vehicles

(A) Definitions.

- 1) Animal-Drawn Vehicle. The term "animal-drawn vehicle" means any vehicle drawn by animals to transport passengers for hire.

- 2) Operator. The term "operator" means any person who operates an animal-drawn vehicle.
  - 3) Owner. The term "owner" means any person, agent, partnership, corporation, association, or other organization engaged in the business of transporting persons for hire by means of an animal-drawn carriage.
- (B) Operating License required. An owner shall not operate, or permit another person to operate, an animal-drawn vehicle on a public highway, street, or other place open to the general public, including areas designated for the parking of vehicles without first having obtained a license from the City Clerk. Licenses are valid from the date issued until the end of the calendar year for which they are issued. Applications to obtain a license, or to renew an existing license, shall be made pursuant to application procedures and established by the City Clerk.
- (C) Insurance required. The owner of an animal-drawn vehicle shall at all times maintain a policy of bodily injury and property damage insurance in a minimum amount of one million dollars and no cents (\$1,000,000.00) per occurrence, or such other amount as may be required by statute. The policy shall directly protect the City of Marshall, its officers, employees and agents as additional named insureds, and provide that no other insurance purchased by the City will be called upon to contribute to a loss covered by said policy. The policy shall further provide 10 days' notice of cancellation or material change to the City Clerk. Evidence of insurance coverage must be provided to obtain a license.
- (D) Operator requirements. A person shall not operate an animal-drawn vehicle, nor shall an owner or an agent of the owner permit the operation of an animal-drawn vehicle, unless the operator of an animal-drawn vehicle meets all of the following requirements:
- 1) Is 18 years of age or older.
  - 2) Possesses a valid motor vehicle operator's license.
  - 3) Does not have a conviction of any criminal offense which is assaultive or violent in nature, stalking, reckless driving, operating while intoxicated, operating while visibly impaired, minor operating with a bodily alcohol content of 0.02 or more or any other crime reasonably related to the safe transport of passengers, unless 5 years has elapsed since the successful completion of the sentence for any such conviction.
  - 4) Does not have a conviction for any criminal sexual conduct offense, indecent exposure, any other criminal offense associated with sexual deviancy or any offense associated with the abuse or neglect of animals.

5) Has not previously had his or her privileges to operate an animal-drawn vehicle suspended or revoked by the City of Marshall or any other municipality.

(E) Animal requirements. A person shall not operate an animal-drawn vehicle, nor shall an owner or an agent of the owner permit the operation of an animal-drawn vehicle, unless the animal used to pull the vehicle meets all of the following requirements:

- 1) The animal shall have received a valid certificate of health or veterinarian certificate which shall be filed with the City Clerk annually.
- 2) The animal shall be shod with nonmetallic shoes from April 1 to November 1 of each year. Animals may be shod with metallic shoes and borium from November 1 to April 1 of each year.
- 3) The animal shall be equipped with reflective ankle cuffs when the vehicle is operated from a half hour before sunset to a half hour after sunrise, and at other times when inclement weather or environmental factors severely reduce the ability to clearly discern persons and vehicles on the street or highway at a distance of 500 feet or less, as follows: If one animal is pulling the vehicle, the two front legs of the animal shall be equipped with reflective ankle cuffs. If two animals are pulling the vehicle, the outside front leg of each animal shall be equipped with a reflective ankle cuff.

(F) Animal-drawn vehicle requirements. A person shall not operate an animal-drawn vehicle, nor shall an owner or an agent of the owner permit the operation of an animal-drawn vehicle, unless the vehicle meets all of the following requirements:

- 1) Is constructed and maintained so as to have the structural integrity to support the safe transport of the operator and passengers.
- 2) Is equipped with such safety devices as are required by state or federal law.
- 3) Is equipped with headlights or lanterns and tail lights or lanterns which are visible for a distance of 500 hundred feet when the vehicle is operated from a half hour before sunset to a half hour after sunrise, and at any other time when inclement weather or environmental factors severely reduce the ability to clearly discern persons and vehicles on the street or highway at a distance of five hundred feet ahead, or less.
- 4) Is equipped with reflectors on each wheel and at each corner of the body of the vehicle.

- 5) Is equipped with a reflectorized equilateral triangle as set forth in section 257.688 of the Motor Vehicle Code, 1949 PA 300, incorporated under Section 70.001 of this Code.
- 6) Is equipped with seats for the operator and all passengers.
- 7) Is equipped with a refuse container for use by the operator and passengers.
- 8) A rubber surface is maintained on the wheel traction surface.
- 9) Is no wider than eight feet, including fenders, running boards, mirrors and other devices.
- 10) Passes an annual safety inspection performed by the Director of Public Safety or his or her designee.

(G) Manner of operation:

- 1) Operators of an animal-drawn vehicle on a public highway, street, or other place open to the general public, including areas designated for the parking of vehicles shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle under the Motor Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923 as amended, and the Uniform Traffic Code for Cities, Townships, and Villages, as amended, incorporated under Section 70.001 of this Code, except as to those provisions which by their nature do not apply.
- 2) No person shall operate an animal-drawn vehicle in a careless or negligent manner likely to endanger any person or property.
- 3) No person shall operate an animal-drawn vehicle at a speed greater than is reasonable and prudent under the conditions then existing.
- 4) The operator of an animal-drawn vehicle shall only permit passengers to board or exit the vehicle from the curbside or other non-traffic area.
- 5) The operator of an animal-drawn vehicle shall require all passengers to be seated except when boarding or discharging.
- 6) The operator of an animal-drawn vehicle shall not operate vehicle when a passenger is in possession of alcoholic liquor in a container which is open or uncapped or which has a broken seal.
- 7) The operator of an animal-drawn vehicle shall be in control of the animal or animals at all times.

- 8) The operator shall not operate the animal-drawn vehicle while wearing headphones.

(H) Manure control.

- 1) The operator of an animal-drawn vehicle shall not operate an animal-drawn vehicle upon the roadway or other place open to the vehicle unless the animal is equipped with an adequate device to prevent manure from falling upon the roadway or other place open to the vehicle.
- 2) The operator of an animal-drawn vehicle shall, within 2 hours of excrement, remove, or caused to be removed, the manure or liquid waste excreted by the animal upon any roadway or place open to the vehicle. This obligation shall include removal and treatment of the area with water or spray with the appropriate chemical to eliminate all noxious odors and bacteria.
- 3) The owner of an animal-drawn vehicle shall reimburse the City for any costs incurred for the removal and cleanup of any manure or urine.

(I) Areas of operation.

- 1) No person shall operate or ride an animal-drawn vehicle on any sidewalk, part of a sidewalk, street or other place open to the general public where signs have been erected prohibiting the riding of these devices, or as otherwise prohibited herein.
- 2) No person shall operate an animal-drawn vehicle upon a street or highway with a speed limit which exceeds 30 mph.
- 3) A driver or operator of an animal-drawn vehicle shall cross Michigan Avenue only at intersections controlled by lighted traffic control devices.
- 4) No person shall operate an animal-drawn vehicle upon any sidewalk or part of a sidewalk.
- 5) No person shall operate or ride an animal-drawn vehicle at any time in Carver Park, Brooks Memorial Fountain Park, Riverwalk Park (except the paved areas), the open space located at 228 W. Michigan Avenue commonly known as Grand Street Park, or the open space located at 231 W. Michigan Avenue commonly known as Peace Park.
- 6) No person shall operate an animal-drawn vehicle on city-owned parking Lots except areas designated for loading or unloading passengers.

- (J) Denial, suspension or revocation of license. Licenses issued under subsection (B) may be denied, suspended or revoked by the City Clerk based on any of the following grounds:
- 1) The owner of the animal-drawn vehicle fails to comply with the application procedures or criteria established by the City Clerk.
  - 2) The owner of the animal-drawn vehicle knowingly makes a false statement of a material fact, or knowingly failed to state a material fact in the application process.
  - 3) The operator has been convicted of any criminal offense which is assaultive or violent in nature, stalking, reckless driving, operating while intoxicated, operating while visibly impaired, minor operating with a bodily alcohol content of 0.02 or more or any other crime reasonably related to the safe transport of passengers, unless 5 years has elapsed since the successful completion of the sentence for any such conviction.
  - 4) The owner or operator has been convicted of any criminal sexual conduct offense, indecent exposure, any other criminal offense associated with sexual deviancy or any offense associated with the abuse or neglect of animals.
  - 5) The operator's driver's license is suspended, revoked or denied.
  - 6) The owner has previously had his or her privileges to operate a commercial quadricycle or pedal-cab suspended or revoked by the City of Marshall or any other municipality.
  - 7) The owner or operator is engaged in any activity that, in the judgment of the City Clerk constitutes a threat to public health, safety or welfare.
- (K) Right to inspect. The Director of Public Safety or his or her designee shall have the right to inspect an animal-drawn vehicle or the animal(s) pulling the vehicle within the city to ensure compliance with this ordinance. The operator and owner shall not refuse a request to inspect or interfere with the inspection.
- (L) Staging areas. Areas designated for loading and unloading of passengers and for the keeping of the animals, food, water and equipment shall be established by the City Clerk during the licensing process. The owner shall, at all times, maintain the staging areas in a clean and sanitary condition as follows:
- 1) All food and grain shall be kept and stored in a sealed container.

- 2) Clean water shall be available to the animals at all times.
- 3) Recovered excrement shall be stored in sealed containers until transported for disposal.
- 4) The area shall be kept free and clean of excrement, debris, refuse, excess food or other waste material on the ground.

(M) Animal-drawn vehicle not for hire. An animal-drawn vehicle not for hire may be operated in the areas set forth in subsection (I) provided all of the following requirements are met:

- 1) The operator has a valid motor vehicle operator's license.
- 2) The animal is in compliance with subsection (E)2).
- 3) The vehicle is in compliance with subsection (F)1)-9).
- 4) The operator complies with subsection (G)1)-7).
- 5) The operator complies with subsection (H)1)-3).

(N) Penalty. A person who violates this section is responsible for a municipal civil infraction and shall be subject to a fine which does not exceed \$500.00, provided however, that if a greater penalty is provided under the Motor Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923 as amended, or the Uniform Traffic Code for Cities, Townships, and Villages, as amended, incorporated under Section 70.001 of this Code, the greater penalty shall apply.

(Ord. 2021-\_\_\_\_\_, passed\_\_\_\_\_, 2021)

## **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 \_\_\_\_ day of \_\_\_\_\_, 2021, 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 \_\_\_\_ day of \_\_\_\_\_, 2021, the original of which is on file in my office.

\_\_\_\_\_  
Clerk

Adopted:

Published:



**CITY OF MARSHALL**

**PUBLIC NOTICE**

**THE MARSHALL CITY COUNCIL MAY HOLD WORK SESSIONS PRIOR TO COUNCIL MEETINGS AT 6:00 P.M., via ELECTRONIC FORMAT OR AT TOWN HALL IN THE TRAINING ROOM, 323 WEST MICHIGAN AVENUE, MARSHALL, MI 49068.**

**THE MARSHALL CITY COUNCIL WILL HOLD ITS REGULAR MEETINGS IN THE YEAR 2021 AT 7:00 P.M., via ELECTRONIC FORMAT OR AT TOWN HALL IN THE COUNCIL CHAMBERS, 323 WEST MICHIGAN AVENUE, MARSHALL, MI 49068, ON THE FOLLOWING DATES:**

Monday, January 4 <sup>th</sup>	<i>Tuesday, January 19<sup>h</sup></i>
Monday, February 1 <sup>st</sup>	<i>Tuesday, February 16<sup>h</sup></i>
Monday, March 1 <sup>st</sup>	Monday, March 15 <sup>th</sup>
Monday, April 5 <sup>th</sup>	Monday, April 19 <sup>th</sup>
Monday, May 3 <sup>rd</sup>	Monday, May 17 <sup>th</sup>
Monday, June 7 <sup>th</sup>	Monday, June 21 <sup>st</sup>
<i>Tuesday, July 6<sup>th</sup></i>	Monday, July 19 <sup>th</sup>
Monday, August 2 <sup>nd</sup>	Monday, August 16 <sup>th</sup>
<i>Tuesday, September 7<sup>h</sup></i>	Monday, September 20 <sup>th</sup>
Monday, October 4 <sup>th</sup>	Monday, October 18 <sup>th</sup>
Monday, November 1 <sup>st</sup>	Monday, November 15 <sup>th</sup>
Monday, December 6 <sup>th</sup>	Monday, December 20 <sup>th</sup>

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

Trisha Nelson, Clerk



**ADMINISTRATIVE REPORT**  
**December 7, 2020 – CITY COUNCIL MEETING**

**REPORT TO:** Honorable Mayor and City Council

**FROM:** Trisha Nelson, Clerk  
Tom Tarkiewicz, City Manager

**SUBJECT:** Appointment or Reappointment of Boards and  
Commission Members

**BACKGROUND:** According to Marshall City Charter Section 2.13(d) Council shall, in December of each year, publish a listing of all board or commission positions which are scheduled to expire the following year and the term of office for each. Such notice shall also state how applicants may apply for such vacancies. The notice shall be published in a newspaper of general circulation within the city. Said notice shall also be posted in City Hall.

Attached is a listing of vacancies which will be published in the Advisor Chronicle.

**RECOMMENDATION:** None. This is an informational report

**FISCAL EFFECT:** None.

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

A handwritten signature in blue ink that reads "Trisha Nelson".

Trisha Nelson  
Clerk

A handwritten signature in blue ink that reads "Tom Tarkiewicz".

Tom Tarkiewicz  
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

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cityofmarshall.com

**CITY OF MARSHALL NOTICE**  
**Boards and Commissions Positions**

Section 2.13: Appointment of Boards and Commissions, of the City Charter, requires publication, in December, a listing of all Board and Commission positions which are scheduled to expire the following year and the term of office.

Following is a listing of Boards and Commissions positions whose terms are scheduled to expire in 2021. Interested parties wishing to volunteer their services may apply by filling out an application and submitting a resume to the Mayor, Marshall City Hall, 323 West Michigan Avenue, Marshall, MI 49068. Some expired seats may be filled by the incumbent member.

<b>Board or Commission</b>	<b>Term of Office</b>
AIRPORT BOARD One position	10/1/2021 to 9/30/2024
BROOKS NATURE AREA Three positions	8/15/2021 to 8/14/2024
DISTRICT LIBRARY BOARD One position	3/31/2021 to 3/30/2024
DOWNTOWN DEVELOPMENT AUTHORITY/ LOCAL DEVELOPMENT FINANCE AUTHORITY Two positions	9/15/2021 to 9/14/2025
LOCAL ADVISORY COMMITTEE One position	2/1/2021 to 1/31/2024
MARSHALL FARMERS MARKET ADVISORY BOARD Three positions	12/31/2021 to 12/30/2024
NORTHEAST NEIGHBORHOOD IMPROVEMENT AUTHORITY One position	10/1/2021 to 9/30/2024
PARKS AND RECREATION Two positions	7/01/2021 to 6/30/2024
PLANNING COMMISSION Three positions	11/01/2021 to 10/31/2024
SOUTH NEIGHBORHOOD IMPROVEMENT AUTHORITY Two positions	12/31/2021 to 12/30/2024
ZONING BOARD OF APPEALS Three positions	3/10/2021 to 3/09/2024

Trisha Nelson, Clerk  
12/7/2020



**ADMINISTRATIVE REPORT**  
**December 7, 2020 - CITY COUNCIL MEETING**

**REPORT TO:** Honorable Mayor and City Council

**FROM:** Tracy Hall, HR Manager  
Tom Tarkiewicz, City Manager

**SUBJECT:** Title VI Non-Discrimination Plan

**BACKGROUND:** City Council approved the Title VI Non-Discrimination Plan in 2013. This policy is required by the Federal Transit Administration (FTA) for all recipients of FTA financial assistance.

On June 30, 2020, the FTA required additions to the plan. These additions include:

- A list of transit-related Title VI investigations, complaints, and lawsuits.
- A Public Participation and Community Outreach Plan
- A table depicting the membership of non-elected committees
- A statement indicating, we will comply with the requirement of providing a Title VI equity analysis if we construct a new facility.

These four items were added to our plan and can be found on pages 26 and 27. No other changes were made to the plan at this time except for an updated organizational chart.

The revised plan was submitted to the MDOT Office of Passenger Transportation on August 26, 2020. On November 16, 2020, MDOT has approved our updates. We are now requesting City Council approval of the revised plan.

**RECOMMENDATION:** It is recommended that the City Council approve the attached Title VI Non-Discrimination Plan as submitted.

**FISCAL EFFECTS:** None

**ALTERNATIVES:** As suggested by the Council.

Respectfully submitted,

A handwritten signature in black ink that reads "Tracy L. Hall".

Tracy L. Hall  
HR Manager

A handwritten signature in black ink that reads "Tom Tarkiewicz".

Tom Tarkiewicz  
City Manager

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

**CITY OF MARSHALL**

**TITLE VI**

**NON-DISCRIMINATION PLAN**

**323 West Michigan Avenue  
Marshall, MI 49068  
Phone: 269-781-5183  
Fax: 269-781-3835  
Website: [www.cityofmarshall.com](http://www.cityofmarshall.com)**

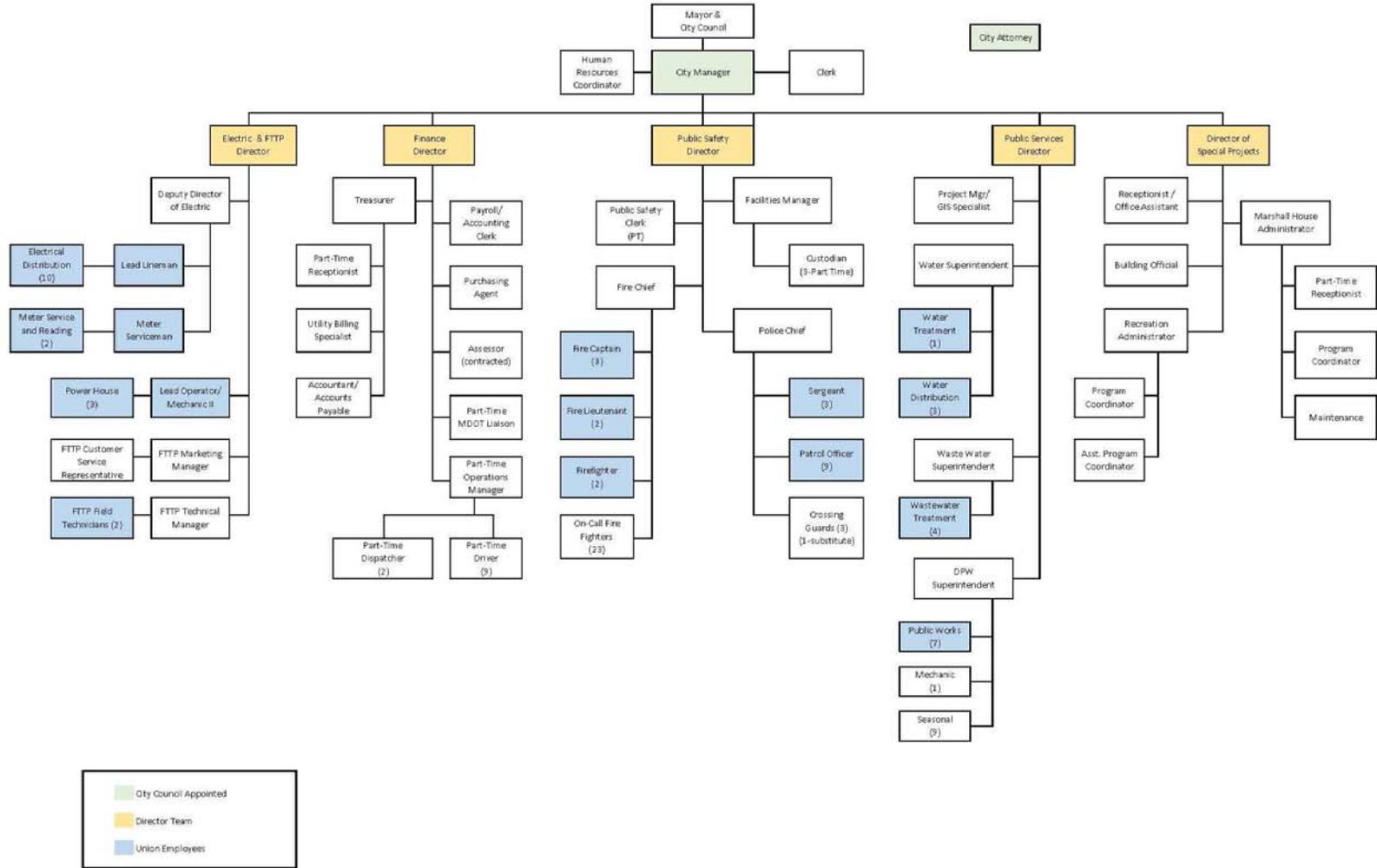
**Title VI Coordinator:  
Tracy Hall, Human Resources Manager  
Phone: 269-781-5183  
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# TABLE OF CONTENTS

<b>Organization Chart.....</b>	<b>3</b>
<b>Introduction.....</b>	<b>4</b>
<b>Non-Discrimination Policy Statement.....</b>	<b>7</b>
<b>Standard Title VI Assurance .....</b>	<b>9</b>
<b>Authorities .....</b>	<b>11</b>
<b>Definitions .....</b>	<b>12</b>
<b>Administration.....</b>	<b>13</b>
<b>Limited English Proficiency (LEP) .....</b>	<b>15</b>
<b>Environmental Justice (EJ) .....</b>	<b>22</b>
<b>Filing a Title VI Complaint.....</b>	<b>23</b>
<b>Investigation.....</b>	<b>24</b>
<b>Title VI Notice to the Public .....</b>	<b>26</b>
<b>List of Investigations, Lawsuits, and Complaints .....</b>	<b>26</b>
<b>Public Participation and Community Outreach .....</b>	<b>27</b>
<b>Transit-Related, Non-Elected Boards or Councils .....</b>	<b>27</b>
<b>Facility Improvements .....</b>	<b>27</b>
<b>Appendix A – Required Contract Language.....</b>	<b>28</b>
<b>Appendix B – Transfer of Property .....</b>	<b>29</b>
<b>Appendix C – Permits, Leases, and Licenses.....</b>	<b>30</b>
<b>Appendix D – Title VI Complaint Form.....</b>	<b>31</b>
<b>Appendix E – Determine/Distinguish Significant/Non-Significant Effects .....</b>	<b>33</b>
<b>Appendix F – Program Compliance/Program review Goals for Current Plan Year .....</b>	<b>34</b>

# City of Marshall - Organization Chart

Revised 04/14/2020



	City Council Appointed
	Director Team
	Union Employees

The City of Marshall is committed to a policy of non-discrimination in program services pursuant to the requirements of Title VI of the Civil Rights Act of 1964 and Federal Transit Administration (FTA) Circular 4702.1B. The City of Marshall serves all people of the state of Michigan, including minority populations, low-income populations, the elderly, persons with disabilities, and those who traverse the state of Michigan. The City of Marshall recognizes its responsibility to provide fairness and equity in all of its programs, services, and activities, and that it must abide by and enforce federal and state civil rights legislation.

Title VI of the Civil Rights Act of 1964, is the overarching civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that, "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance." Title VI has been broadened by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," signed in February of 1994, requires federal agencies to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental Justice Initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. Also, Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)," provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance.

As a recipient of federal financial assistance, the City must provide access to individuals with limited ability to speak, write, or understand the English language. The city will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color or national origin. Therefore, the primary goals and objectives of the City's Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;

2. To ensure that people affected by the city's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;
3. To prevent discrimination in the city programs and activities, whether those programs and activities are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create illegal adverse discrimination on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, and all interested persons and affected Title VI populations;
5. To establish procedures to annually review Title VI compliance within specific program areas within the City;
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in the City services, programs or activities.

As the sub-recipient of federal transportation funds, the City must comply with federal and state laws, and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs, without regard to race, color, religion, national origin, sex, socio-economic status, or geographical location. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

The City shall also ensure that their sub-recipients adhere to state and federal law and include in all written agreements or contracts, assurances that the sub-recipient must comply with Title VI and other related statutes. The City, as a sub-recipient who distributes federal transportation funds, shall monitor their sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, the City will make a good faith effort to ensure that the sub-recipient corrects any deficiencies arising out of complaints related to Title VI; and that sub-recipients will proactively gauge the impacts of any program or activity on minority populations and low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations.

### **Discrimination under Title VI**

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is "disparate treatment." Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, disability, or age.

The second type of illegal discrimination is "disparate impact." Disparate impact discrimination occurs when a "neutral procedure or practice" results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

The City's efforts to prevent such discrimination must address, but not be limited to, a program's impacts, access, benefits, participation, treatment, services, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects, and the overarching

functions of planning, project development and delivery, right-of-way, construction, and research.

The city has developed this Title VI Plan to assure that services, programs, and activities of the City are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, age, or disability of the participants or beneficiaries of federally funded programs, services, or activities (see Title VI Assurances).

## **CITY OF MARSHALL POLICY STATEMENT**

The City of Marshall reaffirms its policy to allow all individuals the opportunity to participate in federal financially assisted services and adopts the following provision:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” In applying this policy, the City of Marshall and its sub-recipients of federal funds shall not:

1. Deny any individual with any services, opportunity, or other benefit for which such individual is otherwise qualified;
2. Provide any individual with any service, or other benefit, which is inferior (in quantity or quality) to, or which is provided in a different manner from that which is provided to others;
3. Subject any individual to segregated or disparate treatment in any manner related to such individual's receipt of services or benefits;
4. Restrict an individual in any way from the enjoyment of services, facilities or any other advantage, privilege or other benefit provided to others;
5. Adopt or use methods of administration, which would limit participation by any group of recipients or subject any individual to discrimination;
6. Address any individual in a manner that denotes inferiority because of race, color, or national origin;
7. Permit discriminatory activity in a facility built in whole or in part with federal funds;
8. Deny any segment of the population the opportunity to participate in the operations of a planning or advisory body that is an integral part of a federally funded program;
9. Fail to provide information in a language other than English to potential or actual beneficiaries who are of limited English-speaking ability, when requested and as appropriate;
10. Subject an individual to discriminatory employment practices under any federally funded program whose objective is to provide employment;
11. Locate a facility in any way, which would limit or impede access to a federally-funded service or benefit.

The City will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance. If irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues all within a period not to exceed 90 days.

The City designates Tracy Hall, Human Resources (HR) Coordinator as the Title VI Coordinator. The Title VI Coordinator will be responsible for initiating and monitoring Title VI activities and other required matters, ensuring that the City of Marshall complies with the Title VI regulations and pursues prevention of Title VI deficiencies or violations. Inquiries concerning the City of Marshall and Title VI may be directed to City of Marshall, Human Resources Department, 323 West Michigan Avenue, Marshall, MI 49068, 269-781-5183, or [thall@cityofmarshall.com](mailto:thall@cityofmarshall.com).

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Joe Caron, Mayor

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Trisha Nelson, Clerk

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Tracy Hall, HR Manager/Title VI Coordinator

## **CITY OF MARSHALL TITLE VI ASSURANCE**

The City of Marshall (hereinafter referred to as the "Recipient") hereby agrees that as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs for the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of gender, race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient received Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and hereby gives assurances that it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7 (a) (1) and (b) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurance with respect to the Federal Aid Highway Program:

1. That the Recipient agrees that each "program" and each "facility as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

“The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contact entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, 'as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

CITY OF MARSHALL

\_\_\_\_\_  
Joe Caron, Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Trisha Nelson, Clerk

\_\_\_\_\_  
Date

## AUTHORITIES

**Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h);**

Title VI of the Civil Rights Act of the 1964 provides that no person in the United States shall, on the grounds of race, color, national origin (including Limited English Proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, sex, low income, and disability.

The Civil Rights Restoration Act of 1987 also broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

**Federal Aid Highway Act of 1973, 23 USC 324:** No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.

**Age Discrimination Act of 1975, 42 USC 6101:** No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance.

**Americans With Disabilities Act of 1990 PL 101-336:** No qualified individual with a disability shall, by reason of his/her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination by a department, agency, special purpose district or other instrumentality of a state or local government.

**Section 504 of the Rehabilitation Act of 1973:** No qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.

**USDOT Order 1050.2:** Standard Title VI Assurances.

**EO12250:** Department of Justice Leadership and coordination of Non-discrimination Laws.

**EO12898:** Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

**28 CFR 50.3:** Guidelines for the enforcement of Title VI of the Civil Rights Act of 1964.

**EO13166:** Improving Access to Services for Persons with Limited English Proficiency.

## DEFINITIONS

Adverse Effects – The totality of significant individual or cumulative human health or environmental effects including interrelated social and economic effects, which may include, but are not limited to: (See Appendix E for additional discussion of “significant”)

- Bodily impairment, infirmity, illness or death
- Air, noise and water pollution and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or community’s economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Adverse employment effects
- Displacement of person’s businesses, farms or non-profit organizations
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community
- Denial of, reduction in, or significant delay in the receipt of benefits of the city programs, policies and activities

Federal Assistance – Includes grants and loans of federal funds; the grant or donation of federal property and interests in property; the detail of federal personnel, federal property or any interest in such property without consideration or at a nominal consideration or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and any federal agreement, arrangement or other contract which has, as one of its purposes, the provision of assistance.

Limited English Proficiency - Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the city.

Low-Income – A person whose median household income is at or below the Department of Health and Human Service Poverty guidelines. (<http://aspe.hhs.gov/poverty/>)

Low-Income Population – Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed city program, policy or activity.

Minority – A person who is:

- a. Black – A person having origins in any of the black racial groups of Africa;
- b. Hispanic – A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- c. Asian American – A person having origins in any of the original people of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands; or
- d. American Indian and Alaskan Native – A person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

Minority Population – Any readily identifiable groups of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed city program, policy or activity.

Non-Compliance – A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the requirements of Title VI and related statutes.

Persons – Where designation of persons by race, color or national origin is required, the following designation ordinarily may be used; “White not of Hispanic origin”, “Black not of Hispanic origin”, “Hispanic”, “Asian or Pacific Islander”, “American Indian or Alaskan Native”. Additional sub-categories based on national origin of primary language spoken may be used, where appropriate, on either a national or a regional basis.

Program – Includes any road or park project including planning or any activity for the provision of services financial aid or other benefits to individuals. This includes education or training, work opportunities, health welfare, rehabilitation, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

Recipient - Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof, but does not include any ultimate beneficiary under any such program.

Significant Adverse effects on Minority and Low-Income Populations – An adverse effect that:

- a. is predominantly borne by a minority population and/or a low-income population, or
- b. will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

Sub-Recipient – Any agency such as a council of governments, regional planning agency, or educational institution, for example, that received Federal Highway Administration (FHWA) funds through the State DOT and not directly from the FHWA. Other agencies, local governments, contractors, consultants that receive these funds are all considered sub-recipients.

## **ADMINISTRATION – GENERAL**

The City of Marshall designates Tracy Hall, HR Coordinator as the Title VI Coordinator (hereinafter referred to the “Title VI Coordinator”). Ms. Hall shall have lead responsibility for coordinating the administration of the Title VI and related statutes program, plan and assurances.

Complaints: If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age or disability, he/she may exercise his/her right to file a complaint with the city. Complaints may be

filed with the Title VI Coordinator. Every effort will be made to resolve complaints informally at the lowest level.

Data Collection: Statistical data on race, color, national origin, English language ability and sex of participants in and beneficiaries of the City of Marshall programs; e.g., impacted citizens and affected communities will be gathered and maintained by the City of Marshall. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

Program Reviews: Special emphasis program reviews will be conducted based on the annual summary of Title VI activities accomplishments and problems. The reviews will be conducted by the Title VI Coordinator to assure effectiveness in their compliance of Title VI provisions. The Title VI Coordinator will coordinate efforts to ensure the equal participation in all their programs and activities at all levels. The city does not have any special emphasis programs at this time.

Title VI Reviews on Sub-Recipients: Title VI compliance reviews will be conducted annually by the Title VI Coordinator. Priority for conducting reviews will be given to those recipients of federal (U.S. Department of Transportation) funds with the greatest potential of impact to those groups covered by the act. The reviews will entail examination of the recipients' adherence to all Title VI requirements. The status of each review will be reported in the annual update and reported to relevant U.S. Department of Transportation (USDOT) modes upon request.

Annual Reporting Form: The Title VI Coordinator will be responsible for coordination, compilation, and submission of annual reporting form data to the Michigan Department of Transportation (MDOT), Civil Rights Program Unit via the Sub-Recipient Annual Certification Form (MDOT form #0179) by October 5<sup>th</sup>.

Title VI Plan Updates: If updated, a copy of Title VI Plan will be submitted to the MDOT, Civil Rights Program Unit, as soon as the update has been completed, or as soon as practicable, and no later than 30 days if significant changes are made.

Public Dissemination: The City will disseminate Title VI Program information to the city employees and to the general public. Title VI Program information will be submitted to sub-recipients, contractors and beneficiaries. Public dissemination will include inclusions of Title VI language in contracts and publishing the Title VI Plan on the city internet website, at [www.cityofmarshall.com](http://www.cityofmarshall.com).

Remedial Action: The City, through the Title VI Coordinator, will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and put it/them in writing to effect compliance may not exceed 90 days from the date the deficiencies are found.

## LIMITED ENGLISH PROFICIENCY

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency<sup>1</sup>, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter<sup>2</sup>. These individuals are referred to as being limited in their ability to speak, read, write, or understand English, hence the designation, "LEP," or Limited English Proficient. The Executive Order states that:

"Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities."

Not only do all federal agencies have to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and organizations. Title VI covers a recipient's entire program or activity. This means all parts of a recipient's operations are covered, even if only one part of a recipient's organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.

The City of Marshall receives funds from the US Department of Transportation via the Federal Highway Administration.

The US Department of Transportation published *Policy Guidance Concerning Recipients' responsibilities to Limited English Proficient Person* in the December 14<sup>th</sup>, 2005 Federal Register.<sup>3</sup>

The Guidance implies that the City of Marshall is an organization that must follow this guidance:

This guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others. Coverage extends to a recipient's entire program or activity, i.e., to all parts of a recipient's operations.

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<sup>1</sup> The executive order verbatim can be found online at <http://www.usdoj.gov/crt/cor/Pubs/eolep.htm>.

<sup>2</sup> Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons. Federal Register: December 14, 2005 (Volume 70, Number 239)

<sup>3</sup> The DOT has also posted an abbreviated version of this guidance on their website at <http://www.dotcr.ost.dot.gov/asp/lep.asp>.

This is true even if only one part of the recipient receives the Federal assistance. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of transportation—not just the particular highway program or project—are covered by the DOT guidance.

### **Elements of an Effective LEP Policy**

The US Department of Justice, Civil Rights Division has developed a set of elements that may be helpful in designing and LEP policy or plan. These elements include:

1. Identifying LEP persons who need language assistance
2. Identifying ways in which language assistance will be provided
3. Training Staff
4. Providing notice to LEP persons
5. The recommended method of evaluating accessibility to available transportation services is the Four-Factor Analysis identified by the USDOT.

These recommended plan elements have been incorporated into this plan.

### **Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Policy**

The DOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to the LEP Community.
4. The resources available to the City of Marshall and overall cost.

The greater the number or proportion of eligible LEP persons; the greater the frequency with which they have contact with a program, activity, or service and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of DOT's guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

The DOT guidance is modeled after the Department of Justice's guidance and requires recipients and sub-recipients to take steps to ensure meaningful access to their programs and activities to LEP persons. More information for recipients and sub-recipients can be found at <http://www.lep.gov>.

## The Four-Factor Analysis

This plan uses the recommended four-factor analysis of an individualized assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to City of Marshall services and activities that may affect their quality of life. Recommendations are then based on the results of the analysis.

### Factor 1: The Proportion, Numbers and Distribution of LEP Persons

The Census Bureau has a range for four classifications of how well people speak English. The classifications are: 'very well,' 'well,' 'not well,' and 'not at all.' For our planning purposes, we are considering people that speak English less than 'very well' as Limited English Proficient persons.

As seen in Table #1, the Census 2011 Data for City of Marshall shows a small amount of the population that would speak English less than 'very well'.

**TABLE #1**

LANGUAGE SPOKEN AT HOME	# of Individuals	Percent
Population 5 years and over	6,822	6,822
English only	6,600	96.7%
Language other than English	222	3.3%
Speak English less than "very well"	26	0.4%
Spanish	80	1.2%
Speak English less than "very well"	0	0.0%
Other Indo-European languages	136	2.0%
Speak English less than "very well"	26	0.4%
Asian and Pacific Islander languages	6	0.1%
Speak English less than "very well"	0	0.0%
Other languages	0	0.0%
Speak English less than "very well"	0	0.0%

### Factor 2: Frequency of Contact with LEP Individuals

The city has conducted an informal survey of our employees with regard to whether they have had encounters with LEP individuals in the performance of their job functions and found that they have not had any encounters with LEP individuals. We have offices accessible to the public and therefore accessible to LEP individuals and we have staff that work in the field that could encounter LEP individuals. Additionally, City Council meetings are held twice a month which would potentially bring LEP individuals to these meetings. Given the small number of LEP

individuals as displayed in Table #1 (above) the probability of our employees to encounter and LEP individual is low.

### **Factor 3: The Nature and Importance of the Program, Activity, or Service to LEP**

The City of Marshall serves individuals throughout the City in a variety of ways including managing roads, water, sewer, police, fire, elections, and other services to citizens of the City and individuals from outside of the city, such as visitors and those traversing the state. The nature of the services that the City provides is very important to an individual's day-to-day life. Therefore, the denial of services to an LEP individual could have a significant detrimental effect. Although the LEP population in the city is small, we will ensure accessibility to all of our programs, services, and activities.

### **Factor 4: The Resources Available to the City of Marshall and Overall Cost**

US Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the Federal Register: December 14, 2005 (Volume 70, Number 239) states:

*“Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan.”*

The City of Marshall does serve very few LEP persons and has very limited resources; therefore, it has decided to include a LEP section in its Title VI Plan in order to comply with the Executive Order.

### **Safe Harbor Stipulation**

Federal law provides a “Safe Harbor” situation so that recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English. A “Safe Harbor” means that if a recipient provides written translation in certain circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four factor analysis. For example, even if a Safe Harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient's written translation obligations under “Safe Harbor” includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be

served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally.

This “Safe Harbor” provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Given the small number of LEP language group members, the City of Marshall budget and number of staff, it is deemed that written translations of vital documents would be so burdensome as to defeat the legitimate objectives of our programs. It is more appropriate for City of Marshall to proceed with oral interpretation options for compliance with LEP regulations.

### **Providing Notice to LEP Persons**

USDOT LEP guidance says: *Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand.*

The guidance provides several examples of notification including:

1. Signage in languages that an LEP individual would understand when free language assistance is available with advance notice.
2. Stating in outreach documents that free language services are available from the agency.
3. Working with community-based organizations and other stakeholders to inform LEP individuals of the recipient’s services, including the availability of language assistance services.

Statements in languages that an LEP individual would understand will be placed in public information and public notices informing LEP individuals that persons requiring language assistance and/or special accommodations will be provided the requested service free of charge, with reasonable advance notice to the City of Marshall.

### **Options and Proposed Actions**

#### **Options:**

Federal fund recipients have two (2) main ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.<sup>4</sup>

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<sup>4</sup> <http://www.dotcr.ost.dot.gov/asp/lep/asp>

The City of Marshall is defining an interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language and a translator as a person who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.<sup>5</sup>

Considering the relatively small size of the City of Marshall, the small number of LEP individuals in the service area, and limited financial resources, it is necessary to limit language aid to the most basic and cost-effective services.

### **What the City of Marshall will do. What actions will the City of Marshall take?**

- With advance notice of seven calendar days, the City will provide interpreter services at public meetings, including language translation and signage for the hearing impaired.
- The City will utilize the *Translators Resource List* as provided by MDOT for translation services and verbal interpretation.
- Ensure placement of statements in notices and publications in languages other than English that interpreter services are available for public meetings.
- The Census Bureau “I-speak” Language Identification Card will be distributed to all employees that may potentially encounter LEP individuals.
- Once the LEP individual’s language has been identified, an agency from the *Translators Resource List* will be contacted to provide interpretation services.
- Publications of the city’s complaint form will be made available at public meetings.
- In the event that a City employee encounters a LEP individual, they will follow the procedure listed below:

#### OFFICE ENCOUNTER

1. Provide an I-speak language identification card to determine the language spoken of the LEP individual.
2. Once the foreign language is determined, provide information to Title VI coordinator who will contact an interpreter from MDOT’s *Translators Resource List*.
3. If the need is for a document to be translated, the Title VI coordinator will have the document translated and provided to the requestor as soon as possible.

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<sup>5</sup> Department of Justice Final LEP Guidelines, Federal Register June 18, 2002-Vol. 67-Number 117.

## ROAD ENCOUNTER

1. Road crew employee will immediately contact the Title VI coordinator for assistance, and provide an I-speak language identification card to the LEP individual to determine the language spoken of the individual.
2. Once the foreign language is determined, provide information to Title VI coordinator who will contact an interpreter from MDOT's *Translators Resource List* to provide telephonic interpretation.
3. If the need is for a document to be translated, the Title VI coordinator will have the document translated and provided to the requestor as soon as possible.

## IN WRITING

1. Once a letter has been received it will be immediately forwarded to the Title VI Coordinator.
2. The Title VI Coordinator will contact an translator from the MDOT's *Translators Resource List* to determine the specifics of the letter request information.
3. The Title VI Coordinator will work with the selected agency to provide the requested service to the individual in a timely manner.

## OVER THE PHONE

1. If someone calls into our office speaking another language every attempt will be made to keep that individual on the line until an interpreter can be conferenced into the line and if possible determine the language spoken of the caller.
2. Once the language has need determined we will proceed providing the requested assistance to the LEP individual.

### **City of Marshall Staff Training**

The City of Marshall staff will be provided training on the requirements for providing meaningful access to services for LEP persons.

### **LEP Plan Access**

A copy of the LEP plan document can be requested at Marshall Town Hall during normal business hours and the City of Marshall will make the plan available on the website at [www.cityofmarshall.com](http://www.cityofmarshall.com). Any person or agency may also request a copy by contacting:

Tracy Hall, Human Resources Coordinator, 323 West Michigan Avenue, Marshall, MI 49068, [thall@cityofmarshall.com](mailto:thall@cityofmarshall.com), phone – 269-781-5183, or fax – 269-781-3835.

## ENVIRONMENTAL JUSTICE

Compliance with Title VI includes ensuring that no minority or low-income population suffers “disproportionately high and adverse human health or environmental effect” due to any “programs, policies and activities” undertaken by any agency receiving federal funds. This obligation will be met by the city in the following ways:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, following mitigation procedures.
- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.

Disproportionate effects are those effects which are appreciably more severe for one group or predominantly borne by a single group. The city will use U.S. Census data to identify low income and minority populations.

Where a project impacts a small number or area of low income or minority populations, the city will document that:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment, etc.
- The project’s impact is unavoidable,
- The benefits of the project far out-weigh the overall impacts and
- Mitigation measures are being taken to reduce the harm to low income or minority populations.

If it is concluded that no minority and/or low-income population groups are present in the project area, the city will document how the conclusion was reached. If it is determined that one or more of these population groups are present in the area, the city will administer potential disproportionate effects test.

The following steps will be taken to assess the impact of project on minority and/or low-income population groups:

**STEP ONE:** Determine if a minority or low-income population is present within the project area. If the conclusion is that no minority and/or low-income population is present within the project area, document how the conclusion was reached. If the conclusion is that there are minority population and/or low-income population groups present, proceed to Step Two.

**STEP TWO:** Determine whether project impacts associated with the identified low income and minority populations are disproportionately high and adverse. In doing so, refer to the list of potential impacts and questions contained in Appendix E. If it is determined that there are disproportionately high and adverse impacts to minority and low-income populations, proceed to Step Three.

**STEP THREE:** Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project.

**STEP FOUR:** If after mitigation, enhancements and off setting benefits to the affected populations, there remains a high and disproportionate adverse impact to minority or low-income populations, then the following questions must be considered:

Question 1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low-income population?

Question 2: Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?

Question 3: Considering the overall public interest, is there a substantial need for the project?

Question 4: Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social economic or environmental impacts that are more severe than those of the proposed action (b) have increased costs of extraordinary magnitude?

**STEP FIVE:** Include all findings, determinations or demonstrations in the environmental document prepared for the project.

## **FILING A TITLE VI COMPLAINT**

### **I. Introduction**

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the city programs, activities and services as required by statute.

### **II. Purpose**

The purpose of the discrimination complaint procedures is to describe the process used by the city for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

### **III. Roles and Responsibilities**

The Title VI Coordinator has overall responsibility for the discrimination complaint process and procedures. The Title VI Coordinator may, at his/her discretion assign a capable person to investigate the complaint.

The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon information obtained from the investigation.

#### **IV. Filing a Complaint**

The complainant shall make him/herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

Applicability: The complaint procedures apply to the beneficiaries of the city programs, activities and services, including but not limited to: the public, contractors, sub-contractors, consultants, and other sub-recipients of federal and state funds.

Eligibility: Any person who believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by the city or its sub-recipients, consultants and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age or disability may bring forth a complaint of discrimination under Title VI.

Time Limitation on Filing Complaints: Title VI complaints may be filed with the Title VI Coordinator's office. In all situations, the employees of the city must contact the Title VI Coordinator immediately upon receipt of Title VI related statutes complaints.

Complaints must be filed within 180 days of the alleged discrimination. If the complainant could not reasonably be expected to know that the act was discriminatory within the 180-day period, he/she will have 60 additional days after becoming aware of the illegal discrimination to file the complaint.

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

Items that should not be considered a formal complaint: (unless the items contain a signed cover letter specifically alleging a violation of Title VI) include but are not limited to:

1. An anonymous complaint that is too vague to obtain required information
2. Inquiries seeking advice or information
3. Courtesy copies of court pleadings
4. Newspaper articles
5. Courtesy copies of internal grievances

#### **V. Investigation**

Investigation Plan: The investigator shall prepare a written plan, which includes, but is not limited to the following:

- Names of the complainant(s) and respondent(s)
- Basis for complaint
- Issues, events or circumstances that caused the person to believe that he/she has been discriminated against
- Information needed to address the issue
- Criteria, sources necessary to obtain the information
- Identification of key people
- Estimated investigation time line
- Remedy sought by the complainant(s)

### Conducting the Investigation:

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.
- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case.
- A chronological contact sheet is maintained in the case file throughout the investigation.
- If a Title VI complaint is received on a MDOT related contract against the City of Marshall, MDOT will be responsible for conducting the investigation of the complaint. Upon receipt of a Title VI complaint filed against the City of Marshall, the complaint and any pertinent information should immediately be forwarded to the MDOT, Civil Rights Program Unit.

### Investigation Reporting Process:

- Complaints made against the city's sub-recipient should be investigated by the city following the internal complaint process.
- Within 40 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the office of the Title VI Coordinator for review.
- The City Manager reviews the file and investigative report. Subsequent to the review, the City Manager makes a determination of "probable cause" or "no probable cause" and prepares the decision letter.

### Retaliation:

The laws enforced by this city prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint please contact:

City of Marshall  
Tracy Hall, Title VI Coordinator  
323 West Michigan Avenue  
Marshall, MI 49068  
Phone: 269-781-5183  
Fax: 269-781-3835  
E-mail: [thall@cityofmarshall.com](mailto:thall@cityofmarshall.com)

### **Reporting Requirements to an External Agency**

A copy of the complaint, together with a copy of the investigation report and final decision letter will be forwarded to the MDOT, Civil Rights Program Unit within 60 days of the date the complaint was received.

### **Records**

All records and investigative working files are maintained in a confidential area. Records are kept for three years.

**CITY OF MARSHALL TITLE VI NOTICE**

The City of Marshall is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color or national origin, as protected by Title VI of the Civil Rights Act of 1964 and Federal Transit Administration (FTA) Circular 4702.1B. For additional information on Title VI or to file a complaint, contact Tracy Hall, title VI Coordinator, City of Marshall, 323 West Michigan Avenue, Marshall, MI 49068, Phone: 269.781.5183, Fax: 269.781.3835, or E-mail: [thall@cityofmarshall.com](mailto:thall@cityofmarshall.com).

*The above notice is posted in the following locations:*

- All Dial-A-Ride and Albion/Marshall Connector vehicles
- City of Marshall Transit office
- City of Marshall Transit website

**LIST OF INVESTIGATIONS, LAWSUITS, AND COMPLAINTS**

	<b>Date</b> (Month, Day, Year)	<b>Summary</b> (include basis of complaint: race, color, or national origin)	<b>Status</b>	<b>Action(s) Taken</b>
<b>Investigations</b>				
1.				
2.				
<b>Lawsuits</b>				
1.				
2.				
<b>Complaints</b>				
1.				
2.				

**PUBLIC PARTICIPATION AND COMMUNITY OUTREACH**

As a public transportation provider, Dial-A-Ride (DART) and the Albion-Marshall Connector (AMC) programs has made, or is making the following outreach efforts:

- All meetings of the Marshall City Council that are routinely scheduled and noticed are open to the public with a public comment period provided so that persons with disabilities, senior citizens, low-income individuals, and minorities may provide input to the decision-making process.
- DART and the AMC will always strive to improve the accessibility of our transit operations information to minority populations, senior citizens, low-income individuals, and Limited English Proficient persons within our community and our service areas.
- DART and the AMC will provide a means for citizens to offer input on any proposed service changes, hours of operation changes, fare increases, and all Federal and State applications.
- Meeting notices for DART and the AMC will be posted at City Hall and on our website ([www.cityofmarshall.com](http://www.cityofmarshall.com))
- Opportunity for public comments are provided with each Federal and State application for capital and /or operating assistance via a publicized 30-day comment period; with notices at City Hall, local publication, and on Marshall City’s website [www.cityofmarshall.com](http://www.cityofmarshall.com).

**TRANSIT-RELATED, NON-ELECTED BOARDS OR COUNCILS**

City of Marshall DART and AMC has one transit-related, non-elected, Local Advisory Council (LAC). Members are appointed by the Marshall City Council and usually meet once a year.

<i>Race</i>	<i>Local Advisory Council (LAC)</i>
Caucasian	2
African American	
Latino	1
Asian American	

**FACILITY IMPROVEMENTS**

The City of Marshall DART and AMC has not constructed any vehicle storage, maintenance, or operations center facilities since our last approved Title VI submission, however, should any of these types of construction or improvements occur, a Title VI Equity Analysis will be conducted.

## APPENDIX A [TO BE INSERTED IN ALL FEDERAL-AID CONTRACTS]

During the performance of this contract, the contractor, for itself, its assignees and successors, in interest (hereinafter referred to as the "contractor") agrees, as follows:

1. **Compliance with Regulations:** The contractor shall comply with Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials in the discrimination prohibited by Section 21.5 of the Regulation, including employment practices when the contractor covers a program set for in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issues pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department of the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State Highway Department or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event the contractor's noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - a. Withholding payments to the contractor under the contract until the contractor complies and/or
  - b. Cancellation, termination or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include provisions of paragraphs (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State Highway Department to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## APPENDIX B TRANSFER OF PROPERTY

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

### (GRANTING CLAUSE)

NOW THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the State of Michigan, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4) does hereby remise, release, quitclaim and convey unto the State of Michigan all the right, title and interest of the Department of Transportation in and to said lands described Exhibit "A" attached hereto and made a part hereof.

### (HABENDUM CLAUSE) \*

TO HAVE AND TO HOLD said lands and interests therein unto the State of Michigan, and its successors forever, subject, however, the covenant, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the State of Michigan, its successors and assigns.

The State of Michigan, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part, on, over, or under such lands hereby conveyed (,) (and)\*(2) that the State of Michigan shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this deed.

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

## **APPENDIX C PERMITS, LEASES AND LICENSES**

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation, pursuant to the provisions of Assurance 7(a).

The grantee, licensee, lessee, permittee, etc., (as appropriate) for himself, his heirs, personal representative, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases, add, "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall remain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.) \*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to terminate the license, lease, permit, etc., and to re-enter and repossess said land and the facilities thereon, and hold the same as if said license, lease, permit, etc., had never been made or issued.

(Include in deeds) \*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to re-enter lands and facilities hereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Michigan Department of Transportation and its assigns.

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of the Title VI of the Civil Rights Act of 1964 and the Civil Rights Act of 1987.

**APPENDIX D TITLE VI COMPLAINT FORM**

**CITY OF MARSHALL  
TITLE VI COMPLAINT FORM**

Title VI of the Civil Rights Act of 1964 states that “No person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination in any program, service, or activity receiving federal assistance.”

This form may be used to file a complaint with the City of Marshall based on violations of Title VI of the Civil Rights Act of 1964. You are not required to use this form; a letter that provides the same information may be submitted to file your complaint. **Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within 180-day period, you have 60 days after you became aware to file your complaint.**

*If you need assistance completing this form due to a physical impairment, please contact Tracy Hall, Title VI Coordinator by phone at 269-781-5183 or by e-mail at [thall@cityofmarshall.com](mailto:thall@cityofmarshall.com).*

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_(home) \_\_\_\_\_(work)

Individual(s) discriminated against, if different than above (use additional pages, if needed).

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_(home) \_\_\_\_\_(work)

Please explain your relationship with the individual(s) indicated above: \_\_\_\_\_

**Name of agency and department or program that discriminated:**

Agency or department name: \_\_\_\_\_

Name of individual (if known): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Date(s) of alleged discrimination:**

Date discrimination began \_\_\_\_\_ Last or most recent date \_\_\_\_\_

**ALLEGED DISCRIMINATION:**

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you by others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.

- Race
- Religion
- Color
- National Origin
- Age
- Sex
- Disability
- Income

Explain: Please explain as clearly as possible what happened. Provide the name(s) of witness(es) and others involved in the alleged discrimination. (Attach additional sheets, if necessary, and provide a copy of written material pertaining to your case).

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Please return completed form to:** Tracy Hall, Title VI Coordinator, 323 West Michigan Avenue, Marshall, MI 49068, Phone: 269.781.5183, Fax: 269.781.3835, or E-mail: [thall@cityofmarshall.com](mailto:thall@cityofmarshall.com)

**Note:** *The City prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by policies of the City. Please inform the person listed above if you feel you were intimidated or experience perceived retaliation in relation to filing this complaint.*

## APPENDIX E DETERMINE/DISTINGUISH SIGNIFICANT/NON-SIGNIFICANT EFFECTS

“Significant” requires considerations of both context and intensity:

- (a) *Context*. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, nation), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the local area rather than in the world as a whole. Both short-and long-term effects are relevant.
- (b) *Intensity*. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:
  - (1) Impacts that may be both beneficial and adverse. A significant effect may exist even if, on balance, the effect would be beneficial.

“Non-significant effect” means no substantial change to an environmental component and this no material bearing on the decision-making process.

Scientific, technical, institutional, the public’s value, and the local economic conditions influence the meaning of significant effect.

If an alternative would provide a beneficial effect, then the alternative would cause no significant adverse effect. If an alternative would provide an adverse effect, the effect might be significant or the effect might be non-significant.

Determinations of “significant” and “non-significant” effects will be made by the City Manager.

## APPENDIX F PROGRAM COMPLIANCE/PROGRAM REVIEW GOALS FOR CURRENT PLAN YEAR

1. The City of Marshall Title VI Plan will be communicated to each City Department Head who will review the plan with departmental employees.
2. The City of Marshall Title VI Plan will be published on the City's website.
3. Appendix A will be included in all city contracts as outlined in the Title VI Plan.
4. The language in Number 2 of the City's Title VI Assurance will be included in all solicitations for bids for work or material subject to the Regulations and in all proposals for negotiated agreements.
5. A procedure for responding to individuals with Limited English Proficiency will be implemented.
6. All City of Marshall employees will be trained or made aware of the LEP procedure and the Title VI complaint procedure.
7. A review of city facilities will be conducted in reference to compliance with the American Disabilities Act.
8. The following data will be collected and reviewed by the Title VI Coordinator and included, where appropriate, in the annual report submitted to MDOT.
  - a. **Boards and Commissions:** The number of vacancies; how vacancies are advertised and filled; the number of applicants; the representation of minorities will be evaluated.
  - b. **Public Meetings:** The number of open meetings. How meeting dates and times communicated to the general public and to individuals directly affected by the meeting.
  - c. **Construction Projects:** The number of construction projects, number of minority contractors bidding and the number selected; Verification that Title VI language was included in bids and contracts for each project.
  - d. **LEP Needs:** How many requests for language assistance were requested or required and the outcome of these requests.
  - e. **Complaints:** The number of Title VI complaints received; nature of the complaints; resolution of the complaints.
  - f. **Timeliness of Services:** Number of requests for services; Amount of time from request to when service was delivered; Number of requests denied.
  - g. **Right of Way/Imminent Domain:** Numbers of such actions and diversity of individual affected.
  - h. **Program Participants:** Racial Data of program participants where possible.



**Administrative Report**  
**December 7, 2020 – City Council Meeting**

**REPORT TO:** Honorable Mayor and City Council Members

**FROM:** Jon B. Bartlett, Finance Director  
Tom Tarkiewicz, City Manager

**SUBJECT:** MERS Plan Addendum Agreement Adoption

**BACKGROUND:** In November of 2020 the Municipal Employee's Retirement System (MERS) required all municipal governments in Michigan to adopt Defined Contribution Plan and Defined Benefit Plan agreement addendums that would bring the City's plans up to date with the terms and conditions currently in place. In other words, these addendums would combine all other addendums approved over the years into one complete document that would be associated with the City's master agreement with MERS.

The Defined Contribution Plan addendum, and the Defined Benefit Plan addendum are attached for your review.

**RECOMMENDATION:** It is recommended that Council approve both the Defined Contribution Plan addendum, and the Defined Benefit Plan addendum with an effective date of January 1, 2021, and to authorize City Clerk Trisha Nelson to sign the addendums on behalf of the City of Marshall.

**FISCAL EFFECTS:** None as these addendums reflect the terms and conditions that are currently in place.

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jon B. Bartlett".

Jon B. Bartlett  
Finance Director

A handwritten signature in black ink, appearing to read "Tom Tarkiewicz".

Tom Tarkiewicz  
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

F 269.781.3835

cityofmarshall.com

# Defined Benefit Plan Adoption Agreement Addendum



1134 Municipal Way Lansing, MI 48917 | 800.767.MERS (6377) | Fax 517.703.9711 [www.mersomich.com](http://www.mersomich.com)

The employer, a participating municipality or court within the state of Michigan, hereby agrees to adopt and administer the MERS Defined Benefit (DB) Plan provided by the Municipal Employees' Retirement System of Michigan, as authorized by 1996 PA 220, in accordance with MERS Plan Document, as both may be amended, subject to the terms and conditions herein.

## I. Effective Date

The effective date shall be the first day of **January, 2021**.

**II. Employer name** Marshall, City of

**Municipality number** 130601

This is an amendment of the existing Adoption Agreement for the MERS Defined Benefit.

Any changes to plan provisions apply to employees in the division on the effective date, as well as to new hires ongoing. Definitions will apply for all service accrued after the effective date.

**Division number** 13060101

**Division name on file with MERS** Disp/General

## III. Plan Eligibility

Only those employees eligible for MERS membership may participate in the MERS Defined Benefit. If an employee classification is **included** in the plan, then employees that meet this definition will receive service credit if they work the required number of hours to meet the service credit qualification defined below. All eligible employees must be reported to MERS.

Using your Division Name above, expand on the employee classifications that are eligible to participate in MERS. For example, if Division is "General," please insert specific classifications that are eligible for MERS such as "Clerical Staff," "Elected Officials," "Library Director," etc.:

NOTE: Change name to "General" instead of "Disp/General"  
General consists of non-union personnel such as clerical, administration, and Teamster union employees - both DPW and DPS.

Employee classification contains **public safety employees**:  Yes  No

Public safety employees include: law enforcement, parole and probation officers, employees responsible for emergency response (911 dispatch, fire service, paramedics, etc.), public works, and other skilled support personnel (equipment operators, etc.).

## Defined Benefit Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DIV: 13060101

If you elect to include a special classification (chart below), then the employee will be required to meet the Service Credit Qualification as defined under section IV (Provisions) in order to earn a month of service. Excluded classification will require additional information below.

To further define eligibility (select all that apply):

Employee Classification	Included	Excluded	Not Employed
<b>Temporary Employees:</b> Those who will work for the municipality fewer than <u>9</u> months in total.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Part-Time Employees:</b> Those who regularly work fewer than <u>40</u> per <u>week</u> .	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Seasonal Employees:</b> Those who will work for the municipality from <u>May</u> to <u>November</u> only.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Voter-Elected Officials</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Appointed Officials:</b> An official appointed to a voter-elected office.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Contract Employees</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Probationary Periods (select one):**

- Service will begin after the probationary period has been satisfied. Probationary periods are allowed in one-month increments, no longer than 12 months. During this probationary period, the employer will not report or provide service.

The probationary period will be \_\_\_\_\_ month(s).

Comments:

- Service will begin with the employee's date of hire (no Probationary Period). Effective with the date of hire, wages paid and any associated contributions must be submitted to MERS.

# Defined Benefit Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DN: 13060101

## IV. Provisions

### 1. Service Credit Qualification

To clarify how eligible employees earn service credit, please indicate how many hours per month an eligible employee needs to work. For example, if you require 10 eight-hour days, this would be 80 hours per month. If an 'hour per day' has been defined (like ten 7-hour days), electing 70 hours will be required. Employees must meet the definition of Plan Eligibility in order to earn service credit under the plan.

To receive one month of service credit, an employee shall work (or be paid for as if working)

80 hours in a month.

### 2. Leaves of Absence

Indicate by checking the boxes below, whether the potential for service credit will be allowed if an eligible employee is on one of the following types of leave, regardless of meeting the service credit qualification criteria.

Regardless whether an eligible employee is awarded service credit while on the selected type(s) of leave:

- MERS will skip over these months when determining the FAC amount for benefit calculations.
- Third-party wages are not reported for leaves of absence.
- Employers are not required to remit employer contributions based on leaves of absence when no wages are paid by the employer. However, an employer may submit additional voluntary contributions for the period of the leave in an amount determined by the employer.
- For **contributory divisions**, employee contributions are required for service credit to be retained. Employee contributions will be collected based on the Service Credit Qualification. Employers will calculate employee contributions due using the employee's current hourly rate (prior to leave). For example if 120 hours is required for service credit, then employee contributions shall be equal to 120 hours times the employee's hourly rate. Employees have three times the length of leave, to a maximum of five years, to pay required employee contributions. Leaves of absence are required to be reported to MERS, including the employee's start and end date per month, along with the employee's hourly rate.

Type of Leave	Service Credit Granted	Service Credit Excluded
Short- and Long-Term Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Workers' Compensation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Unpaid Family Medical Leave Act (FMLA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other: _____ For example, sick and accident, administrative, educational, sabbatical, etc.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other 2: _____ Additional leave types as above	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Leaves of absence due to military service are governed by the Federal *Uniformed Services Employment and Reemployment Rights Act* of 1994 (USERRA), IRC 414(u), effective January 1, 2007, IRC 401(a)(37).

## Defined Benefit Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DN: 13060101

### 3. Definition of Compensation

The Definition of Compensation is used to calculate a participant's final average compensation and is used in determining both employer and employee contributions. Wages paid to employees, calculated using the elected definition, must be reported to MERS.

Select your Definition of Compensation here. If you choose to customize your definition, skip this table and proceed to page 5.

	Base Wages	Box 1 Wages	Gross Wages
<b>Types of Compensation</b>			
<b>Regular Wages</b> Salary or hourly wage X hours PTO used (sick, vacation, personal, bereavement, holiday leave, or unclassified) On-call pay	All Regular Wages Included	All Regular Wages Included	All Regular Wages Included
<b>Other Wages</b> Shift differentials Overtime Severance issued over time (weekly/bi-weekly)	Excluded	All Other Wages Included	All Other Wages Included
<b>Lump Sum Payments</b> PTO cash-out Longevity Bonuses Merit pay Job certifications Educational degrees Moving expenses Sick payouts Severance (if issued as lump sum)	Excluded	All Lump Sum Payments Included	All Lump Sum Payments Included
<b>Taxable Payments</b> Travel through a non-accountable plan (i.e. mileage not tracked for reimbursement) Prizes, gift cards Personal use of a company car Car allowance	Excluded	All Taxable Payments Included	All Taxable Payments Included
<b>Reimbursement of Nontaxable Expenses</b> (as defined by the IRS) Gun, tools, equipment, uniform Phone Fitness Mileage reimbursement Travel through an accountable plan (i.e. tracking mileage for reimbursement)	Excluded	Excluded	Excluded
<b>Types of Deferrals</b>			
<b>Elective Deferrals of Employee Premiums/Contributions</b> 457 employee and employer contributions 125 cafeteria plan, FSAs and HSAs IRA contributions	All Elective Deferrals included	Excluded	All Elective Deferrals Included
<b>Types of Benefits</b>			
<b>Nontaxable Fringe Benefits of Employees</b> Health plan, dental, vision benefits Workers compensation premiums Short- or Long-term disability premiums Group term or whole life insurance < \$50,000	All Nontaxable Fringe Benefits Included	Excluded	All Nontaxable Fringe Benefits Included
<b>Mandatory Contributions</b> Defined Benefit employee contributions MERS Health Care Savings Program employee contributions	All Mandatory Contributions Included	Excluded	All Mandatory Contributions Included
<b>Taxable Fringe Benefits</b> Clothing reimbursement Stipends for health insurance opt out payments Group term life insurance > \$50,000	Excluded	Excluded	All Taxable Fringe Benefits Included
<b>Other Benefits / Lump Sum Payments</b> Workers compensation settlement payments	Excluded	Excluded	All Other Lump Sum Benefits Included

# Defined Benefit Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DIV: 13060101

**SKIP THIS TABLE** if you selected one of the standard definitions of compensation on page 4.

**CUSTOM:** If you choose this option, you must select boxes in each section you would like to include in your Definition of Compensation. You will be responsible for additional reporting details to track custom definitions.

### Types of Compensation

#### Regular Wages

- Salary or hourly wage X hours
- PTO used (sick, vacation, personal, bereavement, holiday leave, or unclassified)
- On-call pay
- Other: TRIPS for after hrs return to work

Other Wages apply: YES  NO

- Shift differentials
- Overtime
- Severance issued over time (weekly/bi-weekly)
- Other: \_\_\_\_\_

Lump Sum Payments apply: YES  NO

- PTO cash-out
- Longevity
- Bonuses
- Merit pay
- Job certifications
- Educational degrees
- Moving expenses
- Sick payouts
- Severance (if issued as lump sum)
- Other: \_\_\_\_\_

Taxable Payments apply: YES  NO

- Travel through a non-accountable plan (i.e. mileage not tracked for reimbursement)
- Prizes, gift cards
- Personal use of a company car
- Car allowance
- Other: \_\_\_\_\_

Reimbursement of Nontaxable Expenses (as defined by the IRS) apply: YES  NO

- Gun, tools, equipment, uniform
- Phone
- Fitness
- Mileage reimbursement
- Travel through an accountable plan (i.e. tracking mileage for reimbursement)
- Other: \_\_\_\_\_

### Types of Deferrals

Elective Deferrals of Employee Premiums/Contributions apply: YES  NO

- 457 employee and employer contributions
- 125 cafeteria plan, FSAs and HSAs
- IRA contributions
- Other: \_\_\_\_\_

### Types of Benefits

Nontaxable Fringe Benefits of Employees apply: YES  NO

- Health plan, dental, vision benefits
- Workers compensation premiums
- Short- or Long-term disability premiums
- Group term or whole life insurance < \$50,000
- Other: \_\_\_\_\_

Mandatory Contributions apply: YES  NO

- Defined Benefit employee contributions
- MERS Health Care Savings Program employee contributions
- Other: MERS HCSP not including sick leave cn

Taxable Fringe Benefits apply: YES  NO

- Clothing reimbursement
- Stipends for health insurance opt out payments
- Group term life insurance > \$50,000
- Other: \_\_\_\_\_

Other Benefits / Lump Sum Payments apply: YES  NO

- Workers compensation settlement payments
- Other: \_\_\_\_\_

## Defined Benefit Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DIV: 13060101

### V. Execution:

#### Authorized Designee of Governing Body of Municipality or Chief Judge of Court

This foregoing Addendum is hereby approved by City of Marshall

at a Board Meeting which took place on: \_\_\_\_\_  
(mm/dd/yyyy)

Authorized Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

I understand that approved board minutes are required to complete this request.

Board minutes should be sent to: [DataCollectionProject@mersofmich.com](mailto:DataCollectionProject@mersofmich.com)

# Defined Benefit Plan Adoption Agreement Addendum



1134 Municipal Way Lansing, MI 48917 | 800.767.MERS (6377) | Fax 517.703.9711

www.mers4081mich.com

The employer, a participating municipality or court within the state of Michigan, hereby agrees to adopt and administer the MERS Defined Benefit (DB) Plan provided by the Municipal Employees' Retirement System of Michigan, as authorized by 1996 PA 220, in accordance with MERS Plan Document, as both may be amended, subject to the terms and conditions herein.

### I. Effective Date

The effective date shall be the first day of **January, 2021**.

II. Employer name Marshall, City of

Municipality number 130601

This is an amendment of the existing Adoption Agreement for the MERS Defined Benefit.

Any changes to plan provisions apply to employees in the division on the effective date, as well as to new hires ongoing. Definitions will apply for all service accrued after the effective date.

Division number 13060105

Division name on file with MERS Fire Divsn

### III. Plan Eligibility

Only those employees eligible for MERS membership may participate in the MERS Defined Benefit. If an employee classification is **included** in the plan, then employees that meet this definition will receive service credit if they work the required number of hours to meet the service credit qualification defined below. All eligible employees must be reported to MERS.

Using your Division Name above, expand on the employee classifications that are eligible to participate in MERS. For example, if Division is "General," please insert specific classifications that are eligible for MERS such as "Clerical Staff," "Elected Officials," "Library Director," etc.:

Full-time Fire Department personnel

Employee classification contains **public safety employees:**  Yes  No

Public safety employees include: law enforcement, parole and probation officers, employees responsible for emergency response (911 dispatch, fire service, paramedics, etc.), public works, and other skilled support personnel (equipment operators, etc.).

## Defined Benefit Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DW: 13060105

If you elect to include a special classification (chart below), then the employee will be required to meet the Service Credit Qualification as defined under section IV (Provisions) in order to earn a month of service. Excluded classification will require additional information below.

To further define eligibility (select all that apply):

Employee Classification	Included	Excluded	Not Employed
<b>Temporary Employees:</b> Those who will work for the municipality fewer than <u>9</u> months in total.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Part-Time Employees:</b> Those who regularly work fewer than <u>40</u> per week.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Seasonal Employees:</b> Those who will work for the municipality from <u>May</u> to <u>November</u> only.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Voter-Elected Officials</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Appointed Officials:</b> An official appointed to a voter-elected office.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Contract Employees</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Probationary Periods** (select one):

- Service will begin after the probationary period has been satisfied. Probationary periods are allowed in one-month increments, no longer than 12 months. During this probationary period, the employer will not report or provide service.

The probationary period will be \_\_\_\_\_ month(s).

Comments:

- Service will begin with the employee's date of hire (no Probationary Period). Effective with the date of hire, wages paid and any associated contributions must be submitted to MERS.

## Defined Benefit Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DN: 13060105

### IV. Provisions

#### 1. Service Credit Qualification

To clarify how eligible employees earn service credit, please indicate how many hours per month an eligible employee needs to work. For example, if you require 10 eight-hour days, this would be 80 hours per month. If an 'hour per day' has been defined (like ten 7-hour days), electing 70 hours will be required. Employees must meet the definition of Plan Eligibility in order to earn service credit under the plan.

To receive one month of service credit, an employee shall work (or be paid for as if working)

115 hours in a month.

#### 2. Leaves of Absence

Indicate by checking the boxes below, whether the potential for service credit will be allowed if an eligible employee is on one of the following types of leave, regardless of meeting the service credit qualification criteria.

Regardless whether an eligible employee is awarded service credit while on the selected type(s) of leave:

- MERS will skip over these months when determining the FAC amount for benefit calculations.
- Third-party wages are not reported for leaves of absence.
- Employers are not required to remit employer contributions based on leaves of absence when no wages are paid by the employer. However, an employer may submit additional voluntary contributions for the period of the leave in an amount determined by the employer.
- For **contributory divisions**, employee contributions are required for service credit to be retained. Employee contributions will be collected based on the Service Credit Qualification. Employers will calculate employee contributions due using the employee's current hourly rate (prior to leave). For example if 120 hours is required for service credit, then employee contributions shall be equal to 120 hours times the employee's hourly rate. Employees have three times the length of leave, to a maximum of five years, to pay required employee contributions. Leaves of absence are required to be reported to MERS, including the employee's start and end date per month, along with the employee's hourly rate.

Type of Leave	Service Credit Granted	Service Credit Excluded
Short- and Long-Term Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Workers' Compensation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Unpaid Family Medical Leave Act (FMLA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other: _____ For example, sick and accident, administrative, educational, sabbatical, etc.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other 2: _____ Additional leave types as above	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Leaves of absence due to military service are governed by the Federal *Uniformed Services Employment and Reemployment Rights Act* of 1994 (USERRA), IRC 414(u), effective January 1, 2007, IRC 401(a)(37).

## Defined Benefit Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DIV: 13060105

### 3. Definition of Compensation

The Definition of Compensation is used to calculate a participant's final average compensation and is used in determining both employer and employee contributions. Wages paid to employees, calculated using the elected definition, must be reported to MERS.

Select your Definition of Compensation here. If you choose to customize your definition, skip this table and proceed to page 5.

Types of Compensation	Base Wages	Box 1 Wages	Gross Wages
<b>Regular Wages</b> Salary or hourly wage X hours PTO used (sick, vacation, personal, bereavement, holiday leave, or unclassified) On-call pay	All Regular Wages Included	All Regular Wages Included	All Regular Wages Included
<b>Other Wages</b> Shift differentials Overtime Severance issued over time (weekly/bi-weekly)	Excluded	All Other Wages Included	All Other Wages Included
<b>Lump Sum Payments</b> PTO cash-out Longevity Bonuses Merit pay Job certifications Educational degrees Moving expenses Sick payouts Severance (if issued as lump sum)	Excluded	All Lump Sum Payments Included	All Lump Sum Payments Included
<b>Taxable Payments</b> Travel through a non-accountable plan (i.e. mileage not tracked for reimbursement) Prizes, gift cards Personal use of a company car Car allowance	Excluded	All Taxable Payments Included	All Taxable Payments Included
<b>Reimbursement of Nontaxable Expenses</b> (as defined by the IRS) Gun, tools, equipment, uniform Phone Fitness Mileage reimbursement Travel through an accountable plan (i.e. tracking mileage for reimbursement)	Excluded	Excluded	Excluded
<b>Types of Deferrals</b>			
<b>Elective Deferrals of Employee Premiums/Contributions</b> 457 employee and employer contributions 125 cafeteria plan, FSAs and HSAs IRA contributions	All Elective Deferrals included	Excluded	All Elective Deferrals included
<b>Types of Benefits</b>			
<b>Nontaxable Fringe Benefits of Employees</b> Health plan, dental, vision benefits Workers compensation premiums Short- or Long-term disability premiums Group term or whole life insurance < \$50,000	All Nontaxable Fringe Benefits Included	Excluded	All Nontaxable Fringe Benefits Included
<b>Mandatory Contributions</b> Defined Benefit employee contributions MERS Health Care Savings Program employee contributions	All Mandatory Contributions Included	Excluded	All Mandatory Contributions Included
<b>Taxable Fringe Benefits</b> Clothing reimbursement Stipends for health insurance opt out payments Group term life insurance > \$50,000	Excluded	Excluded	All Taxable Fringe Benefits Included
<b>Other Benefits / Lump Sum Payments</b> Workers compensation settlement payments	Excluded	Excluded	All Other Lump Sum Benefits Included

# Defined Benefit Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DIV: 13060105

**SKIP THIS TABLE** if you selected one of the standard definitions of compensation on page 4.

**CUSTOM:** If you choose this option, you must select boxes in each section you would like to include in your Definition of Compensation. You will be responsible for additional reporting details to track custom definitions.

### Types of Compensation

#### Regular Wages

- Salary or hourly wage X hours  On-call pay
- PTO used (sick, vacation, personal, bereavement, holiday leave, or unclassified)  Other: \_\_\_\_\_

#### Other Wages apply: YES NO

- Shift differentials  Severance issued over time (weekly/bi-weekly)
- Overtime  Other: \_\_\_\_\_

#### Lump Sum Payments apply: YES NO

- PTO cash-out  Educational degrees
- Longevity  Moving expenses
- Bonuses  Sick payouts
- Merit pay  Severance (if issued as lump sum)
- Job certifications  Other: \_\_\_\_\_

#### Taxable Payments apply: YES NO

- Travel through a non-accountable plan (i.e. mileage not tracked for reimbursement)  Car allowance
- Prizes, gift cards  Other: \_\_\_\_\_
- Personal use of a company car

#### Reimbursement of Nontaxable Expenses (as defined by the IRS) apply: YES NO

- Gun, tools, equipment, uniform  Mileage reimbursement
- Phone  Travel through an accountable plan (i.e. tracking mileage for reimbursement)
- Fitness  Other: \_\_\_\_\_

### Types of Deferrals

#### Elective Deferrals of Employee Premiums/Contributions apply: YES NO

- 457 employee and employer contributions  IRA contributions
- 125 cafeteria plan, FSAs and HSAs  Other: \_\_\_\_\_

### Types of Benefits

#### Nontaxable Fringe Benefits of Employees apply: YES NO

- Health plan, dental, vision benefits  Group term or whole life insurance < \$50,000
- Workers compensation premiums  Other: \_\_\_\_\_
- Short- or Long-term disability premiums

#### Mandatory Contributions apply: YES NO

- Defined Benefit employee contributions  Other: MERS HCSP not including sick leave cn
- MERS Health Care Savings Program employee contributions

#### Taxable Fringe Benefits apply: YES NO

- Clothing reimbursement  Group term life insurance > \$50,000
- Stipends for health insurance opt out payments  Other: \_\_\_\_\_

#### Other Benefits / Lump Sum Payments apply: YES NO

- Workers compensation settlement payments  Other: \_\_\_\_\_

## Defined Benefit Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DIV: 13060105

### V. Execution:

#### Authorized Designee of Governing Body of Municipality or Chief Judge of Court

This foregoing Addendum is hereby approved by City of Marshall

at a Board Meeting which took place on: \_\_\_\_\_  
(mm/dd/yyyy)

Authorized Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

I understand that approved board minutes are required to complete this request.

Board minutes should be sent to: [DataCollectionProject@mersofmich.com](mailto:DataCollectionProject@mersofmich.com)

# Defined Benefit Plan Adoption Agreement Addendum



1134 Municipal Way Lansing, MI 48917 | 800.767.MERS (6377) | Fax 517.793.9711

www.mersinfo.com

The employer, a participating municipality or court within the state of Michigan, hereby agrees to adopt and administer the MERS Defined Benefit (DB) Plan provided by the Municipal Employees' Retirement System of Michigan, as authorized by 1996 PA 220, in accordance with MERS Plan Document, as both may be amended, subject to the terms and conditions herein.

## I. Effective Date

The effective date shall be the first day of **January, 2021**.

II. Employer name Marshall, City of

Municipality number 130601

This is an amendment of the existing Adoption Agreement for the MERS Defined Benefit.

Any changes to plan provisions apply to employees in the division on the effective date, as well as to new hires ongoing. Definitions will apply for all service accrued after the effective date.

Division number 13060120

Division name on file with MERS Patrol Ofcrs

## III. Plan Eligibility

Only those employees eligible for MERS membership may participate in the MERS Defined Benefit. If an employee classification is **included** in the plan, then employees that meet this definition will receive service credit if they work the required number of hours to meet the service credit qualification defined below. All eligible employees must be reported to MERS.

Using your Division Name above, expand on the employee classifications that are eligible to participate in MERS. For example, if Division is "General," please insert specific classifications that are eligible for MERS such as "Clerical Staff," "Elected Officials," "Library Director," etc.:

Full-time Patrol Officers

Employee classification contains **public safety employees**:  Yes  No

Public safety employees include: law enforcement, parole and probation officers, employees responsible for emergency response (911 dispatch, fire service, paramedics, etc.), public works, and other skilled support personnel (equipment operators, etc.).

## Defined Benefit Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, city of

DM: 13060120

If you elect to include a special classification (chart below), then the employee will be required to meet the Service Credit Qualification as defined under section IV (Provisions) in order to earn a month of service. Excluded classification will require additional information below.

To further define eligibility (select all that apply):

Employee Classification	Included	Excluded	Not Employed
<b>Temporary Employees:</b> Those who will work for the municipality fewer than <u>9</u> months in total.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Part-Time Employees:</b> Those who regularly work fewer than <u>40</u> per <u>week</u> .	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Seasonal Employees:</b> Those who will work for the municipality from <u>May</u> to <u>December</u> only.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Voter-Elected Officials</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Appointed Officials:</b> An official appointed to a voter-elected office.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Contract Employees</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Probationary Periods** (select one):

- Service will begin after the probationary period has been satisfied. Probationary periods are allowed in one-month increments, no longer than 12 months. During this probationary period, the employer will not report or provide service.

The probationary period will be \_\_\_\_\_ month(s).

Comments:

- Service will begin with the employee's date of hire (no Probationary Period). Effective with the date of hire, wages paid and any associated contributions must be submitted to MERS.

## Defined Benefit Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DIV: 13060120

### IV. Provisions

#### 1. Service Credit Qualification

To clarify how eligible employees earn service credit, please indicate how many hours per month an eligible employee needs to work. For example, if you require 10 eight-hour days, this would be 80 hours per month. If an 'hour per day' has been defined (like ten 7-hour days), electing 70 hours will be required. Employees must meet the definition of Plan Eligibility in order to earn service credit under the plan.

To receive one month of service credit, an employee shall work (or be paid for as if working)

80 hours in a month.

#### 2. Leaves of Absence

Indicate by checking the boxes below, whether the potential for service credit will be allowed if an eligible employee is on one of the following types of leave, regardless of meeting the service credit qualification criteria.

Regardless whether an eligible employee is awarded service credit while on the selected type(s) of leave:

- MERS will skip over these months when determining the FAC amount for benefit calculations.
- Third-party wages are not reported for leaves of absence.
- Employers are not required to remit employer contributions based on leaves of absence when no wages are paid by the employer. However, an employer may submit additional voluntary contributions for the period of the leave in an amount determined by the employer.
- For contributory divisions, employee contributions are required for service credit to be retained. Employee contributions will be collected based on the Service Credit Qualification. Employers will calculate employee contributions due using the employee's current hourly rate (prior to leave). For example if 120 hours is required for service credit, then employee contributions shall be equal to 120 hours times the employee's hourly rate. Employees have three times the length of leave, to a maximum of five years, to pay required employee contributions. Leaves of absence are required to be reported to MERS, including the employee's start and end date per month, along with the employee's hourly rate.

Type of Leave	Service Credit Granted	Service Credit Excluded
Short- and Long-Term Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Workers' Compensation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Unpaid Family Medical Leave Act (FMLA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other: _____ For example, sick and accident, administrative, educational, sabbatical, etc.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other 2: _____ Additional leave types as above	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Leaves of absence due to military service are governed by the Federal Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), IRC 414(u), effective January 1, 2007, IRC 401(a)(37).

## Defined Benefit Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DIV: 13060120

### 3. Definition of Compensation

The Definition of Compensation is used to calculate a participant's final average compensation and is used in determining both employer and employee contributions. Wages paid to employees, calculated using the elected definition, must be reported to MERS.

Select your Definition of Compensation here. If you choose to customize your definition, skip this table and proceed to page 5.

	Base Wages	Box 1 Wages	Gross Wages
<b>Types of Compensation</b>			
<b>Regular Wages</b> Salary or hourly wage X hours PTO used (sick, vacation, personal, bereavement, holiday leave, or unclassified) On-call pay	All Regular Wages Included	All Regular Wages Included	All Regular Wages Included
<b>Other Wages</b> Shift differentials Overtime Severance issued over time (weekly/bi-weekly)	Excluded	All Other Wages Included	All Other Wages Included
<b>Lump Sum Payments</b> PTO cash-out Longevity Bonuses Merit pay Job certifications Educational degrees Moving expenses Sick payouts Severance (if issued as lump sum)	Excluded	All Lump Sum Payments Included	All Lump Sum Payments Included
<b>Taxable Payments</b> Travel through a non-accountable plan (i.e. mileage not tracked for reimbursement) Prizes, gift cards Personal use of a company car Car allowance	Excluded	All Taxable Payments Included	All Taxable Payments Included
<b>Reimbursement of Nontaxable Expenses</b> (as defined by the IRS) Gun, tools, equipment, uniform Phone Fitness Mileage reimbursement Travel through an accountable plan (i.e. tracking mileage for reimbursement)	Excluded	Excluded	Excluded
<b>Types of Deferrals</b>			
<b>Elective Deferrals of Employee Premiums/Contributions</b> 457 employee and employer contributions 125 cafeteria plan, FSAs and HSAs IRA contributions	All Elective Deferrals Included	Excluded	All Elective Deferrals Included
<b>Types of Benefits</b>			
<b>Nontaxable Fringe Benefits of Employees</b> Health plan, dental, vision benefits Workers compensation premiums Short- or Long-term disability premiums Group term or whole life Insurance < \$50,000	All Nontaxable Fringe Benefits Included	Excluded	All Nontaxable Fringe Benefits Included
<b>Mandatory Contributions</b> Defined Benefit employee contributions MERS Health Care Savings Program employee contributions	All Mandatory Contributions Included	Excluded	All Mandatory Contributions Included
<b>Taxable Fringe Benefits</b> Clothing reimbursement Stipends for health insurance opt out payments Group term life insurance > \$50,000	Excluded	Excluded	All Taxable Fringe Benefits Included
<b>Other Benefits / Lump Sum Payments</b> Workers compensation settlement payments	Excluded	Excluded	All Other Lump Sum Benefits Included

# Defined Benefit Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DIV: 13060120

**SKIP THIS TABLE** if you selected one of the standard definitions of compensation on page 4.

**CUSTOM:** If you choose this option, you must select boxes in each section you would like to include in your Definition of Compensation. You will be responsible for additional reporting details to track custom definitions.

### Types of Compensation

#### Regular Wages

- Salary or hourly wage X hours
- PTO used (sick, vacation, personal, bereavement, holiday leave, or unclassified)
- On-call pay
- Other: \_\_\_\_\_

#### Other Wages apply: YES NO

- Shift differentials
- Overtime
- Severance issued over time (weekly/bi-weekly)
- Other: \_\_\_\_\_

#### Lump Sum Payments apply: YES NO

- PTO cash-out
- Longevity
- Bonuses
- Merit pay
- Job certifications
- Educational degrees
- Moving expenses
- Sick payouts
- Severance (if issued as lump sum)
- Other: \_\_\_\_\_

#### Taxable Payments apply: YES NO

- Travel through a non-accountable plan (i.e. mileage not tracked for reimbursement)
- Prizes, gift cards
- Personal use of a company car
- Car allowance
- Other: \_\_\_\_\_

#### Reimbursement of Nontaxable Expenses (as defined by the IRS) apply: YES NO

- Gun, tools, equipment, uniform
- Phone
- Fitness
- Mileage reimbursement
- Travel through an accountable plan (i.e. tracking mileage for reimbursement)
- Other: \_\_\_\_\_

### Types of Deferrals

#### Elective Deferrals of Employee Premiums/Contributions apply: YES NO

- 457 employee and employer contributions
- 125 cafeteria plan, FSAs and HSAs
- IRA contributions
- Other: \_\_\_\_\_

### Types of Benefits

#### Nontaxable Fringe Benefits of Employees apply: YES NO

- Health plan, dental, vision benefits
- Workers compensation premiums
- Short- or Long-term disability premiums
- Group term or whole life insurance < \$50,000
- Other: \_\_\_\_\_

#### Mandatory Contributions apply: YES NO

- Defined Benefit employee contributions
- MERS Health Care Savings Program employee contributions
- Other: MERS HCSP not including sick leave cn

#### Taxable Fringe Benefits apply: YES NO

- Clothing reimbursement
- Stipends for health insurance opt out payments
- Group term life insurance > \$50,000
- Other: \_\_\_\_\_

#### Other Benefits / Lump Sum Payments apply: YES NO

- Workers compensation settlement payments
- Other: \_\_\_\_\_

## Defined Benefit Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DIV: 13060120

### V. Execution:

#### Authorized Designee of Governing Body of Municipality or Chief Judge of Court

This foregoing Addendum is hereby approved by City of Marshall

at a Board Meeting which took place on: \_\_\_\_\_  
(mm/dd/yyyy)

Authorized Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

I understand that approved board minutes are required to complete this request.

Board minutes should be sent to: [DataCollectionProject@mersofmich.com](mailto:DataCollectionProject@mersofmich.com)

# Defined Benefit Plan Adoption Agreement Addendum



1134 Municipal Way Lansing, MI 48917 | 800.767.MERS (6377) | Fax 517.703.9711

www.mersmi.com

The employer, a participating municipality or court within the state of Michigan, hereby agrees to adopt and administer the MERS Defined Benefit (DB) Plan provided by the Municipal Employees' Retirement System of Michigan, as authorized by 1996 PA 220, in accordance with MERS Plan Document, as both may be amended, subject to the terms and conditions herein.

## I. Effective Date

The effective date shall be the first day of **January, 2021**.

II. Employer name Marshall, City of

Municipality number 130601

This is an amendment of the existing Adoption Agreement for the MERS Defined Benefit.

Any changes to plan provisions apply to employees in the division on the effective date, as well as to new hires ongoing. Definitions will apply for all service accrued after the effective date.

Division number 13060122

Division name on file with MERS Sgts, Dir&Dep

## III. Plan Eligibility

Only those employees eligible for MERS membership may participate in the MERS Defined Benefit. If an employee classification is **included** in the plan, then employees that meet this definition will receive service credit if they work the required number of hours to meet the service credit qualification defined below. All eligible employees must be reported to MERS.

Using your Division Name above, expand on the employee classifications that are eligible to participate in MERS. For example, if Division is "General," please insert specific classifications that are eligible for MERS such as "Clerical Staff," "Elected Officials," "Library Director," etc.:

NOTE: Change to "Police Command Staff" instead of "Sgts, Dir&Dep"  
Lieutenants, Sargeants, Chief, Deputy Chief, and Director of Public Safety

Employee classification contains public safety employees:  Yes  No

Public safety employees include: law enforcement, parole and probation officers, employees responsible for emergency response (911 dispatch, fire service, paramedics, etc.), public works, and other skilled support personnel (equipment operators, etc.).

## Defined Benefit Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DIV: 13060122

If you elect to include a special classification (chart below), then the employee will be required to meet the Service Credit Qualification as defined under section IV (Provisions) in order to earn a month of service. Excluded classification will require additional information below.

To further define eligibility (select all that apply):

Employee Classification	Included	Excluded	Not Employed
<b>Temporary Employees:</b> Those who will work for the municipality fewer than <u>9</u> months in total.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Part-Time Employees:</b> Those who regularly work fewer than <u>40</u> per week.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Seasonal Employees:</b> Those who will work for the municipality from <u>May</u> to <u>December</u> only.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Voter-Elected Officials</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Appointed Officials:</b> An official appointed to a voter-elected office.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Contract Employees</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Probationary Periods** (select one):

- Service will begin after the probationary period has been satisfied. Probationary periods are allowed in one-month increments, no longer than 12 months. During this probationary period, the employer will not report or provide service.

The probationary period will be \_\_\_\_\_ month(s).

Comments:

- Service will begin with the employee's date of hire (no Probationary Period). Effective with the date of hire, wages paid and any associated contributions must be submitted to MERS.

## Defined Benefit Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DIV: 13060122

### IV. Provisions

#### 1. Service Credit Qualification

To clarify how eligible employees earn service credit, please indicate how many hours per month an eligible employee needs to work. For example, if you require 10 eight-hour days, this would be 80 hours per month. If an 'hour per day' has been defined (like ten 7-hour days), electing 70 hours will be required. Employees must meet the definition of Plan Eligibility in order to earn service credit under the plan.

To receive one month of service credit, an employee shall work (or be paid for as if working) 80 hours in a month.

#### 2. Leaves of Absence

Indicate by checking the boxes below, whether the potential for service credit will be allowed if an eligible employee is on one of the following types of leave, regardless of meeting the service credit qualification criteria.

Regardless whether an eligible employee is awarded service credit while on the selected type(s) of leave:

- MERS will skip over these months when determining the FAC amount for benefit calculations.
- Third-party wages are not reported for leaves of absence.
- Employers are not required to remit employer contributions based on leaves of absence when no wages are paid by the employer. However, an employer may submit additional voluntary contributions for the period of the leave in an amount determined by the employer.
- For **contributory divisions**, employee contributions are required for service credit to be retained. Employee contributions will be collected based on the Service Credit Qualification. Employers will calculate employee contributions due using the employee's current hourly rate (prior to leave). For example if 120 hours is required for service credit, then employee contributions shall be equal to 120 hours times the employee's hourly rate. Employees have three times the length of leave, to a maximum of five years, to pay required employee contributions. Leaves of absence are required to be reported to MERS, including the employee's start and end date per month, along with the employee's hourly rate.

Type of Leave	Service Credit Granted	Service Credit Excluded
Short- and Long-Term Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Workers' Compensation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Unpaid Family Medical Leave Act (FMLA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other: _____ For example, sick and accident, administrative, educational, sabbatical, etc.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other 2: _____ Additional leave types as above	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Leaves of absence due to military service are governed by the Federal *Uniformed Services Employment and Reemployment Rights Act* of 1994 (USERRA), IRC 414(u), effective January 1, 2007, IRC 401(a)(37).

## Defined Benefit Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DN: 13060122

### 3. Definition of Compensation

The Definition of Compensation is used to calculate a participant's final average compensation and is used in determining both employer and employee contributions. Wages paid to employees, calculated using the elected definition, must be reported to MERS.

Select your Definition of Compensation here. If you choose to customize your definition, skip this table and proceed to page 5.

	Base Wages	Box 1 Wages	Gross Wages
<b>Types of Compensation</b>			
<b>Regular Wages</b> Salary or hourly wage X hours PTO used (sick, vacation, personal, bereavement, holiday leave, or unclassified) On-call pay	All Regular Wages included	All Regular Wages included	All Regular Wages included
<b>Other Wages</b> Shift differentials Overtime Severance issued over time (weekly/bi-weekly)	Excluded	All Other Wages included	All Other Wages included
<b>Lump Sum Payments</b> PTO cash-out Longevity Bonuses Merit pay Job certifications Educational degrees Moving expenses Sick payouts Severance (if issued as lump sum)	Excluded	All Lump Sum Payments included	All Lump Sum Payments included
<b>Taxable Payments</b> Travel through a non-accountable plan (i.e. mileage not tracked for reimbursement) Prizes, gift cards Personal use of a company car Car allowance	Excluded	All Taxable Payments included	All Taxable Payments included
<b>Reimbursement of Nontaxable Expenses</b> (as defined by the IRS) Gun, tools, equipment, uniform Phone Fitness Mileage reimbursement Travel through an accountable plan (i.e. tracking mileage for reimbursement)	Excluded	Excluded	Excluded
<b>Types of Deferrals</b>			
<b>Elective Deferrals of Employee Premiums/Contributions</b> 457 employee and employer contributions 125 cafeteria plan, FSAs and HSAs IRA contributions	All Elective Deferrals included	Excluded	All Elective Deferrals included
<b>Types of Benefits</b>			
<b>Nontaxable Fringe Benefits of Employees</b> Health plan, dental, vision benefits Workers compensation premiums Short- or Long-term disability premiums Group term or whole life insurance < \$50,000	All Nontaxable Fringe Benefits included	Excluded	All Nontaxable Fringe Benefits included
<b>Mandatory Contributions</b> Defined Benefit employee contributions MERS Health Care Savings Program employee contributions	All Mandatory Contributions included	Excluded	All Mandatory Contributions included
<b>Taxable Fringe Benefits</b> Clothing reimbursement Stipends for health insurance opt out payments Group term life insurance > \$50,000	Excluded	Excluded	All Taxable Fringe Benefits included
<b>Other Benefits / Lump Sum Payments</b> Workers compensation settlement payments	Excluded	Excluded	All Other Lump Sum Benefits included

## Defined Benefit Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DN: 13060122

**SKIP THIS TABLE** if you selected one of the standard definitions of compensation on page 4.

**CUSTOM:** If you choose this option, you must select boxes in each section you would like to include in your Definition of Compensation. You will be responsible for additional reporting details to track custom definitions.

### Types of Compensation

#### Regular Wages

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Salary or hourly wage X hours  | <input checked="" type="checkbox"/> On-call pay |
| <input checked="" type="checkbox"/> PTO used (sick, vacation, personal, bereavement, holiday leave, or unclassified) | <input type="checkbox"/> Other: _____           |

#### Other Wages apply: YES NO

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Shift differentials | <input type="checkbox"/> Severance issued over time (weekly/bi-weekly) |
| <input checked="" type="checkbox"/> Overtime            | <input type="checkbox"/> Other: _____                                  |

#### Lump Sum Payments apply: YES NO

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> PTO cash-out       | <input checked="" type="checkbox"/> Educational degrees               |
| <input checked="" type="checkbox"/> Longevity          | <input type="checkbox"/> Moving expenses                              |
| <input checked="" type="checkbox"/> Bonuses            | <input type="checkbox"/> Sick payouts                                 |
| <input checked="" type="checkbox"/> Merit pay          | <input checked="" type="checkbox"/> Severance (if issued as lump sum) |
| <input checked="" type="checkbox"/> Job certifications | <input type="checkbox"/> Other: _____                                 |

#### Taxable Payments apply: YES NO

- |   |  |
|---|--|
| <input type="checkbox"/> Travel through a non-accountable plan (i.e. mileage not tracked for reimbursement) | <input type="checkbox"/> Car allowance |
| <input type="checkbox"/> Prizes, gift cards   | <input type="checkbox"/> Other: _____  |
| <input type="checkbox"/> Personal use of a company car  |  |

#### Reimbursement of Nontaxable Expenses (as defined by the IRS) apply: YES NO

- |   |   |
|---|---|
| <input type="checkbox"/> Gun, tools, equipment, uniform | <input type="checkbox"/> Mileage reimbursement  |
| <input type="checkbox"/> Phone                          | <input type="checkbox"/> Travel through an accountable plan (i.e. tracking mileage for reimbursement) |
| <input type="checkbox"/> Fitness                        | <input type="checkbox"/> Other: _____   |

### Types of Deferrals

#### Elective Deferrals of Employee Premiums/Contributions apply: YES NO

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> 457 employee and employer contributions | <input type="checkbox"/> IRA contributions |
| <input type="checkbox"/> 125 cafeteria plan, FSAs and HSAs                  | <input type="checkbox"/> Other: _____      |

### Types of Benefits

#### Nontaxable Fringe Benefits of Employees apply: YES NO

- |  |  |
|--|--|
| <input type="checkbox"/> Health plan, dental, vision benefits    | <input type="checkbox"/> Group term or whole life insurance < \$50,000 |
| <input type="checkbox"/> Workers compensation premiums           | <input type="checkbox"/> Other: _____                                  |
| <input type="checkbox"/> Short- or Long-term disability premiums |  |

#### Mandatory Contributions apply: YES NO

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Defined Benefit employee contributions       | <input checked="" type="checkbox"/> Other: MERS HCSP not including sick leave cn |
| <input type="checkbox"/> MERS Health Care Savings Program employee contributions |  |

#### Taxable Fringe Benefits apply: YES NO

- |   |   |
|---|---|
| <input type="checkbox"/> Clothing reimbursement                         | <input type="checkbox"/> Group term life insurance > \$50,000 |
| <input type="checkbox"/> Stipends for health insurance opt out payments | <input type="checkbox"/> Other: _____                         |

#### Other Benefits / Lump Sum Payments apply: YES NO

- |   |                                       |
|---|---------------------------------------|
| <input type="checkbox"/> Workers compensation settlement payments | <input type="checkbox"/> Other: _____ |
|---|---------------------------------------|

## Defined Benefit Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DIV: 13060122

### V. Execution:

#### Authorized Designee of Governing Body of Municipality or Chief Judge of Court

This foregoing Addendum is hereby approved by City of Marshall

at a Board Meeting which took place on: \_\_\_\_\_  
(mm/dd/yyyy)

Authorized Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

I understand that approved board minutes are required to complete this request.

Board minutes should be sent to: [DataCollectionProject@mersofmich.com](mailto:DataCollectionProject@mersofmich.com)

# Defined Contribution Plan Adoption Agreement Addendum



1134 Municipal Way Lansing, MI 48917 | 800.767.MERS (6377) | Fax 517.703.9711

www.mersomich.com

The employer, a participating municipality or court within the state of Michigan, hereby agrees to adopt and administer the MERS Defined Contribution (DC) Plan provided by the Municipal Employees' Retirement System of Michigan, as authorized by 1996 PA 220, in accordance with MERS Plan Document, as both may be amended, subject to the terms and conditions herein.

### I. Effective Date

The effective date shall be the first day of **January, 2021**.

II. **Employer name** Marshall, City of

**Municipality number** 130601

This is an amendment of the existing MERS Defined Contribution Agreement.

Any changes to plan provisions apply to employees in the division on the effective date, as well as to new hires ongoing. Definitions will apply for all service accrued after the effective date.

**Division number** 130601110218

**Division name** 110218

Note: This division should reflect how you currently define employees who are eligible to participate, for example, All full-time Employees, New hires after 1/1/2019, etc.

### III. Plan Eligibility

Only those employees eligible for MERS membership may participate in the MERS Defined Contribution Plan. If an employee classification is included in the plan, then employees that meet this definition are required to participate in the plan and earn time toward vesting. All eligible employees must be reported to MERS.

Using your Division Name above, expand on the employee classifications that are eligible to participate in MERS, such as "Clerical staff working more than 160 hours in a month," "Elected Officials" or "Admin working >32 hours per week," etc.:

Full-time employees who were hired after 07/01/2012

Employee classification contains **public safety employees**:  Yes  No

Public safety employees include: law enforcement, parole and probation officers, employees responsible for emergency response (911 dispatch, fire service, paramedics, etc.), public works, and other skilled support personnel (equipment operators, etc.).

## Defined Contribution Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DN: 130601110218

If you elect to include a special classification (chart below), then the employee will be required to participate in the employer and employee contributions adopted in your plan. An excluded classification will require additional information below.

To further define eligibility (select all that apply):

Employee Classification	Included	Excluded	Not Employed
<b>Temporary Employees:</b> Those who will work for the municipality fewer than <u>9</u> months in total.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Part-Time Employees:</b> Those who regularly work fewer than <u>40</u> per week.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Seasonal Employees:</b> Those who will work for the municipality from <u>May</u> to <u>November</u> only.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Voter-Elected Officials</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Appointed Officials:</b> An official appointed to a voter-elected office.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Contract Employees</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Probationary Periods (select one):**

- Contributions will begin after the probationary period has been satisfied. Probationary periods are allowed in one-month increments, no longer than 12 months. During this probationary period, contributions will not be reported and service toward vesting will begin when probationary period has ended.

The probationary period will be \_\_\_\_\_ month(s).

Comments:

- Contributions will begin with the employee's date of hire (no Probationary Period). Effective with the date of hire, wages paid and any associated contributions must be submitted to MERS.

## Defined Contribution Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DN: 130601110218

### IV. Provisions

#### 1. Leaves of Absence

Regardless of whether an employee is earning a wage while on the following types of leave:

- Third-party wages are not used in determining contributions for periods of leave.
- Vesting under elapsed time continues to accrue even if wages are not earned and contributions are zero.

*Note:* Employers who determine vesting based on an "hours-reported" method, should report actual worked hours for the month where there was a leave.

Types of leave include:

- Short Term and Long Term Disability
- Workers Compensation
- Unpaid Family Medical Leave Act (FMLA)

Leaves of absence due to military service are governed by the federal *Uniformed Services Employment and Reemployment Rights Act* of 1994 (USERRA), IRC 414(u), effective January 1, 2007, IRC 401(a)(37).

## Defined Contribution Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DIR: 130601110218

### 2. Definition of Compensation

The Definition of Compensation is used to determine participant and employer contributions. Wages are strongly recommended to be reported with regular wage/contribution reports to MERS. Contributions cannot exceed IRS limitations.

Select your Definition of Compensation here. If you choose to customize your definition, skip this table and proceed to page 5.

	Base Wages	Box 1 Wages	Gross Wages
<b>Types of Compensation</b>			
<b>Regular Wages</b> Salary or hourly wage X hours PTO used (sick, vacation, personal, bereavement, holiday leave, or unclassified) On-call pay	All Regular Wages included	All Regular Wages included	All Regular Wages included
<b>Other Wages</b> Shift differentials Overtime Severance issued over time (weekly/bi-weekly)	Excluded	All Other Wages included	All Other Wages included
<b>Lump Sum Payments</b> PTO cash-out Longevity Bonuses Merit pay Job certifications Educational degrees Moving expenses Sick payouts Severance (if issued as lump sum)	Excluded	All Lump Sum Payments included	All Lump Sum Payments included
<b>Taxable Payments</b> Travel through a non-accountable plan (i.e. mileage not tracked for reimbursement) Prizes, gift cards Personal use of a company car Car allowance	Excluded	All Taxable Payments included	All Taxable Payments included
<b>Reimbursement of Nontaxable Expenses</b> (as defined by the IRS) Gun, tools, equipment, uniform Phone Fitness Mileage reimbursement Travel through an accountable plan (i.e. tracking mileage for reimbursement)	Excluded	Excluded	Excluded
<b>Types of Deferrals</b>			
<b>Elective Deferrals of Employee Premiums/Contributions</b> 457 employee and employer contributions 125 cafeteria plan, FSAs and HSAs IRA contributions	All Elective Deferrals included	Excluded	All Elective Deferrals included
<b>Types of Benefits</b>			
<b>Nontaxable Fringe Benefits of Employees</b> Health plan, dental, vision benefits Workers compensation premiums Short- or Long-term disability premiums Group term or whole life insurance < \$50,000	All Nontaxable Fringe Benefits included	Excluded	All Nontaxable Fringe Benefits included
<b>Mandatory Contributions</b>	All Mandatory Contributions included	Excluded	All Mandatory Contributions included
<b>Taxable Fringe Benefits</b> Clothing reimbursement Stipends for health insurance opt out payments Group term life insurance > \$50,000	Excluded	Excluded	All Taxable Fringe Benefits included
<b>Other Benefits / Lump Sum Payments</b> Workers compensation settlement payments	Excluded	Excluded	All Other Lump Sum Benefits included

# Defined Contribution Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DIV: 130601110218

**SKIP THIS TABLE** if you selected one of the standard definitions of compensation on page 4.

**CUSTOM:** If you choose this option, you must select boxes in each section you would like to include in your Definition of Compensation. You will be responsible for additional reporting details to track custom definitions.

### Types of Compensation

#### Regular Wages

- Salary or hourly wage X hours
- PTO used (sick, vacation, personal, bereavement, holiday leave, or unclassified)
- On-call pay
- Other: TRIPS - paid for returning after hrs

#### Other Wages apply: YES NO

- Shift differentials
- Overtime
- Severance issued over time (weekly/bi-weekly)
- Other: \_\_\_\_\_

#### Lump Sum Payments apply: YES NO

- PTO cash-out
- Longevity
- Bonuses
- Merit pay
- Job certifications
- Educational degrees
- Moving expenses
- Sick payouts
- Severance (if issued as lump sum)
- Other: \_\_\_\_\_

#### Taxable Payments apply: YES NO

- Travel through a non-accountable plan (i.e. mileage not tracked for reimbursement)
- Prizes, gift cards
- Personal use of a company car
- Car allowance
- Other: \_\_\_\_\_

#### Reimbursement of Nontaxable Expenses (as defined by the IRS) apply: YES NO

- Gun, tools, equipment, uniform
- Phone
- Fitness
- Mileage reimbursement
- Travel through an accountable plan (i.e. tracking mileage for reimbursement)
- Other: \_\_\_\_\_

### Types of Deferrals

#### Elective Deferrals of Employee Premiums/Contributions apply: YES NO

- 457 employee and employer contributions
- 125 cafeteria plan, FSAs and HSAs
- IRA contributions
- Other: \_\_\_\_\_

### Types of Benefits

#### Nontaxable Fringe Benefits of Employees apply: YES NO

- Health plan, dental, vision benefits
- Workers compensation premiums
- Short- or Long-term disability premiums
- Group term or whole life insurance < \$50,000
- Other: \_\_\_\_\_

#### Mandatory Contributions apply: YES NO

#### Taxable Fringe Benefits apply: YES NO

- Clothing reimbursement
- Stipends for health insurance opt out payments
- Group term life insurance > \$50,000
- Other: \_\_\_\_\_

#### Other Benefits / Lump Sum Payments apply: YES NO

- Workers compensation settlement payments
- Other: \_\_\_\_\_

## Defined Contribution Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DIV: 130601110218

### 3. Forfeiture

A forfeiture occurs when a participant separates from employment prior to meeting the associated elapsed time (or hours reported) to receive vesting. The percentage of his/her employer contribution account balance that has not vested as of the date of termination will forfeit after 12 consecutive months following the termination date reported by the employer, or earlier, if the System distributes the participant's vested portion. MERS will utilize an available forfeiture balance as an automatic funding source applied to reported employer contributions at the time of reporting.

### V. Execution:

#### Authorized Designee of Governing Body of Municipality or Chief Judge of Court

This foregoing Addendum is hereby approved by City of Marshall

at a Board Meeting which took place on: 12/07/2020  
(mm/dd/yyyy)

Authorized Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

I understand that approved board minutes are required to complete this request.

Board minutes should be sent to: DataCollectionProject@mersofmich.com

# Defined Contribution Plan Adoption Agreement Addendum



1134 Municipal Way Lansing, MI 48917 | 800.767.MERS (6377) | Fax 517.703.9711

The employer, a participating municipality or court within the state of Michigan, hereby agrees to adopt and administer the MERS Defined Contribution (DC) Plan provided by the Municipal Employees' Retirement System of Michigan, as authorized by 1996 PA 220, in accordance with MERS Plan Document, as both may be amended, subject to the terms and conditions herein.

### I. Effective Date

The effective date shall be the first day of **January, 2021**.

II. Employer name Marshall, City of

Municipality number 130601

This is an amendment of the existing MERS Defined Contribution Agreement.

Any changes to plan provisions apply to employees in the division on the effective date, as well as to new hires ongoing. Definitions will apply for all service accrued after the effective date.

Division number 130601106420

Division name 106420

Note: This division should reflect how you currently define employees who are eligible to participate, for example, All full-time Employees, New hires after 1/1/2019, etc.

### III. Plan Eligibility

Only those employees eligible for MERS membership may participate in the MERS Defined Contribution Plan. If an employee classification is included in the plan, then employees that meet this definition are required to participate in the plan and earn time toward vesting. All eligible employees must be reported to MERS.

Using your Division Name above, expand on the employee classifications that are eligible to participate in MERS, such as "Clerical staff working more than 160 hours in a month," "Elected Officials" or "Admin working >32 hours per week," etc.:

Full-time employees who were hired after 07/01/2012

Employee classification contains **public safety employees**:  Yes  No

Public safety employees include: law enforcement, parole and probation officers, employees responsible for emergency response (911 dispatch, fire service, paramedics, etc.), public works, and other skilled support personnel (equipment operators, etc.).

## Defined Contribution Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DIV: 130601106420

If you elect to include a special classification (chart below), then the employee will be required to participate in the employer and employee contributions adopted in your plan. An excluded classification will require additional information below.

To further define eligibility (select all that apply):

Employee Classification	Included	Excluded	Not Employed
<b>Temporary Employees:</b> Those who will work for the municipality fewer than <sup>9</sup> _____ months in total.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Part-Time Employees:</b> Those who regularly work fewer than <sup>40</sup> _____ per week _____.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Seasonal Employees:</b> Those who will work for the municipality from <u>May</u> _____ to <u>November</u> _____ only.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Voter-Elected Officials</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Appointed Officials:</b> An official appointed to a voter-elected office.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Contract Employees</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Probationary Periods (select one):**

- Contributions will begin after the probationary period has been satisfied. Probationary periods are allowed in one-month increments, no longer than 12 months. During this probationary period, contributions will not be reported and service toward vesting will begin when probationary period has ended.

The probationary period will be \_\_\_\_\_ month(s).

Comments:

- Contributions will begin with the employee's date of hire (no Probationary Period). Effective with the date of hire, wages paid and any associated contributions must be submitted to MERS.

## Defined Contribution Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DIV:130601106420

### IV. Provisions

#### 1. Leaves of Absence

Regardless of whether an employee is earning a wage while on the following types of leave:

- Third-party wages are not used in determining contributions for periods of leave.
- Vesting under elapsed time continues to accrue even if wages are not earned and contributions are zero.

*Note:* Employers who determine vesting based on an "hours-reported" method, should report actual worked hours for the month where there was a leave.

Types of leave include:

- Short Term and Long Term Disability
- Workers Compensation
- Unpaid Family Medical Leave Act (FMLA)

Leaves of absence due to military service are governed by the federal *Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)*, IRC 414(u), effective January 1, 2007, IRC 401(a)(37).

# Defined Contribution Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DIV: 130601106420

## 2. Definition of Compensation

The Definition of Compensation is used to determine participant and employer contributions. Wages are strongly recommended to be reported with regular wage/contribution reports to MERS. Contributions cannot exceed IRS limitations.

Select your Definition of Compensation here. If you choose to customize your definition, skip this table and proceed to page 5.

	Base Wages	Box 1 Wages	Gross Wages
<b>Types of Compensation</b>			
<b>Regular Wages</b> Salary or hourly wage X hours PTO used (sick, vacation, personal, bereavement, holiday leave, or unclassified) On-call pay	All Regular Wages Included	All Regular Wages Included	All Regular Wages Included
<b>Other Wages</b> Shift differentials Overtime Severance issued over time (weekly/bi-weekly)	Excluded	All Other Wages Included	All Other Wages Included
<b>Lump Sum Payments</b> PTO cash-out Longevity Bonuses Merit pay Job certifications Educational degrees Moving expenses Sick payouts Severance (if issued as lump sum)	Excluded	All Lump Sum Payments Included	All Lump Sum Payments Included
<b>Taxable Payments</b> Travel through a non-accountable plan (i.e. mileage not tracked for reimbursement) Prizes, gift cards Personal use of a company car Car allowance	Excluded	All Taxable Payments Included	All Taxable Payments Included
<b>Reimbursement of Nontaxable Expenses</b> (as defined by the IRS) Gun, tools, equipment, uniform Phone Fitness Mileage reimbursement Travel through an accountable plan (i.e. tracking mileage for reimbursement)	Excluded	Excluded	Excluded
<b>Types of Deferrals</b>			
<b>Elective Deferrals of Employee Premiums/Contributions</b> 457 employee and employer contributions 125 cafeteria plan, FSAs and HSAs IRA contributions	All Elective Deferrals Included	Excluded	All Elective Deferrals Included
<b>Types of Benefits</b>			
<b>Nontaxable Fringe Benefits of Employees</b> Health plan, dental, vision benefits Workers compensation premiums Short- or Long-term disability premiums Group term or whole life insurance < \$50,000	All Nontaxable Fringe Benefits Included	Excluded	All Nontaxable Fringe Benefits Included
<b>Mandatory Contributions</b>	All Mandatory Contributions Included	Excluded	All Mandatory Contributions Included
<b>Taxable Fringe Benefits</b> Clothing reimbursement Stipends for health insurance opt out payments Group term life insurance > \$50,000	Excluded	Excluded	All Taxable Fringe Benefits Included
<b>Other Benefits / Lump Sum Payments</b> Workers compensation settlement payments	Excluded	Excluded	All Other Lump Sum Benefits Included

# Defined Contribution Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DIV: 130601106420

**SKIP THIS TABLE** if you selected one of the standard definitions of compensation on page 4.

**CUSTOM:** If you choose this option, you must select boxes in each section you would like to include in your Definition of Compensation. You will be responsible for additional reporting details to track custom definitions.

### Types of Compensation

#### Regular Wages

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Salary or hourly wage X hours  | <input checked="" type="checkbox"/> On-call pay  |
| <input checked="" type="checkbox"/> PTO used (sick, vacation, personal, bereavement, holiday leave, or unclassified) | <input checked="" type="checkbox"/> Other: <u>TRIPS - paid for returning after hrs</u> |

Other Wages apply: YES  NO

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Shift differentials | <input type="checkbox"/> Severance issued over time (weekly/bi-weekly) |
| <input checked="" type="checkbox"/> Overtime            | <input type="checkbox"/> Other: _____                                  |

Lump Sum Payments apply: YES  NO

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> PTO cash-out       | <input checked="" type="checkbox"/> Educational degrees               |
| <input checked="" type="checkbox"/> Longevity          | <input type="checkbox"/> Moving expenses                              |
| <input checked="" type="checkbox"/> Bonuses            | <input type="checkbox"/> Sick payouts                                 |
| <input checked="" type="checkbox"/> Merit pay          | <input checked="" type="checkbox"/> Severance (if issued as lump sum) |
| <input checked="" type="checkbox"/> Job certifications | <input type="checkbox"/> Other: _____                                 |

Taxable Payments apply: YES  NO

- |   |  |
|---|--|
| <input type="checkbox"/> Travel through a non-accountable plan (i.e. mileage not tracked for reimbursement) | <input type="checkbox"/> Car allowance |
| <input type="checkbox"/> Prizes, gift cards   | <input type="checkbox"/> Other: _____  |
| <input type="checkbox"/> Personal use of a company car  |  |

Reimbursement of Nontaxable Expenses (as defined by the IRS) apply: YES  NO

- |   |   |
|---|---|
| <input type="checkbox"/> Gun, tools, equipment, uniform | <input type="checkbox"/> Mileage reimbursement  |
| <input type="checkbox"/> Phone                          | <input type="checkbox"/> Travel through an accountable plan (i.e. tracking mileage for reimbursement) |
| <input type="checkbox"/> Fitness                        | <input type="checkbox"/> Other: _____   |

### Types of Deferrals

Elective Deferrals of Employee Premiums/Contributions apply: YES  NO

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> 457 employee and employer contributions | <input type="checkbox"/> IRA contributions |
| <input type="checkbox"/> 125 cafeteria plan, FSAs and HSAs                  | <input type="checkbox"/> Other: _____      |

### Types of Benefits

Nontaxable Fringe Benefits of Employees apply: YES  NO

- |  |  |
|--|--|
| <input type="checkbox"/> Health plan, dental, vision benefits    | <input type="checkbox"/> Group term or whole life insurance < \$50,000 |
| <input type="checkbox"/> Workers compensation premiums           | <input type="checkbox"/> Other: _____                                  |
| <input type="checkbox"/> Short- or Long-term disability premiums |  |

Mandatory Contributions apply: YES  NO

Taxable Fringe Benefits apply: YES  NO

- |   |   |
|---|---|
| <input type="checkbox"/> Clothing reimbursement                         | <input type="checkbox"/> Group term life insurance > \$50,000 |
| <input type="checkbox"/> Stipends for health insurance opt out payments | <input type="checkbox"/> Other: _____                         |

Other Benefits / Lump Sum Payments apply: YES  NO

- |   |                                       |
|---|---------------------------------------|
| <input type="checkbox"/> Workers compensation settlement payments | <input type="checkbox"/> Other: _____ |
|---|---------------------------------------|

## Defined Contribution Plan Adoption Agreement Addendum

EMPLOYER NAME: Marshall, City of

DIV: 130601106420

### 3. Forfeiture

A forfeiture occurs when a participant separates from employment prior to meeting the associated elapsed time (or hours reported) to receive vesting. The percentage of his/her employer contribution account balance that has not vested as of the date of termination will forfeit after 12 consecutive months following the termination date reported by the employer, or earlier, if the System distributes the participant's vested portion. MERS will utilize an available forfeiture balance as an automatic funding source applied to reported employer contributions at the time of reporting.

### V. Execution:

#### Authorized Designee of Governing Body of Municipality or Chief Judge of Court

This foregoing Addendum is hereby approved by City of Marshall

at a Board Meeting which took place on: 12/07/2020  
(mm/dd/yyyy)

Authorized Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

I understand that approved board minutes are required to complete this request.

Board minutes should be sent to: [DataCollectionProject@mersofmich.com](mailto:DataCollectionProject@mersofmich.com)

IN A WORK SESSION held Monday, November 16, 2020 at 6:00 P.M. via Electronic Meeting format utilizing ZOOM, the Marshall City Council was called to order.

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

Also Present: City Manager Tarkiewicz, Director of Special Projects Eric Zuzga, Finance Director Jon Bartlett, Director of Public Safety Scott McDonald, Director of Public Services Marguerite Davenport, City Clerk Trisha Nelson, and City Attorney John Sullivan.

Absent: Council Member Traver.

Director of Public Safety Scott McDonald and Attorney John Sullivan discussed the proposed ordinances for non-traditional vehicles.

Adjourned at 6:55 PM.

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Joe Caron, Mayor

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Trisha Nelson, Clerk

**CALL TO ORDER**

IN REGULAR SESSION, Monday, November 16, 2020, at 7:00 P.M., via Electronic Meeting format utilizing ZOOM. City Council was called to order by Mayor Caron.

**ROLL CALL**

Roll was called:

Present: Council Members: Mayor Caron (Naples, FL), Gates (Marshall, MI), McNeil (Milwaukee, WI), Metzger (Marshall, MI), Underhill (Marshall, MI), and Wolfersberger (Marshall, MI).

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: Council Member Traver.

**Moved Metzger, supported Gates, to excuse the absence of Council Member Traver. On a roll call vote – ayes: Gates, McNeil, Metzger, Underhill, Wolfersberger, and Mayor Caron; nays: none. MOTION CARRIED.**

**INVOCATION/PLEDGE OF ALLEGIANCE**

Mayor Caron led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

**Moved Metzger, supported McNeil, to approve the agenda with the addition of the Michigan South Central Power Agency Invoice in the amount of \$741,667.54 and the removal of item 12C Retail Open House. On a roll call vote – ayes: McNeil, Metzger, Underhill, Wolfersberger, and Mayor Caron, and Gates; nays: none. MOTION CARRIED.**

**PUBLIC COMMENT ON AGENDA ITEMS**

None.

**CONSENT AGENDA**

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

- A. Schedule a public hearing for Monday, December 7, 2020 to hear comments on the Zoning Ordinance amendment and amendment to Chapter 121, Commercial Marihuana to define Hoop House and Commercial Greenhouse and define Use Standards for same;
- B. Schedule a public hearing for Monday, December 7, 2020 to consider the application for an Obsolete Property Rehabilitation Exemption for Schuler's located at 115 South Eagle Street;
- C. Adopt the Transit Agency Procurement Policy and authorize the Mayor or Clerk to sign the policy on behalf of the City of Marshall;
- D. Accept the 1<sup>st</sup> Quarter Financials
- E. Accept the 1<sup>st</sup> Quarter Investment Portfolio;

- F. Accept the 1<sup>st</sup> Quarter Cash Position Report;
- G. Minutes of the City Council Regular Session held on Monday, October 19, 2020;
- H. Approve city bills in the amount of \$1,217,781.36.

On a roll call vote – ayes: Gates, McNeil, Metzger, Underhill, Wolfersberger, 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. City Council Rules of Procedure:**

**Moved** McNeil, supported Metzger, to adopt the revised City Council Rules of Procedure and Rules for Remote Meetings. On a roll vote – ayes: McNeil, Metzger, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: None. **MOTION CARRIED.**

##### **B. Granary Move Permit:**

**Moved** Gates, supported Underhill, to approve the building move permit for the Avery Granary contingent on proof of bond surety, MDOT permit, insurance, and obtaining building permits. On a roll vote – ayes: Underhill, Wolfersberger, Mayor Caron, Gates, and Metzger; nays: McNeil. **MOTION CARRIED.**

#### **APPOINTMENTS/ELECTIONS**

##### **A. South Neighborhood Improvement Authority Board:**

**Moved** Underhill, supported McNeil, to approve the reappointment of Ben Holben and Michael Murphy to the South Neighborhood Improvement Authority Board with terms expiring December 31, 2023. On a roll vote – ayes: Wolfersberger, Mayor Caron, Gates, McNeil, Metzger, and Underhill; nays: None. **MOTION CARRIED.**

##### **B. Northeast Neighborhood Improvement Authority Board:**

**Moved** Wolfersberger, supported McNeil, to approve the reappointment of Greg Beeg to the Northeast Neighborhood Improvement Authority Board with a term expiring December 31, 2023. On a roll vote – ayes: McNeil, Metzger, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: None. **MOTION CARRIED.**

**C. Planning Commission Appointment:**

**Moved** Metzger, supported Wolfersberger, to approve the appointment of Stephanie Hall to the Planning Commission with a term expiring November 1, 2023. On a roll vote – ayes: Metzger, Underhill, Wolfersberger, Mayor Caron, Gates, and McNeil; nays: None. **MOTION CARRIED**

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

Barry Wayne Adams spoke regarding the Open Meetings Act and the cancelling of meetings, leaves, and the November election.

**ADJOURNMENT**

The meeting was adjourned at 7:45 p.m.

\_\_\_\_\_  
Joe Caron, Mayor

\_\_\_\_\_  
Trisha Nelson, City Clerk

**CALL TO ORDER**

IN SPECIAL SESSION Thursday, November 19, 2020 at 8:00 p.m. via Electronic Meeting format utilizing ZOOM, the Marshall City Council was called to order by Mayor Caron.

**ROLL CALL**

Roll was called:

Present: Council Members: Mayor Caron (Marshall, MI), Gates (Marshall, MI), McNeil (Milwaukee, WI), Metzger (Marshall, MI), Underhill (Marshall, MI), and Wolfersberger (Marshall, MI).

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: Council Member Traver.

**Moved** Metzger, supported Gates, to excuse the absence of Council Member Traver. On a roll call vote – ayes: Gates, McNeil, Metzger, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

**REPORTS AND RECOMMENDATIONS**

**A. Street Closure Request for Grand River Brewery:**

**Moved** Metzger, supported Wolfersberger, to approve the closing of South Jefferson Street for Grand River Brewery to place tables for outdoor dining. On a roll call vote – ayes: none; nays: McNeil, Metzger, Underhill, Wolfersberger, Mayor Caron, and Gates. **MOTION DEFEATED.**

Adjourn at 8:40 p.m.

\_\_\_\_\_  
Joe Caron, Mayor

\_\_\_\_\_  
Trisha Nelson, Clerk

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
1793551	AED SUPERSTORE	REPLACEMENT AED BATTERIES AND PADS FOR E2021.158		168.00
32192	ALEXANDER CHEMICAL COR	BLANKET PO FOR CL2, SO2, SODIUM HYPOCHLO2021.011		1,104.75
90942	ALL-TRONICS INC	REMOTE SYSTEM PROGRAMMING		90.00
1KRV-P4N9-C9KR	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - TABLETS		1,335.00
1TRM-R33C-QKML	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - ETHERNET MEDIA CON		71.97
11NN-P11L-VPJW	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - FIBER TO ETHERNET		27.99
1HJC-7LGG-6JYP	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - N95 MAKSKS		649.90
16F9-MVXJ-CQ4C	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - DART DECORATIONS		318.47
1W3V-XTHW-6P6P	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - WINDOW BLIND		39.66
13MF-NJHJ-9MVP	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - COVID MASKS		254.30
1LDW-4LMF-D4GF	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - SPRAY BOTTLES/COV		18.73
1FMV-XXVK-93K6	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - BLUETOOTH HEADSET		79.98
1MNH-C799-GWT7	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - BLUETOOTH HEADSET		35.99
13MF-NJHJ-7MMC	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - AED BATTERIES		1,008.99
4770620-00	ANIXTER POWER SOLUTION	METERING EQUIPMENT FOR CRESCO LABS	2021.165	8,539.36
02550470326	AUTO VALUE MARSHALL	SHOP TOWELS		5.98
02250470235	AUTO VALUE MARSHALL	DSL OIL FILTER/GROMMETS		19.78
02250470339	AUTO VALUE MARSHALL	EPOXY/PRIMER/SCOTCH BRITE		161.30
02250470359	AUTO VALUE MARSHALL	RUST IFX		21.38
02250470122	AUTO VALUE MARSHALL	NEW GEAR MOTOR		200.69
02250470149	AUTO VALUE MARSHALL	LED WORK LAMP		89.60
02250469176	AUTO VALUE MARSHALL	BLOGUN/RUBBER BLOGUN/MALE PLUG		32.27
02250469177	AUTO VALUE MARSHALL	PARTS WASHER PUMP		47.69
02250469838	AUTO VALUE MARSHALL	PLUG IN PIGTAIL/4 HI LED		53.02
02250469920	AUTO VALUE MARSHALL	OIL FILTER/COOLANT/FUEL FILTER/AIR FILTE		513.30
02250469880	AUTO VALUE MARSHALL	RECIP. BLADES		62.18
02250469879	AUTO VALUE MARSHALL	LOOM & TIES		5.59
02250469724	AUTO VALUE MARSHALL	EPOXY		6.58
SI-1695076	AXON	AXON TASER ACCESSORIES	2021.147	2,496.00
1000214053	BALTIC NETWORKS USA	MAXXWAVE ROUTER HEXA-CORE ROUTER	2021.171	3,663.09
1000214584	BALTIC NETWORKS USA	MIKROTIK INTERNATIONAL ROUTER	2021.178	2,385.55
161064	D & D MAINTENANCE SUPP	DISINFECTANT DISPENSER		26.54
161063	D & D MAINTENANCE SUPP	DISINFECTANT DISPENSER		26.54
575958	DARLING ACE HARDWARE	AERATOR/VINYL LETTERS/CHISEL SET		54.97
575201	DARLING ACE HARDWARE	LP GAS/DISH SOAP		29.12
575897	DARLING ACE HARDWARE	DRILL/DRIVER KIT		199.99
574925	DARLING ACE HARDWARE	NUTS/BOLTS		1.26
575532	DARLING ACE HARDWARE	PAD VNY/JIG BLADE SET		27.15
575775	DARLING ACE HARDWARE	KITCHEN FAUCET		59.99
0015160	ENG, INC	ENGINEERING SERVICES FOR ROAD CONSTRUCTI	2021.124	16,713.75
I108884	ERIC DALE HEATING & AII	SERVICE THERMOSTAT		451.00
MIBAT297314	FASTENAL COMPANY	ROLL TOWEL		96.84
MIBAT297244	FASTENAL COMPANY	SLCRWHL10CT		21.98
23064	FIRESERVICE MANAGEMENT	TURNOUT GEAR/PPE		1,579.55
IN102011140217	FS.COM INC	BROCADE TRANSCEIVERS AND SIMPLEX PATCH C	2021.162	3,439.50
20-02262	GARAGE DOORS UNLIMITED	REPLACE EXTERIOR RESTROOM DOORS AT CITY	2021.168	4,724.00
20-10394	GARAGE DOORS UNLIMITED	ATHLETIC FIELD WM'S RESTROOM DOOR LATCH		651.90
GT214-150	GAWNE TRUCKING INC	BLANKET PO FOR SLUDGE HAULING	2021.015	27,008.00
9318828827	GRAYBAR ELECTRIC	QUOTE# 0236089219-- COMMSCOPE AN ORTHONI	2021.080	826.50
1981208	GRIFFIN PEST SOLUTIONS	PEST CONTROL - PSB		51.00
11022020	HERITAGE CLEANERS	UNIFORM CLEANING - OCT		197.50
87780	HERMANS MARSHALL HARDW	DRILL KIT		299.99
81235	HERMANS MARSHALL HARDW	PRIMER/BRUSHES		40.27
1506	IMPACT LAWN & LANDSCAP	2020 LAWN MOWING - JULY TO OCTOBER 2020		450.00
1489	IMPACT LAWN & LANDSCAP	LAWN CARE AND MAINTENANCE - WASTE WATER		400.00
1488	IMPACT LAWN & LANDSCAP	LARE CARE AND MAINTENANCE		440.00
1481	IMPACT LAWN & LANDSCAP	LAWN CARE AND MAINTENANCE - INDUSTRIAL P		300.00
1477	IMPACT LAWN & LANDSCAP	2020 LAWN MOWING - JULY TO OCTOBER 2020	2021.049	1,865.00
1536	IMPACT LAWN & LANDSCAP	2020 LAWN MOWING - JULY TO OCTOBER 2020		180.00
1530	IMPACT LAWN & LANDSCAP	LAWN CARE AND MAINTENANCE 2020		300.00
1529	IMPACT LAWN & LANDSCAP	LAWN CARE AND MAINTENANCE 2020		330.00
1522	IMPACT LAWN & LANDSCAP	LAWN CARE AND MAINTENANCE 2020		150.00
C162968	IMPACT SOLUTIONS	DOOR HANGER - ELECTRIC METERING		377.35
1370695	J. HARLEN CO., INC.	SLEEVE STRAPS		360.30
8717815	J.C. EHRLICH	PEST CONTROL MAINTENANCE		77.00
8359920	KIMBALL MIDWEST	DRILL BITS/BUFF DISC		850.31
6236	MACKS FIRE PROTECTION	SERVICE CALL - SUPPRESSION SYSTEM - INSP		432.22
9257	MARSHALL WELDING & FAB	CHIPPERS BOX - FABRICATE	2021.182	3,732.00
49280757	MCMASER-CARR	CONDUIT/PIPE NIPPLE		55.51
S4768709.002	MEDLER ELECTRIC COMPAN	6" CAP		60.53
S4765932.006	MEDLER ELECTRIC COMPAN	35W HPS		412.04
S4768709.001	MEDLER ELECTRIC COMPAN	175W MH LAMP		271.57
S4765932.001	MEDLER ELECTRIC COMPAN	TAPE/BULKS		687.91
S4765932.005	MEDLER ELECTRIC COMPAN	SUPER 88 TAPE		868.50
S4765932.004	MEDLER ELECTRIC COMPAN	400W MH BULB		35.97
S4765932.002	MEDLER ELECTRIC COMPAN	BULB/CODING TAPE		182.60
88037	MERIT NETWORK INC.	ADDITIONAL BADWIDTH - SEPT. 2020		504.00
27753153	MSC INDUSTRIAL SUPPLY	(SAFETY VESTS		80.30
28395133	MSC INDUSTRIAL SUPPLY	(MARKING PAINT		114 110.40

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
566519	NAPA OF MARSHALL	BATTERY X3 PLUS CORE FEES		416.97
567539	NAPA OF MARSHALL	R-12 MARKER LIGHT		7.28
754708	NYE UNIFORM COMPANY	SHIRT PATCHES		370.00
1800810	OFFICE 360	PAPER		208.34
1805860	OFFICE 360	COVID - HOME OFFICE - TARKIEWICZ		233.72
2020100115	PEOPLEFACTS LLC	POLICE BACKGROUND		14.56
56518218	POWER LINE SUPPLY	ELECTRIC INVENTORY	2021.174	7,210.14
56518674	POWER LINE SUPPLY	PIN CONNECTOR		92.75
56518189	POWER LINE SUPPLY	AUTO SPLICE/ADAPTER/MOULDING		418.05
56516071	POWER LINE SUPPLY	GLOVES		320.22
54765932.003	POWER LINE SUPPLY	TAPE/E413.15		173.54
56517427	POWER LINE SUPPLY	FUSE LINKS		678.45
56517856	POWER LINE SUPPLY	LUG COMPRESSION/CONNECTOR		264.00
56516101	POWER LINE SUPPLY	LED ROADWAY AND SECURITY LIGHTS	2021.160	2,980.72
56520223	POWER LINE SUPPLY	METER TESTER		145.00
56520224	POWER LINE SUPPLY	WINTER GLOVES		602.76
56519953	POWER LINE SUPPLY	MATERIALS FOR PEARL ST SUBSTATION EXPANS	2021.082	13,540.00
56520221	POWER LINE SUPPLY	FUSE LINK		56.23
56520220	POWER LINE SUPPLY	STAND OFF BUSHING		1,215.50
56520219	POWER LINE SUPPLY	STAND OFF BUSHING		607.75
56520222	POWER LINE SUPPLY	ELECTRIC INVENTORY	2021.174	1,578.99
56520216	POWER LINE SUPPLY	E174 ANCHOR HUB POWER SQUARE		1,500.00
56520982	POWER LINE SUPPLY	GLOVE & HOOD BAGS		34.00
56520984	POWER LINE SUPPLY	SAFETY VESTS		135.04
56521851	POWER LINE SUPPLY	FR SWEATSHIRT		113.88
56507500	POWER LINE SUPPLY	MISS-DIG FLAGS		572.40
56507332	POWER LINE SUPPLY	FUSE LINK		491.21
20-2489	QUALITY EXCAVATORS, INC	KETCHUM PARK ART SLAB	2021.175	3,620.00
172928	R.W. MERCER	ATG CERTIFICATION/TESTING		570.00
246659	RIDGEWEAR SPORTS & IMP	UNIFORM SHIRTS		160.00
84637005	SAFETY-KLEEN	USED OIL RECYCLING		364.50
1727043	STANTEC CONSULTING MIC	DESIGN SERVICES FOR CLARIFIER REHABILITA	2021.093	10,611.45
30097	THE IRRIGATOR, INC.	WINTERIZE IRRIGATION		90.00
1358	TIRE CITY TIRE PROS	TRUCK 110 REPAIR	2021.169	2,959.37
1226	TIRE CITY TIRE PROS	TIRES - 2016 EXPLORER		605.64
5332470	TOSHIBA AMERICA BUSINE	MRLEC COPIER		100.63
154 0106448	UNIFIRST CORPORATION	WATER UNIFORMS		35.12
154 0106449	UNIFIRST CORPORATION	MARSHALL HOUSE UNIFORMS		39.87
154 0106447	UNIFIRST CORPORATION	POWER HOUSE UNIFORMS		52.87
154 0106444	UNIFIRST CORPORATION	WASTE WATER UNIFORMS		31.43
154 0105877	UNIFIRST CORPORATION	WATER UNIFORMS		35.12
154 0105878	UNIFIRST CORPORATION	MARSHALL HOUSE UNIFORMS		39.87
154 0105876	UNIFIRST CORPORATION	POWER HOUSE UNIFORMS		52.87
154 0105873	UNIFIRST CORPORATION	WASTE WATER UNIFORMS		31.43
154 0105874	UNIFIRST CORPORATION	DPW GARAGE UNIFORMS		48.87
154 0105875	UNIFIRST CORPORATION	ELECTRIC UNIFORMS		196.23
154 0106445	UNIFIRST CORPORATION	DPW GARAGE UNIFORMS		172.82
154 0106446	UNIFIRST CORPORATION	ELECTRIC UNIFORMS		196.23
194892	VISION METERING	VISION XT-AMI METER; FORM 2S, 240V, 200A	2021.176	2,930.00
11042020	WALTS MOVING SERVICE	MOVE OUT/BACK IN APT 312 FOR CARPET REP		1,175.00
MRLECOCT20	WHITE COLLAR LAWN & LAI	2020 LAWN MOWING AT MRLEC BUILDING- & AI	2021.048	880.00
BROOKSOCT20	WHITE COLLAR LAWN & LAI	2020 LAWN MOWING AT MRLEC BUILDING- & AI	2021.048	1,760.00
GRAND TOTAL:				154,288.76

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
350352	AD-VISOR & CHRONICLE	OCT ADS		443.92
5487	ASPEN WIRELESS	TECH SUPPORT FOR FIBERNET. \$8.75/CUSTO	2021.018	12,862.50
2020-025954	ASPHALT SOLUTIONS PLU	PATCHING FOR TRENCH ACROSS DRIVE		1,475.00
269789901111/NOV	AT&T MOBILITY	ACCT 26978990115991		164.85
269781907011/NOV	AT&T MOBILITY	ACCT 26978190705731		160.69
269781444711/20	AT&T MOBILITY	ACCT 26978144477494		677.47
23297	CALWEN INC. DBA RESCU	WATER RESCUE EQUIPMENT- QUOTE #125426	2021.054	2,960.70
46945	CITY OF COLDWATER	MUTUAL AID FOR COVID RELIEF		1,956.63
10312020	CITY OF COLDWATER	CUSTOMER NO: 891783-00 HELP DESK		1,231.95
205100140062	CONSUMERS ENERGY	ACCT 103018521130		1,862.21
11/12/2020	DELANEY, MARI	UB refund for account: 2706460009		117.17
11122020	ERIC DALE HEATING & A	PERMIT FEE REFUND - 740 WRIGHT LANE		190.00
9697805662	GRAINGER	JANITORIAL		76.50
81173	HERMANS MARSHALL HARD	BLADES		20.48
81497	HERMANS MARSHALL HARD	UTILITY BOX/ZIP TIES/DRIVER SET/PLIERS/		310.46
81159	HERMANS MARSHALL HARD	SUPPLY LINES/FAUCET/STRAINER		56.95
1122020	LOWE'S BUSINESS ACCT/	ACCT 82130231059095		664.08
443522	MARANA GROUP	POSTAGE - ACCT M323		500.00
11042020	MARSHALL MANUFACTURER	MEMBER DUES		150.00
200007570	MICHIGAN ASSOC. OF CH	RISK-MANAGEMENT		125.00
446402	NORTH CENTRAL LABORAT	BLANKET PO FOR LAB SUPPLIES	2021.013	621.63
4788-255221	O'REILLY FIRST CALL	WIPER BLADES		40.46
870061071	POMP'S TIRE SERVICE	TIRES FOR TRUCK 301	2021.156	2,858.20
1162020	SMITH, PHIL	BOOT/OUTERWEAR REIMBURSEMENT		302.07
14469	SONAR	SONAR SOFTWARE MONTHLY SERVICE. \$1.25/	2021.007	1,805.00
65091	SPECTRUM PRINTERS INC	VOTETEST TEST DESKS		180.00
BLR448312	STATE OF MICHIGAN	BOILER INSPECTIONS		180.00
11/12/2020	STORMONT, MELISSA & B	UB refund for account: 3205240027		77.48
37	TOP TO BOTTOM TREE SE	ELECTRIC LINE CLEARANCE (3-PERSON \$106	2021.058	4,188.00
11/12/2020	VANVLEET, ROBERT	UB refund for account: 300900046		2.42
9866150793	VERIZON WIRELESS	ACCT 987146080-00001		1,166.85
68520902	WEX BANK	ACCT 0470-00-462076-1		5,949.38
11022020	WOW! INTERNET-CABLE-P	ACCT 010040764		1,363.06
GRAND TOTAL:				44,741.11

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
11/17/2020	ABEL, JANICE	UB refund for account: 3103620002		896.90
141G-V9YJ-7R16	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - DOORBELL		20.98
1GRX-1J9T-CR7X	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - COVID SUPPLIES		1,106.21
1H9W-XQQP-DGYP	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - FACEMASKS - COVID		199.78
287290494544X11142	AT&T MOBILITY	ACCT 287290494544		42.49
02250469295	AUTO VALUE MARSHALL	BATTERY		124.99
02250469055	AUTO VALUE MARSHALL	LOADED		34.99
11/19/2020	BUKOSKI, KELSY & CLOUSI	UB refund for account: 2900770038		48.82
11/17/2020	CATHERINE BOVITZ	UB refund for account: 1938		28.00
48069	CONNECTED SOLUTIONS	GRMICROSOFT SURFACE PRO TABLETS QUOTE #48 2021.173		3,323.10
201184605218	CONSUMERS ENERGY	ACCT 100009163435		300.93
204032266839	CONSUMERS ENERGY	ACCT 100072243312		215.27
206612796416	CONSUMERS ENERGY	ACCT 100000335602		2,446.71
202252446410	CONSUMERS ENERGY	ACCT 100089211096		489.99
203409344717	CONSUMERS ENERGY	ACCT 100067101772		32.91
201629487841	CONSUMERS ENERGY	ACCT 103009157670		32.28
201184605219	CONSUMERS ENERGY	ACCT 100009163708		78.34
201184605220	CONSUMERS ENERGY	ACCT 100009163971		345.31
202786362378	CONSUMERS ENERGY	ACCT 100007594680		236.38
201273575918	CONSUMERS ENERGY	ACCT 103015800248		196.83
202252439108	CONSUMERS ENERGY	ACCT 100009163203		72.59
11/19/2020	DEVERA, ALFRED	UB refund for account: 2202240000		45.75
11/17/2020	EMILY PETERS	UB refund for account: 1950		50.00
9318464749	GRAYBAR ELECTRIC	150' DROP CABLE		623.50
1981207	GRIFFIN PEST SOLUTIONS	ACCT 3542611 - PEST CONTROL		35.00
3460	HE CLEANS TOO, LLC	COVID DEEP CLEAN - PSB		887.60
3465	HE CLEANS TOO, LLC	JANITORIAL SUPPLIES		125.80
81493	HERMANS MARSHALL HARDW.	STRAPS/CHAIN SNAPS		55.43
81495	HERMANS MARSHALL HARDW.	BROOM		17.99
3717218	IIX INSURANCE INFORMAT	MOTOR VEHICLE REPORTS		36.20
11172020	KELLER, SCOTT	BOOT ALLOWANCE REIMBURSEMENT		271.00
973855/960437	LOWE'S	ACCT 99007320387		292.50
11/17/2020	MANZO, KATHLEEN	UB refund for account: 2706540006		48.71
11092020JB	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 9784 - JON BARTLETT		262.98
11092020EZ	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 2217 - ERIC ZUZGA		439.90
11092020CR	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 4860 - CHRISTY RAMEY		181.77
11192020	MICHIGAN MUNICIPAL EXE	2021 MEMBERSHIP		217.50
11192020	MICHIGAN STATE FIREMEN	2021 MEMBERSHIP		75.00
14720	MIDWEST COMMUNICATION	RE-RUN FIBER CABLE FOR MDOT BRIDGE REPLA 2021.167		9,970.81
1498644	MILLER CANFIELD PADDOC	PROFESSIONAL SERVICES - OCTOBER 2020		313.50
7051283-00	POWER & TELEPHONE SUPP	NID		1,008.63
51277	RADIO COMMUNICATIONS	HAND HELD REPAIR		200.00
11/19/2020	RENCH, DEBORAH	UB refund for account: 3200540027		251.05
11132020	SHEPHERD, MARCIA	UNIT 324 CLEANING		175.00
11122020	SHEPHERD, MARCIA	UNIT 416 CLEANING		175.00
11112020	SHEPHERD, MARCIA	UNIT 422 CLEANING		175.00
11/17/2020	SHILLING, THOMAS	UB refund for account: 1900760049		89.44
1631540989	STAPLES BUSINESS CREDI	CREDIT ACCT # 302063		694.71
591-10529326	STATE OF MICHIGAN	WEATHER OBSERVATION AND DATA - JULY THRU		778.15
10592621	STATE OF MICHIGAN	NPDES ANNUAL PERMIT FEE		150.00
BLR448283	STATE OF MICHIGAN	ANNUAL BOILER INSPECTIONS - CITY HALL/MRL		180.00
207619	TELNET WORLDWIDE	ACCT 8948		1,981.84
38	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE (3-PERSON \$106/ 2021.058		2,336.00
11172020	VANDYKEN-BROWN, AMY	REFUND UB SECURITY DEPOSIT		100.00
11122020	WEBERLING, ERIC	OUTERWEAR REIMBURSEMENT		56.25
73212460	WINDSTREAM	ACCT 205599191		98.51
2332533	XEROX FINANCIAL SERVICI	CONTRACT NO 010-0069580-001		1,450.84
GRAND TOTAL:				34,125.16

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
11/2020	BELAIRE HEATING AND C	ENERGY OPTIMIZATION - PETZ REBATE - FUR		190.00
202875360691	CONSUMERS ENERGY	ACCT 103013521119		24.61
203409349456	CONSUMERS ENERGY	ACCT 103018520884		451.37
11242020	EVERETT, JOHN	ENERGY OPTIMIZATION - FURNACE, AC AND T		215.00
11242020	GORSLINE, DENNIS	ENERGY OPTIMIZATION - FURNACE AND THERM		115.00
17719	GUTTERS R US LLC	MRLEC - LAWN MAINTENANCE		900.00
17183	GUTTERS R US LLC	MRLEC - LAWN MAINTENANCE		535.00
16846	GUTTERS R US LLC	MRLEC - LAWN MAINTENANCE		365.00
17482	GUTTERS R US LLC	MRLEC - LAWN MAINTENANCE - SOIL SAMPLES		80.00
17471	GUTTERS R US LLC	MARSHALL HOUSE - LAWN MAINTENANCE		200.00
17607	GUTTERS R US LLC	SNOW REMOVAL- AND SIDEWALK SALTING FOR	2021.180	3,653.60
17606	GUTTERS R US LLC	SNOW REMOVAL AND SIDEWALK SALTING FOR	2021.179	1,958.60
11202020	HACKWORTH, JAMES	RESIDENT DEPOSIT REFUND - NORA HACKWORT		274.00
016226	LEWEY'S SHOE REPAIR	BOOT ALLOWANCE - CHAD HAZEL		395.00
11092020MD	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 4353 - MARGUERITE DA		48.76
11092020TS	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 2922 - THERESA SEARS		89.30
11242020	MICHIGAN MUNICIPAL EX	T. TARKIEWICZ - MEMBERSHIP RENEWAL		145.00
R105012368:01B	MIDWEST TRANSIT EQUIP	BALANCE OF INVOICE R105012368:01		72.00
20210261	MISS DIG SYSTEM INC	MISS-DIG MEMBERSHIP RENEWAL AND MAINTEN	2021.177	2,741.28
11202020	SHERMAN, VIRGINIA	RESIDENT DEPOSIT REFUND		357.54
11242020	SPEAKER, KYLER & JEAN	ENERGY OPTIMIZATION - DEHUMIDIFIER AND		51.00
39	TOP TO BOTTOM TREE SE	ELECTRIC LINE CLEARANCE {3-PERSON \$106	2021.058	3,009.00
39 - STREETS	TOP TO BOTTOM TREE SE	MANSION AND JEFFERSON ST.		318.00
GRAND TOTAL:				16,189.06



**ADMINISTRATIVE REPORT**  
**December 7, 2020 – City Council Meeting**

**REPORT TO:** Honorable Mayor and City Council Members

**FROM:** Eric Zuzga, Director of Special Projects  
Tom Tarkiewicz, City Manager

**SUBJECT:** Solid Waste Ordinance Public Hearing

**BACKGROUND:** As discussed earlier this year, staff have been working on updating the proposed solid waste ordinance to address comments and concerns that were received during the 2019 solid waste discussions. Attached is the proposed ordinance that would allow the City to transition to a single hauler for trash and recycling.

This is the first step in transitioning to a single hauler trash system. Also included at this Council meeting will be a report summarizing proposals received from two providers and a proposal to create rates and regulations for the provision of trash and recycling services to Marshall residents.

Adoption of this ordinance and acceptance of one of the proposals will complete a goal that was included in council's Strategic plan originally adopted in 2019.

**RECOMMENDATION:** After hearing comments at the public hearing, it is recommended that the Council adopt the ordinance as presented.

**FISCAL EFFECTS:** None anticipated with the approval of the ordinance. Upon the acceptance of one of the proposals and adoption of rates, there will be a fiscal impact to the City. To be detailed in a separate report.

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

Eric Zuzga  
Director of Special Projects

Tom Tarkiewicz  
City Manager

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Marshall, MI 49068

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MARSHALL CITY ORDINANCE  
CALHOUN COUNTY, MICHIGAN

ORDINANCE NUMBER \_\_\_\_\_

AN ORDINANCE TO REPEAL SECTIONS 50.01-50.99 OF THE CITY OF MARSHALL  
CODIFIED ORDINANCES AND REPLACE THEM WITH NEW SECTIONS 50.01-50.99

THE CITY OF MARSHALL ORDAINS:

**Section 1.** THAT TITLE V, PUBLIC WORKS, CHAPTER 50: GARBAGE AND RUBBISH  
READS AS FOLLOWS:

**Section**

- 50.01 Definitions
- 50.02 Disposal of Refuse and Garbage
- 50.03 Disposal of Industrial Waste
- 50.04 Deposits on Public Grounds
- 50.05 Exclusive Contracts
- 50.06 Storage of Containers
- 50.07 Types of Collections Services
- 50.08 Pollution of Streams
- 50.09 Rates and Charges
- 50.10 Liens; Special Assessments, Deposits
- 50.11 Issuance of Civil Infractions Citations and Notices
- 50.12 Disposal of Brush and Loose Leaves; Brush and Loose-Leaf Collection
- 50.13 Vacant Lots
- 50.14 Enforcement
- 50.99 Penalty

**50.01 Definitions.**

- A. "Brush" means twigs, brush, branches, and tree trunks not greater than four inches in diameter.
- B. "Commercial garbage service" means the miscellaneous waste material, such as garbage, rubbish, and ashes, resulting from the operation of business enterprises and institutions. Such term includes construction waste, but excludes industrial trade waste.

- C. "Garbage" means rejected organic waste including waste from the accumulation of animal, fruit or vegetable matter used or intended for use in the preparation, use, cooking, processing or storing of meat, fish, fowl, fruit, vegetable or other food; accumulations of leaves, branches, cut grass or other vegetation. Excluded from the definition is organic waste which is contained within managed compost.
- D. "Industrial waste" means accumulated on industrial or manufacturing premises arising from industrial, manufacturing, or chemical processing and includes, but is not limited to, metal scrap and solid or liquid chemical waste.
- D. "Recyclable materials" means refuse materials designated by the City Manager to be part of the City's recycling program and which are intended for transportation, processing and remanufacturing or reuse. Such items include, but are not limited to, the following: various grades of paper and cardboard, plastic bottles and jugs, glass, tin and aluminum containers and yard waste. Selection of the materials to be recycled will be at the discretion of the City Manager.
- E. "Refuse" means all manner of the same, including; but not limited to, ashes, rags, discarded clothing, discarded furniture, discarded appliances, tin cans, tin ware, bottles, broken glass, or waste paper. The words "refuse," "trash," "rubbish," "litter," and "debris" shall be considered synonymous terms for the purposes of this chapter.
- F. "Residential refuse and residential garbage service" means service provided to premises having dwellings of less than four units.
- G. "Solid industrial waste service" means all trade wastes peculiar to industrial manufacturing or processing plants, including hazardous refuse, but not including commercial refuse
- H. "Yard waste" means leaves, grass clippings, weeds, hedge clippings, garden waste, twigs and brush no longer than two feet in length and one-half inch in diameter, and other organic material subject to natural composting as approved by the City Manager.

**50.02 DISPOSAL OF REFUSE AND GARBAGE.**

- A. It shall be unlawful for any person to keep on or about premises owned or occupied by him or her any refuse or garbage, unless the same shall be kept in a watertight receptacle, which shall be kept tightly covered so as to prevent the access of insects or animals. The contents of such receptacles shall be removed from the premises and properly disposed of at least once every seven days.

However, if the owner of a premises occupied by a tenant or tenants shall furnish or cause to be furnished garbage pickup once every seven days for such tenant or tenants, such owner may not be prosecuted for violations of this section on such tenant-occupied premises during the period in which such garbage pickup was furnished.

- B. It shall be unlawful for any person knowingly to dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, throwing, or leaving of garbage or refuse on any private property within the City.
- C. No person shall burn any garbage or refuse.
- D. No person shall burn any substance which shall, due to the nature of the substance or manner of burning, create or constitute a nuisance.

#### **50.03 DISPOSAL OF INDUSTRIAL WASTE.**

It shall be unlawful for the owner of premises and the occupant thereof to permit or suffer the accumulation of industrial waste on any premises in the City. Industrial waste shall be stored in receptacles and disposed of properly. Items of solid industrial waste too large to be stored in such receptacles shall be neatly stacked and disposed of properly at least once every three months. It shall be unlawful for any person knowingly, without the consent of the owner of private property, to dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of industrial waste on private land in the City. Liquid industrial waste shall be disposed of in accordance with applicable State and Federal regulations.

#### **50.04 DEPOSITS ON PUBLIC GROUNDS.**

No person shall throw or deposit any garbage or refuse on any of the public streets, sidewalks, lanes, alleys, parks, cemeteries or other public grounds in the City at any time, including, but not limited to, the deposit of household garbage or refuse in garbage, trash or refuse containers located on any public street, sidewalk, lane, alley, park, cemetery or other public grounds.

#### **50.05 EXCLUSIVE CONTRACTS.**

The City Council shall, either by advertising for bids or otherwise, enter into an exclusive contract, with the mutual consent of the contractor, who shall be licensed, or extend the term of such contract, with such person as the City Council may deem best able to collect and dispose of residential refuse in the City in accordance with the best interests of the City and its residents. The contractor shall be the only person allowed to provide residential refuse collection and disposal services within the City or within the

boundaries prescribed by the limitations of this chapter. The contract documents shall contain provisions that the City contractor shall collect and dispose of refuse from residential premises in the City in full compliance with this chapter and applicable local, State and Federal laws, rules, and regulations.

#### **50.06 STORAGE OF CONTAINERS**

From and after the passage and taking effect of this ordinance, it shall be unlawful for any person to leave their containers along any public way, street, alley, sidewalk, or other public property. Containers used for the disposing of said trash and rubbish shall be kept on the property's side yard, rear yard, garages, car ports, homes, or another inconspicuous place. Containers can be placed adjacent to the road within a period of time 24 hours before to 12 hours after any collection by a licensed hauler for the residential home involved.

#### **50.07 TYPES OF COLLECTION SERVICES.**

The contractor shall provide either curbside unlimited or backyard collection service one time per week and curbside recycling services as defined by this chapter to each residential premises either one time per week, or bi-weekly as may be determined appropriate by the City Manager. Curbside refers to that portion of a right-of-way adjacent to paved or travelled City roadways, excluding approved alleys. Backyard refers to a side or backyard or place that is convenient for both the City contractor and the customer, but in no case shall the City contractor be required to enter a garage or dwelling.

#### **50.08 POLLUTION OF STREAMS.**

No person shall cast or throw or cause to be cast or thrown into Kalamazoo River or Rice Creek, or into any of the streams or sewers leading thereto or into any pond or stream of water in the city, or into any ditch or drain in the city any garbage or litter.

#### **50.09 RATES AND CHARGES.**

If the City maintains any public disposal site, the City may establish, by resolution, any reasonable charge to offset, in part or total, the cost of operating the disposal facility.

#### **50.10 LIENS; SPECIAL ASSESSMENTS; DEPOSITS.**

Charges for residential premises refuse collection shall constitute a lien on such premises.

In addition to the methods of collection of fees imposed by or pursuant to this chapter, prior to the creation of the August 1 tax bills, the Director of Finance shall certify all unpaid charges for such service furnished to any premises which, as of such dates, have remained unpaid for a period of six months, to the City Treasurer who shall place the same on a summer tax roll of the City.

#### **50.11 ISSUANCE OF CIVIL INFRACTION CITATIONS AND NOTICES.**

The City Manager and his or her designated representative is hereby designated as the authorized City official to issue Municipal civil infraction citations.

#### **50.12 DISPOSAL OF BRUSH AND LOOSE LEAVES; BRUSH AND LOOSE-LEAF COLLECTION PROGRAM.**

- A. No person shall place or deposit or cause to be placed or deposited, upon public or private property, brush, except as provided by this section.
- B. The City Manager is hereby authorized to establish a City-wide residential brush and loose-leaf collection program, which shall include provisions for the collection of brush resulting from storm damage, and to establish rules and regulations for the implementation of the program.
- C. The rules and regulations for the collection of brush and loose-leaves shall establish the dates for pick-up. Any items set out subsequent to pick-up shall be removed from the curb lawn area within forty-eight hours by the owner, agent, or occupant of the premises in front of or adjacent to which the brush is located. Failure to remove improperly placed brush will result in the issuing of a Municipal civil infraction violation notice.
- D. The brush program is not meant to circumvent the free-enterprise system of commercial tree and brush removal. The City will not pick up material that is left as a result of a tree or lot being commercially cleared, removed, or pruned.

#### **50.13 VACANT LOTS.**

Any person owning or having a possessory interest in any lot or portion of land within the City which is vacant is responsible for securing, collecting and disposing of refuse which may accumulate thereon by contracting with a person licensed in accordance with this chapter or by self-removal through proper collection and storage of refuse, transporting the refuse in a manner to prevent littering or any other nuisance and depositing the same at an approved disposal area, in accordance with applicable local, State and Federal laws, rules and regulations.

**50.14 ENFORCEMENT.**

The City Manager or his/her appointee is hereby charged with enforcing this chapter.

**50.99 Penalty**

A person who violates any provision of this chapter is responsible for a Municipal Civil Infraction and shall be subject to the payment of a civil fine of not more than five hundred dollars (\$500.00), plus costs and other sanctions, for each infraction, including any costs of clean-up. The City Council shall adopt a fine schedule for violations of this ordinance.

**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 thirty (30) days after publication.

Date Enacted: \_\_\_\_\_, 2020  
Date Published: \_\_\_\_\_, 2020  
Date Effective: \_\_\_\_\_, 2020

**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 shall be effective thirty (30) days after publication.

Adopted and signed this 7<sup>th</sup> day of December, 2020.

\_\_\_\_\_  
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 special meeting held on December 7, 2020, 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**  
**December 7, 2020 - CITY COUNCIL MEETING**

**REPORT TO:** Honorable Mayor and City Council Members

**FROM:** Trisha Nelson, Planning and Zoning Administrator  
Tom Tarkiewicz, City Manager

**SUBJECT:** Public Hearing to consider changes to the Zoning Ordinance and Code of Ordinances, Chapter 121 to define Hoop House and Commercial Greenhouse and define Use Standards for same.

**BACKGROUND:** The purpose of the proposed ordinance amendments is to allow cultivation of marihuana in "semi-permanent structures", defined as "hoop houses" and "commercial greenhouses". The City Zoning Ordinance does not define commercial greenhouses or hoop houses and does not adequately address the use standards of commercial greenhouses.

Attorney Revore has worked with city staff to develop the attached ordinance changes to allow expansion of the industry to include cultivation of marihuana in enclosed greenhouse structures.

The Planning Commission held a public hearing regarding the proposed zoning ordinance text amendment at its regularly scheduled meeting on November 11, 2020 where they approved a recommendation to City Council.

The following are the comments by the Commissioners:

*Burke Smith questioned in section 3 1A, setbacks for hoop houses, it doesn't necessarily approach a front yard setback. There is the set back from the road, but no front yard setback is specifically covered. Revore replied that the City realizes there may be some odor, so it 1,500 feet from a residential property 250 feet from a roadway and 50 feet from any rear or side setback. This was modeled after other ordinances and in this case, the 250 feet would be the front yard setback.*

*Burke Smith stated that the ordinance states that a security fence must surround the property and hoop houses, but there is no specific height stated. Revore replied that there is no height stated in the ordinance but that if the commission would like to add one this would be a good time to do it. Burke Smith stated that she was leaning towards 8 feet but was unsure what any other ordinances say as far as height for security fences. Schwartz stated that in the original marijuana ordinance the height for the security fence surrounding the property was 8 feet. Banfield stated that the 8 feet that the original ordinance states should cover it, as visual screening is covered in section F of the proposed ordinance. Burke Smith stated that there needs to be a height set in the ordinance so that someone can't put a 3-foot fence and think it is covered. Banfield agreed that a height needs to be set. C. Zuzga stated that the maximum height in the industrial district is set at 8 feet with an additional foot for barbed wire if needed.*

**MOTION** by Davis, supported by McNiff, to recommend to the City Council the Zoning Ordinance text amendment as amended to define Hoop House and Commercial Greenhouse and define Use Standards for same. On a roll call vote; Ayes- Banfield, Burke-Smith, McNiff, Reed, Schwartz, Zuck, C. Zuzga,

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and Davis; Nays – None. **MOTION CARRIED.**

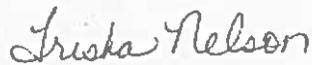
To keep consistency between the Zoning Ordinance and Code of Ordinances the text amendments must be incorporated into Chapter 121: Commercial Marihuana as well.

**RECOMMENDATION:** After hearing public comment, it is recommended that the City Council consider the recommendation to approve the Zoning Ordinance text amendment and amendment to Chapter 121, Commercial Marihuana to define Hoop House and Commercial Greenhouse and define Use Standards for same.

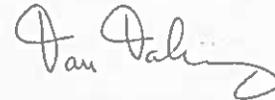
**FISCAL EFFECTS:** None at this time.

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,



Trisha Nelson  
Planning and Zoning Administrator



Tom Tarkiewicz  
City Manager

CITY OF MARSHALL, MICHIGAN

ORDINANCE #2020-\_\_\_

AN ORDINANCE TO AMEND CITY OF MARSHALL ZONING CODE, CHAPTER 2.0, DEFINITIONS, SECTION 2.2, AND CHAPTER 4.0 USE STANDARDS, SECTION 4.16, COMMERCIAL GREENHOUSES, NURSERIES AND GARDEN CENTERS.

THE CITY OF MARSHALL HEREBY ORDAINS:

**Section 1.** That **Chapter 2.0, Definitions** of the Marshall City Zoning Code, Section 2.2 “Definitions”, is hereby amended to **add the following terms or words as defined as follows:**

**Hoop House.** A temporary structure used exclusively for the production and storage of live plants, with no permanent anchoring system or foundation; no storage, temporary or otherwise, of solvents, fertilizers, gases or other chemicals or flammable materials; built according to manufacturer recommendations; no more than 18 feet maximum height.

**Commercial Greenhouse.** A permanent structure that is constructed primarily of glass, glass-like or translucent material which is devoted to the protection or cultivation of plants, food or ornamental crops.

**Section 2.** That **Chapter 3.0, Zoning Districts** of the Marshall City Zoning Code, Section 3.1.12 “I-1 Research and Technical District”, is hereby amended to **add “hoop houses” to the following Special Land Uses as follows:**

- v. Commercial greenhouses, **hoop houses**, nurseries, and garden centers.

**Section 3.** That **Chapter 4.0 Use Standards** of the Marshall City Zoning Code, Section 4.16 “Commercial Greenhouses, Nurseries and Garden Centers”, is hereby amended to **add requirements for Hoop Houses and Commercial Greenhouses for marihuana cultivation as follows:**

Hoop Houses and Commercial Greenhouses for marihuana cultivation are permitted as special land uses in the I-1 district with no limits on square footage.

1. Hoop House. The following shall apply:
  - A. Setbacks shall be 1500 feet from any residential structure, 250 feet from the road right-of-way centerline, and 50 feet from any rear or side property line.
  - B. Limited duration not to exceed three (3) years.

- C. If a Hoop House contains any device subject to the electrical code or any mechanical equipment subject to the mechanical code, a permit shall be required for the device, system or fixture only. If the hoop house is connected to a potable water system, a permit shall be required for the backflow prevention devices only.
- 2. Commercial Greenhouse. The following shall apply:
    - A. Setbacks shall be required under Section 3.1.12(D).
- 3. Hoop House and Commercial Greenhouse cultivation of marihuana. The following shall apply:
    - A. Comply with applicable LARA/MRA rules and regulations, City ordinances and City Zoning Ordinance.
    - B. Subject to a Special Land Use permit under Section 6.2, permit and for special conditions as may be necessary based upon the uniqueness of the property, subject to a public hearing, review and recommendation by the Planning Commission, and approval by the City Council in accordance with the procedures and conditions specified in Section 6.2. of the Zoning Ordinance. A Special land Use permit may be revoked or rescinded by the City Council for violation of the SUP, City ordinance, Zoning Ordinance, or state law and regulations, after notice to the SUP holder and hearing.
    - C. As permitted in this section, the area containing the cultivation of marihuana plants must be completely confined and enclosed in a Hoop House or Commercial Greenhouse made of durable construction to include metal framing materials and durable translucent material on all sides and top of a Hoop House, or glass, glass-like or translucent material on all sides and top of a Commercial Greenhouse. Hoop Houses and Commercial Greenhouses may not exceed 18 feet maximum height.
    - D. Hoop Houses and Commercial Greenhouses must be located on the parcel of the grower establishment or facility, fully enclosed by property security fencing. Security fencing must be at a minimum of eight (8) feet in height.
    - E. Site Plan approval. Hoop Houses and Commercial Greenhouses are subject to site plan review and must receive approval.
    - F. Screening shall comply with Section 5.15.8, and also include the means, including walls and plantings, to accomplish complete visual screening from the road right-of-way and adjacent property. Hoop Houses and Commercial Greenhouses must have greenbelt barriers that block outside

visibility of the marihuana plants from the public view, with no marihuana plants growing outside the top of the Hoop House or Commercial Greenhouse nor above the fence and barrier that is visible to the public eye and the fences must be secured and comply with the applicable security measures in City ordinances and LARA/MRA rules and regulations, including but not limited to, locked entries only accessible to authorized persons or emergency personnel.

- G. After the marihuana is harvested, all drying, trimming, curing, or packaging of marihuana must occur inside a permanent building meeting all the requirements of City ordinance, state statute, codes and LARA/MRA rules and regulations.
- H. Hoop Houses and Commercial Greenhouses must meet the security requirements and pass inspections required under City ordinance and LARA/MRA rules and regulations and any necessary building permit pursuant to City ordinance, state statute, code and LARA/MRA rules and regulations.
- I. Odor Control. A grower or a processor shall install and maintain in operable condition a system which precludes the emission of unreasonable marihuana odor from the property.

**Section 4. Severability.** It is the legislative intent of the City adopting this Ordinance that all provisions hereof shall be liberally construed to protect the public health, safety and general welfare of the inhabitants of the City and all other persons affected by this Ordinance. Consequently, should any provision of this Ordinance be held to be unconstitutional, invalid or of no effect, such holding shall not be construed as affecting the validity of any of the remaining provisions of this Ordinance or Zoning Code, it being the intent of the City Council that this Ordinance shall stand and remain in effect, notwithstanding the invalidity of any provision hereof.

**Section 5.** This Ordinance shall be published in 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 6.** This Ordinance is declared to be effective seven (7) days after publication or as provided by law.

Adopted and signed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
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 \_\_\_\_\_, 2020, 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

**CITY OF MARSHALL, MICHIGAN**

Ordinance No. 2020-\_\_\_\_\_

**PREAMBLE**

AN ORDINANCE TO AMEND ORDINANCE NO. 2019-06 TO PERMIT THE OUTDOOR CULTIVATION OF MARIHUANA IN COMMERCIAL GREENHOUSES AND HOOP HOUSES CONSISTENT WITH THIS ORDINANCE, STATE LAW AND REGULATION; TO AMEND SECTIONS “DEFINITIONS”, “LOCATION AND ELIGIBILITY”, AND “MARIHUANA CULTIVATION”; TO AMEND ANY SECTIONS INCONSISTENT WITH ORDINANCE NO. 2019-06; AND TO ESTABLISH AN EFFECTIVE DATE AS PROVIDED BY LAW.

**The City of Marshall, Michigan Ordains:**

That Ordinance 2019-06 and the Code of Ordinances of the City of Marshall, Title XI Business Regulations, Chapter 121, Commercial Marihuana, as amended, to read as follows:

\*\*\*

**§ DEFINITIONS.**

Section “DEFINITIONS” is hereby amended to add following words, terms and phrases in Ordinance No. 2019-06, and shall have the meanings ascribed to them, except where the context clearly indicates otherwise:

\*\*\*

**COMMERCIAL GREENHOUSE. A permanent structure that is constructed primarily of glass, glass-like or translucent material which is devoted to the protection or cultivation of plants, food or ornamental crops.**

\*\*\*

**HOOP HOUSE. A temporary structure used exclusively for the production and storage of live plants, with no permanent anchoring system or foundation; no storage, temporary or otherwise, of solvents, fertilizers, gases or other chemicals or flammable materials; built according to manufacturer recommendations; no more than 18 feet maximum height.**

\*\*\*

**§ LOCATION AND ELIGIBILITY.**

Section “LOCATION AND ELIGIBILITY” is hereby amended to add following words, terms and regulations in Ordinance No. 2019-06:

\*\*\*

(D) Marihuana Establishment licenses permitted under this Ordinance are governed by type and location requirements, as follows:

(1) Marihuana Grower License:

\*\*\*

b. All grower establishments and operations must be within an enclosed, secured structure, **and cultivation of marihuana may occur in an outdoor area confined to a “commercial greenhouse” or “hoop house” that must meet all the following conditions:**

- i. **Comply with applicable state law, rules and regulations, and City ordinances and City Zoning Ordinance.**
- ii. **Cultivation of marihuana in a commercial greenhouse or hoop house is only permitted and subject to a Special Land Use for special conditions (special land uses) in the identified Industrial District subject to the provisions of the City’s Zoning Ordinance. A Special land Use permit may be revoked or rescinded by the City Council for violation of the Special Land Use permit, City ordinance, Zoning Ordinance, or state law and regulations, after notice to the permit holder and hearing.**
- iii. **Cultivation of marihuana in a commercial greenhouse or hoop house must be concealed from public view and must be completely confined and enclosed in a commercial greenhouse or hoop house made of durable translucent material on all sides and top of a hoop house, or glass, glass-like or translucent material on all sides and top of a commercial greenhouse. Hoop houses and commercial greenhouses may not exceed 18 feet maximum height.**
- iv. **Commercial greenhouses and hoop houses must be located on the parcel of the licensed grower facility/establishment, fully enclosed by security fencing and barriers that block outside visibility of the commercial greenhouse, hoop house, and marihuana plants from the public view to accomplish complete screening from the road right-of-way and adjacent property. No marihuana plants may grow outside the top of the commercial greenhouse or hoop house and must not be visible above the fence and barrier that is visible to public view.**

**Fencing must comply with the applicable security measures and fencing requirements under city ordinance and LARA/MRA rules, including but not limited to, locked entries only accessible to authorized persons or emergency personnel. Security fencing must be at a minimum of eight (8) feet in height.**

- v. **After the marihuana is harvested, all drying, trimming, curing, or packaging of marihuana must occur inside a permanent building meeting all the requirements of City ordinance, state statute, codes and LARA/MRA rules and regulations.**
- vi. **Greenhouses and hoop houses must meet the security requirements and pass the inspections in this ordinance and LARA/MRA rules and any required building and electrical permit pursuant to City ordinance, state statute and LARA/MRA rules.**
- vii. **Commercial greenhouses and hoop houses shall meet setback requirements of the City's Zoning Ordinance.**
- viii. **Odor Control. A grower or a processor shall install and maintain in operable condition a system which precludes the emission of unreasonable marihuana odor from the property.**

\*\*\*

i. All buildings, **commercial greenhouses, hoop houses,** and structures shall be subject to inspection at any time by the City Fire Department to insure compliance with all applicable statutes, codes and ordinances.

\*\*\*

**§ MARIHUANA CULTIVATION.**

Section "MARIHUANA CULTIVATION" is hereby amended to add following words, terms and regulations in Ordinance No. 2019-06:

(A) Cultivation, generally.

- (1) Marihuana cultivation shall be conducted consistent with this Ordinance, the MRTMA, including but not limited to MCL 333.27961, and any LARA rules, within an enclosed, secured structure, **and as permitted in a commercial greenhouse or hoop house under city ordinances and Special Land Use permit;** and

\*\*\*

§ **SEVERABILITY**

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect. The provisions herein shall be construed as not interfering or conflicting with the statutory regulations for licensing recreational (adult use) marihuana establishments pursuant to Initiated Law 1 of 2018, as amended.

§ **EFFECTIVE DATE.**

This Ordinance shall become on 30 days after publication and recording as required by law.

This Ordinance shall be published in 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.

Adopted and signed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
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 \_\_\_\_\_, 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**  
**December 7, 2020 – City Council Meeting**

**REPORT TO:** Honorable Mayor and City Council Members

**FROM:** Eric Zuzga, Director of Special Projects  
Tom Tarkiewicz, City Manager  
Jon Bartlett, Finance Director

**SUBJECT:** Obsolete Property Rehabilitation (OPRA) Exemption  
Public Hearing

**BACKGROUND:** A public hearing is scheduled for the December 7<sup>th</sup> Council meeting to consider an OPRA exemption request for the redevelopment of the second floor of Schuler's. Earlier this year, Council created an OPRA district which allowed for the consideration of this request. If approved, the request will assist in the redevelopment of the second floor into seven (7) apartments (see attached layout). Schuler's request is for the full 12 years as allowed by the OPRA statute.

OPRA is a tool created by the legislature in 2000, to encourage the redevelopment of blighted structures. It works by freezing the taxable value of a property for a period of up to twelve (12) years. Freezing the taxable value of a property provides an incentive for a property owner to make significant improvements to a building without incurring an increase in property taxes for the period approved by Council.

**RECOMMENDATION:** After hearing public comment, it is recommended that the Council approve the request for a 12-year OPRA exemption for the second floor of the Schuler's building, located at 115 South Eagle Street.

**FISCAL EFFECTS:** The OPRA will freeze the property tax value of the second floor at the 2021 State Taxable Value (TV) until the 2034 tax year. This will limit the amount of taxes received by all taxing jurisdictions for that period. Starting in 2034, all jurisdictions will be able to gain the tax benefit of the improved property.

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

Eric Zuzga  
Director of Special Projects

Tom Tarkiewicz  
City Manager

Jon Bartlett  
Finance Director

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**CITY OF MARSHALL, MICHIGAN  
RESOLUTION #**

**RESOLUTION TO APPROVE AN OBSOLETE PROPERTY  
REHABILITATION EXEMPTION CERTIFICATE APPLICATION  
PA 146 OF 2000 AS AMENDED**

Minutes of a regular meeting of the Council of the City of Marshall, held on December 7, 2020 at 7:00 PM.

PRESENT:

ABSENT:

The following preamble and resolution were offered by \_\_\_\_\_, and supported by \_\_\_\_\_.

**Resolution 2020- Approving Obsolete Property Rehabilitation Exemption Certificate Application for Schuler's Located at 115 South Eagle Street**

WHEREAS, pursuant to PA 146 of 2000, as amended, the City of Marshall is a Qualified Local Governmental Unit eligible to establish one or more Obsolete Property Rehabilitation Districts (OPRA); and

WHEREAS, the City of Marshall legally established the Obsolete Property Rehabilitation District Schuler's Building Obsolete Property Rehabilitation District No. 1 on October 19, 2020, after a public hearing held on October 19, 2020; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 (IFT's) does not exceed 5% of the total taxable value of the City of Marshall; and

WHEREAS, the application was approved at a public hearing as provided by section 4(2) of Public Act 146 of 2000, as amended, on December 7, 2020; and

WHEREAS, Schuler's is not delinquent in any taxes related to the facility; and

WHEREAS, the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000, as amended; and

WHEREAS, the applicant has provided answers to all required questions under the application instructions to the City of Marshall; and

WHEREAS, the City of Marshall requires that rehabilitation of the facility shall be completed by December 31, 2021; and

WHEREAS, the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District; and

WHEREAS, the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000, as amended, and that is situated within an Obsolete Property Rehabilitation District established in the City of Marshall eligible under Public Act 146 of 2000, as amended, to establish such a district; and

WHEREAS, completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to create employment, revitalize urban areas, and increase the number of residents in the community in which the facility is situated; and

WHEREAS, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of Public Act 146 of 2000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marshall Be and hereby is granted an Obsolete Property Rehabilitation Exemption for the real property (2<sup>nd</sup> floor of 115 South Eagle Street), excluding land, located in Obsolete Property Rehabilitation District Schuler's Building Obsolete Property Rehabilitation District No. 1 at 115 South Eagle Street for a period of 12 years, beginning December 31, 2021, and ending December 30, 2033, pursuant to the provisions of PA 146 of 2000, as amended.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of the City of Marshall, County of Calhoun, Michigan at a regular meeting held on December 7, 2020.

---

Clerk

## Application for Obsolete Property Rehabilitation Exemption Certificate

This form is issued as provided by Public Act 146 of 2000, as amended. This application should be filed after the district is established. This project will not receive tax benefits until approved by the State Tax Commission. Applications received after October 31 may not be acted upon in the current year. This application is subject to audit by the State Tax Commission.

**INSTRUCTIONS:** File the original and two copies of this form and the required attachments with the clerk of the local government unit. (The State Tax Commission requires two copies of the Application and attachments. The original is retained by the clerk.) Please see State Tax Commission Bulletin 9 of 2000 for more information about the Obsolete Property Rehabilitation Exemption. The following must be provided to the local government unit as attachments to this application: (a) General description of the obsolete facility (year built, original use, most recent use, number of stories, square footage); (b) General description of the proposed use of the rehabilitated facility, (c) Description of the general nature and extent of the rehabilitation to be undertaken, (d) A descriptive list of the fixed building equipment that will be a part of the rehabilitated facility, (e) A time schedule for undertaking and completing the rehabilitation of the facility, (f) A statement of the economic advantages expected from the exemption. A statement from the assessor of the local unit of government, describing the required obsolescence has been met for this building, is required with each application. Rehabilitation may commence after establishment of district.

Applicant (Company) Name (applicant must be the OWNER of the facility) <b>Schuler's Inc. and Schuler's Restaurant Inc.</b>		
Company Mailing address (No. and street, P.O. Box, City, State, ZIP Code) <b>115 S. Eagle St. Marshall, MI 49068</b>		
Location of obsolete facility (No. and street, City, State, ZIP Code) <b>115 S. Eagle St. Marshall, MI 49068 - 2nd floor</b>		
City, Township, Village (indicate which) <b>City of Marshall</b>		County <b>Calhoun</b>
Date of Commencement of Rehabilitation (mm/dd/yyyy) <b>April 1, 2021</b>	Planned date of Completion of Rehabilitation (mm/dd/yyyy) <b>December 31, 2021</b>	School District where facility is located (include school code) <b>Marshall MI 13110</b>
Estimated Cost of Rehabilitation <b>919,294</b>	Number of years exemption requested <b>12</b>	Attach Legal description of Obsolete Property on separate sheet
Expected project likelihood (check all that apply):		
<input type="checkbox"/> Increase Commercial activity	<input type="checkbox"/> Retain employment	<input checked="" type="checkbox"/> Revitalize urban areas
<input checked="" type="checkbox"/> Create employment	<input type="checkbox"/> Prevent a loss of employment	<input checked="" type="checkbox"/> Increase number of residents in the community in which the facility is situated
Indicate the number of jobs to be retained or created as a result of rehabilitating the facility, including expected construction employment <b>8</b>		
Each year, the State Treasurer may approve 25 additional reductions of half the school operating and state education taxes for a period not to exceed six years. Check the following box if you wish to be considered for this exclusion. <input checked="" type="checkbox"/>		

### APPLICANT'S CERTIFICATION

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all of the information is truly descriptive of the property for which this application is being submitted. Further, the undersigned is aware that, if any statement or information provided is untrue, the exemption provided by Public Act 146 of 2000 may be in jeopardy.

**The applicant certifies that this application relates to a rehabilitation program that, when completed, constitutes a rehabilitated facility, as defined by Public Act 146 of 2000, as amended, and that the rehabilitation of the facility would not be undertaken without the applicant's receipt of the exemption certificate.**

It is further certified that the undersigned is familiar with the provisions of Public Act 146 of 2000, as amended, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Obsolete Property Rehabilitation Exemption Certificate by the State Tax Commission.

Name of Company Officer (no authorized agents) <b>Sue Damron</b>	Telephone Number <b>269-781-0600</b>	Fax Number <b>269-781-0670</b>
Mailing Address <b>115 S. Eagle St. Marshall, MI 49068</b>		Email Address <b>sdamron@schulersrestaurant.com</b>
Signature of Company Officer (no authorized agents) 		Title <b>Owner</b>

### LOCAL GOVERNMENT UNIT CLERK CERTIFICATION

The Clerk must also complete Parts 1, 2 and 4 on Page 2. Part 3 is to be completed by the Assessor.

Signature	Date application received
-----------	---------------------------

FOR STATE TAX COMMISSION USE		
Application Number	Date Received	LUCI Code

**LOCAL GOVERNMENT ACTION**

This section is to be completed by the clerk of the local governing unit before submitting the application to the State Tax Commission. Include a copy of the resolution which approves the application and Instruction items (a) through (f) on page 1, and a separate statement of obsolescence from the assessor of record with the State Assessor's Board. All sections must be completed in order to process.

**PART 1: ACTION TAKEN**

Action Date: _____		
<input type="checkbox"/> Exemption Approved for _____ Years, ending December 30, _____ (not to exceed 12 years)		
<input type="checkbox"/> Denied		
Date District Established	LUCI Code	School Code

**PART 2: RESOLUTIONS (the following statements must be included in resolutions approving)**

<p>A statement that the local unit is a Qualified Local Governmental Unit.</p> <p>A statement that the Obsolete Property Rehabilitation District was legally established including the date established and the date of hearing as provided by section 3 of Public Act 146 of 2000.</p> <p>A statement indicating whether the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 (IFT's) exceeds 5% of the total taxable value of the unit.</p> <p>A statement of the factors, criteria and objectives, if any, necessary for extending the exemption, when the certificate is for less than 12 years.</p> <p>A statement that a public hearing was held on the application as provided by section 4(2) of Public Act 146 of 2000 including the date of the hearing.</p> <p>A statement that the applicant is not delinquent in any taxes related to the facility.</p> <p>If it exceeds 5% (see above), a statement that exceeding 5% will not have the effect of substantially impeding the operation of the Qualified Local Governmental Unit or of impairing the financial soundness of an affected taxing unit.</p> <p>A statement that all of the items described under "Instructions" (a) through (f) of the Application for Obsolete Property Rehabilitation Exemption Certificate have been provided to the Qualified Local Governmental Unit by the applicant.</p>	<p>A statement that the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000.</p> <p>A statement that the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District.</p> <p>A statement that the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000 and that is situated within an Obsolete Property Rehabilitation District established in a Qualified Local Governmental Unit eligible under Public Act 146 of 2000 to establish such a district.</p> <p>A statement that completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, retain employment, prevent a loss of employment, revitalize urban areas, or increase the number of residents in the community in which the facility is situated. The statement should indicate which of these the rehabilitation is likely to result in.</p> <p>A statement that the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of Public Act 146 of 2000.</p> <p>A statement of the period of time authorized by the Qualified Local Governmental Unit for completion of the rehabilitation.</p>
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**PART 3: ASSESSOR RECOMMENDATIONS**

Provide the Taxable Value and State Equalized Value of the Obsolete Property, as provided in Public Act 146 of 2000, as amended, for the tax year immediately preceding the effective date of the certificate (December 31st of the year approved by the STC).

Taxable Value	State Equalized Value (SEV)	
Building(s)		
Name of Governmental Unit	Date of Action on application	Date of Statement of Obsolescence

**PART 4: CLERK CERTIFICATION**

The undersigned clerk certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way. Further, the undersigned is aware that if any information provided is untrue, the exemption provided by Public Act 146 of 2000 may be in jeopardy.

Name of Clerk	Clerk Signature	Date	
Clerk's Mailing Address	City	State	ZIP Code
	Telephone Number	Fax Number	Email Address

Mail completed application and attachments to: Michigan Department of Treasury  
 State Tax Commission  
 P.O. Box 30471  
 Lansing, Michigan 48909-7971

If you have any questions, call 517-335-7491.

For guaranteed receipt by the State Tax Commission, it is recommended that applications and attachments are sent by certified mail.



**ADMINISTRATIVE REPORT**  
**December 7, 2020 - CITY COUNCIL MEETING**

**TO:** Honorable Mayor and City Council  
**FROM:** Tom Tarkiewicz, City Manager  
**SUBJECT:** City Council Rules of Procedure & Remote Meeting Policy

**BACKGROUND:** The City Council last updated the City Council Rules of Procedure in February of 2011. At the last meeting, an updated policy was presented and adopted. Several areas of the policy needed to be expanded and the attached document clarifies the concerns of the Council. The City Attorney has reviewed and has made revisions. Attached is a recommended revised policy which also allows remote meetings.

**RECOMMENDATION:** It is recommended that the Council adopt the attached revised Marshall City Council Rules of Procedures & the Rules for Remote Meetings.

**FISCAL EFFECTS:** None.

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Tom Tarkiewicz".

Tom Tarkiewicz  
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

## MARSHALL CITY COUNCIL RULES OF PROCEDURE

### 1. AUTHORITY

These rules are adopted by the City Council of the City of Marshall pursuant to the City Charter adopted May 23, 1978. Council amended these rules on September 8, 1982, January 18, 1999, September 18, 2006, February 22, 2011, and December 7, 2020.

### 2. MEETINGS

#### 2.1 Regular Schedule:

The Council shall meet on the first and third Monday of each month in regular session. If any regularly scheduled meeting falls on one of the following legal holidays, New Year's Day, Martin Luther King's Birthday, President's Day, Memorial Day, Fourth of July, Labor Day or Christmas Day, the regular meeting shall be held on the next business day that is not a holiday.

#### 2.2 Special Meetings

Special meetings may be called by the Clerk upon the written request of the Mayor or four (4) members of the council. Notice of Special Meetings shall be given to each member of the Council at least 18 hours in advance of the Special Meeting. Such notice shall be served personally or left at the members usual place of residence by the Clerk or designee. The notice shall contain the time, place and purpose of the meeting.

#### 2.3 Place of Meeting:

Regular scheduled meetings will be held in the Council Chambers at Town Hall. Whenever the regular meeting place shall appear to be inadequate for members of the public to attend, the Mayor and City Council may change the meeting location to an adequate location. A notice of such change shall be prominently posted on the door of the regular meeting place. If time permits, the Clerk or designee shall publish the change of the meeting place in the newspaper. Public meetings may be held electronically as provided under the Open Meetings Act, PA 267 of 1976, as amended. Remote/electronic public meetings will follow the MARSHALL CITY COUNCIL RULES OF PROCEDURE FOR REMOTE MEETINGS.

#### 2.4 Time of Meetings:

Regularly scheduled meetings shall begin at 7:00 p.m. unless the *Council*, by majority vote, sets a different starting time. The Council shall not begin considering any matter on the agenda not yet under consideration by 10:00 p.m., except by a majority vote of the members present. Matters on the agenda and not yet acted upon at the time adjournment will be placed on the agenda for the next regular meeting or special meeting if one is called.

## 2.5 Changes in Schedule

Changes in the regular schedule of meetings may be made upon the approval of a majority of members in session.

## 2.6 Meeting Cancellations

Meetings may be cancelled for lack of quorum or inclement weather.

## 3. PUBLIC NOTICE OF MEETINGS

The Clerk shall be responsible for providing the proper notice for all meetings of the Council.

### 3.1 Regular Meeting:

The Clerk shall post a notice within ten (10) days after the first meeting of the Council in each calendar year indicating the dates, times and places of the regular meeting schedule.

### 3.2 Schedule Change:

Whenever the Council shall change its regular scheduled meeting, the Clerk shall post a notice of the change within three (3) days following the meeting in which the change was made.

### 3.3 Emergency Meetings:

If the Council shall reschedule a meeting under the provisions of Rule 2.5 or call a special meeting under Rule 2.2, the Clerk shall post a notice of such a change immediately, and no meeting except an emergency meeting shall be held until the notice shall have been posted 18 hours in advance of the meeting. An emergency meeting shall be held only upon the consent of 2/3 of the members and only if a delay would threaten severe and imminent danger to the health, safety and welfare of the public, or as permitted under the Open Meetings Act

## 4. QUORUM

Four (4) members shall constitute a quorum for the transaction of business at all meetings of the Council.

## 5. MEETING AGENDAS

5.1 The City Manager shall prepare the agenda of business for all regularly scheduled Council meetings. Any other member or representative of Committees, Boards or Commissions desiring to place a matter on the agenda shall notify the City Manager of

such items by 12 o'clock noon on the Wednesday preceding the next regular meeting. The agenda of business and all related materials shall be available for Council in the afternoon of the Friday preceding the next regular meeting.

Items that the City Manager does not receive by the stated deadline shall not be considered by the Council except upon majority consent of the members present.

## 5.2 Order of Business:

The Agenda shall be arranged in the following order of business:

- Call to Order
- Roll Call
- Invocation
- Pledge of Allegiance
- Approval of Agenda
- Public Comment on Agenda Items
- Consent Agenda
- Presentations and Recognitions
- Informational Items
- Public Hearings and Subsequent Council Action
- Old Business
- Reports and Recommendations
- Appointments/Elections
- Public Comment on Non-Agenda Items
- Council and Manager Communications
- Adjournment

## 5.3 Special Meetings Agenda:

Whenever the Council shall be called into a Special Meeting, the matters to be considered shall be stated in the call of the meeting. No other matter shall be considered except when all members are present and a majority of the body concurs.

## 6. CONDUCT OF MEETINGS

### 6.1 Chairperson:

The Mayor shall moderate and chair all meetings of the Council. In the absence of the Mayor, the Mayor Pro-Tem shall assume the duties of the chair. In the event of the absence or disability of the Mayor and the Mayor Pro-Tem the Council shall appoint one of its elected members to act as Mayor during the absence or disability of the Mayor and Mayor Pro-Tem.

### 6.2 Public Participation

Members of the public, both residents of the City of Marshall and others, are invited to address the Council during two portions of the regular Council agenda. Prior to the

Council discussion of regular agenda items, members of the public are invited to provide comment upon those agenda items. Comments related to any other matters will be welcomed during a second "public comment" time noted later on the agenda. The Chair will first recognize any member of the public wishing to address the Council. Individuals will speak from the podium or a hand-held microphone, state their name and address and limit their comments to a total of five (5) minutes during each of these "public comment" times. Members of the public will not routinely be involved in Council discussion or deliberation upon agenda items unless called upon by the Chair.

### 6.3 Meeting Decorum

Persons attending meetings of the Marshall City Council will at all times exhibit orderly behavior, respectful of others. A person exhibiting disorderly behavior may be asked by the Chair to be seated and refrain from further comment, or may be asked to leave the meeting.

## 7. RECORD OF MEETINGS

### 7.1 Recording Responsibility:

The Clerk shall be responsible for maintaining the official record and minutes of each meeting of the Council. The minutes shall include all of the actions of the Council with respect to motions. The records shall include the names of the mover and supporter and the vote of the Council. The record shall also state if the vote was by roll call, and when by roll call, the record shall show the "Yes," "No," or abstention for each member.

The Clerk shall maintain in the office of the Clerk copies of each Resolution and Ordinance or other matter acted upon by the Council.

### 7.2 Record of Discussion:

The Clerk shall not be responsible for maintaining a written record or summary written record of the discussion or comments of the members and of comments made by the public.

### 7.3 Request for Remarks to be Included:

Any Council member may request to have his or her comments printed as part of the record. If there are no objections by any Council Member, the comments may be included. If there is an objection to such printing of the comments, the Council shall decide the matter by majority vote. Such comments are to be included as part of the official record

### 7.4 Public Access to Meeting Records:

The Clerk shall make available to members of the public the records and minutes of an official meeting in accordance with the Open Meetings Act, Freedom of Information Act, and the City's Freedom of Information Act policy. Minutes prepared by the Clerk, but not approved by the Body, shall be available for public inspection not more than eight

(8) business days following the meeting. Minutes approved by the Council shall be available within five (5) business days following the meeting at which they were approved. Minutes of Closed Sessions are only available as required under the Open Meetings Act or an ordered by a court of competent jurisdiction.

#### 7.5 Publication of Minutes:

The Clerk-Treasurer shall be responsible for publication of a summary of the minutes in a local newspaper of general circulation in the City within ten (10) days after a meeting.

### 8. CLOSED SESSIONS

#### 8.1 Procedure:

The Council may meet in closed session, closed to the public, as permitted under the Open Meetings Act, PA 267 of 1976, as amended. The vote shall be recorded in the minutes of the meeting at which the decision to hold a closed session was made.

#### 8.2 Purposes:

The Council may hold closed sessions, upon motion of any council member, only for the following purposes:

1. To consider the dismissal, suspension or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent if the named person requests a closed hearing. A person requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall be considered after the rescission only in open sessions.
2. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.

The Council may hold closed sessions, upon motion of any council member and 2/3 roll call vote of Council members elected or appointed and serving, for the following purposes:

3. To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
4. To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.
5. To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, except as provided in this subdivision, all interviews by a

public body for employment or appointment to a public office shall be held in an open meeting pursuant to this act.

6. To consider material exempt from discussion or disclosure by state or federal statute.

### 8.3 Minutes:

At each closed session, the Clerk or designee shall keep a separate record. This record of minutes shall not be disclosed to the public except upon court order. The Clerk or designee may destroy said minutes after one year and one day have passed following the approval of the minutes of the meeting at which the Council approved the closed session.

### 8.4 Approving Closed Session Minutes:

Minutes of closed sessions will be distributed to the members of the Council immediately prior to the meeting at which they are to be approved. The Clerk shall collect the copies of the minutes given to the members at the end of the meeting at which they are approved.

## 9. MOTIONS AND RESOLUTIONS

### 9.1 Statement by Chair:

No motion or resolution shall be adopted until the motion or resolution is restated by the person chairing the meeting.

### 9.2 Order of Motions:

Whenever a question is under debate, no motion shall be received except a motion to:

- Fix the time of the next meeting.
- Adjourn.
- Recess.
- Vote immediately.
- Lay on the table.
- Postpone to a certain time.
- Postpone indefinitely.
- Amend.
- Approve abstention from voting.

These motions shall take precedence in the order in which they are stated above.

### 9.3 Non-Debatable Motions:

The motions to adjourn, to recess, to lay on the table and to vote immediately shall be ordered and voted upon without debate.

#### 9.4 Chairpersons:

The Chair of the City Council shall not be allowed to be the mover or the supporter of any motion.

### 10. VOTING

Whenever a question is put by the Chair, every member present shall vote. No member present shall abstain from voting "yes" or "no" unless excused by a majority of the other members of the Council present. Conflict of interest shall be the sole reason for a request to abstain from voting. Once a member has been excused from voting on a particular item due to a conflict of interest (Policy adopted December 6, 2010). That member remains excused from further voting on the item unless or until the conflict has been removed and Council so notified.

#### 10.1 Roll Call Vote:

Roll call votes will be taken on any ordinance or any action involving money.

10.2 On demand by any member the vote on any pending question shall be taken by a roll call vote.

10.3 In all roll call votes, the names of the members of the Council shall be called in alphabetical order and the name called first on any roll call shall be called last on the next roll call vote.

### 11. PARLIAMENTARY PRACTICE RULES

The rules of Parliamentary Practice as contained in Robert's Rules of Order, most recent edition, shall govern the Council in all cases to which they are applicable, provided they are not in conflict with these rules, with the Ordinances or Charter of the City of Marshall, or the laws of the state of Michigan.

### 12. ORDINANCE ADOPTION

#### 12.1 Introduction:

Every proposed ordinance shall be introduced in writing. Following introduction of a proposed ordinance, the Council may accept the proposed ordinance for first reading and set a date for the Public Hearing on the proposed ordinance.

#### 12.2 Publication:

Following introduction of a proposed ordinance, the Clerk shall publish a summary of the proposed ordinance in a local newspaper of general circulation in the City. The Public Hearing may not be held sooner than five (5) days after the publication.

### 12.3 Addition:

After the Public Hearing, the Council may consider enacting the proposed ordinance. The enactment of the ordinance shall require a majority vote of the entire Council.

### 12.4 Changes:

If there are any substantive changes in an ordinance after the Public Hearing as determined by Council, the Council must set another Public Hearing.

### 12.5 Publication After Adoption:

Each ordinance shall be published in full in a local newspaper of general circulation in the City at least one time within ten (10) days after its adoption by Council.

## 13. APPOINTMENTS

Where no appointment procedure is defined by law, the City Charter or ordinance, such appointments will be made by the Mayor and be subject to the approval of a majority of the Council.

## 14. RULES OF PROCEDURE FOR ELECTRONIC/REMOTE MEETINGS

14.1 PA 228 of 2020 amended the Open Meetings Act, PA 267 of 1976, section 3 and added section 3a, to allow for the following:

1. The Council may conduct electronic meetings with remote participation for any reason through the end of 2020, as provided below.
  - a) Any member of an elected or appointed board may choose to attend a meeting of that board electronically for any reason.
  - b) All members of elected or appointed boards may be required to attend meetings of those boards electronically by vote of the City Council.
  - c) All members of the media and public wishing to attend a meeting of any of the City's elected or appointed boards must do so electronically.
2. Between January 1, 2021 and December 31, 2021, the City of Marshall provides:
  - a) Any member of an elected or appointed board may choose to attend a meeting of that board electronically due to military duty, a medical condition (i.e., an illness, injury, disability or other health-related condition), or a statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or a local official or local governing body that would risk the personal health or safety of members of the public or the public body if the meeting were held in person.

- b) Upon a vote requiring such by the City Council, all members of an elected or appointed board may be required to attend a meeting of that board electronically if a statewide or local state of emergency or state of disaster is declared pursuant to law or charter by the governor or a local official or local governing body that would risk the personal health or safety of members of the public or the public body if the meeting were held in person.
  - c) Upon a vote requiring such by the City Council, all members of the media and public wishing to attend a meeting of any of the City's elected or appointed boards must do so electronically if a statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or a local official or local governing body that would risk the personal health or safety of members of the public or the public body if the meeting were held in person.
3. After December 31, 2021, only members of public bodies who are absent due to military duty may participate remotely in public meetings.

#### 14.2 Procedures:

1. A meeting of a public body held electronically must be conducted in a manner that permits 2-way communication so that members of the public body can hear and be heard by other members of the public body, and so that public participants can hear members of the public body and can be heard by members of the public body and other participants during a public comment period.
2. For each member of the public body attending the meeting remotely, a public announcement at the outset of the meeting by that member, to be included in the meeting minutes, that the member is in fact attending the meeting remotely. If the member is attending the meeting remotely for a purpose other than for military duty, the member's announcement must further identify specifically the member's physical location by stating the county, city, township, or village and state from which he or she is attending the meeting remotely.
3. A public body shall not, as a condition of participating in an electronic meeting of the public body, require a person to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance, other than mechanisms established and required by the public body necessary to permit the person to participate in a public comment period of the meeting.
4. Members of the general public otherwise participating in a meeting of a public body held electronically are excluded from participation in a closed session held electronically during that meeting if the closed session is convened and held in compliance with the requirements of the Open Meetings Act applicable to a closed session.

### 14.3 Notice:

1. Notice of the electronic meeting must be posted at least 18 hours in advance of the meeting to be held electronically on the City's website on the homepage. The notice shall include:
  - a) A statement as to why the public body is meeting electronically.
  - b) How members of the public may participate in the meeting electronically. If a telephone number, internet address, or both are needed to participate, that information must be provided specifically.
  - c) How members of the public may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting.
  - d) How persons with disabilities may participate in the meeting.
  - e) If an agenda exists, the agenda shall be available to the public on the City website homepage at least 2 hours before the electronic meeting begins.



**ADMINISTRATIVE REPORT**  
**December 7, 2020 – CITY COUNCIL MEETING**

**REPORT TO:** Honorable Mayor and Council Members

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

**SUBJECT:** Transformer Purchase for Cresco Labs, Inc  
 Marijuana Grow Facility

**BACKGROUND:** A new marijuana grow enterprise (Cresco Labs, Inc.) is re-purposing (\$28,000,000) the previous Campbell Soup facility in the Brooks Industrial Park into a marijuana grow facility. Part of the re-purposing includes a total replacement of the building’s electric system. The old system has a possible maximum load capability of 4000 amps while the new system will have a maximum load requirement of 9600 amps. In order to provide a proper electric service to the facility it will be necessary to replace the two (2) existing transformers with three (3) new 3000KVA transformers. The re-purposing project by Cresco is expected to be complete by June 2021 but they have requested the electric service upgrade to be completed by May 2021.

A Request for Proposal for the three (3) new transformers was issued and advertised on Thursday, November 10, 2020 with a due date of November 24, 2020 with the following results:

Three 3,000 KVA Transformer Bid Results			
Company	Bid	Delivery	Conforms
Solomon Corp. Solomon, KS	\$133,425	16 - 18 Weeks	Yes
Resco Madison, WI	\$125,505	18 - 20 Weeks	No, Aluminum Winding
Powerline Supply Reed City, MI	\$125,889	30 - 40 Weeks	Yes
Irby Co. GE - Mexico Mount Pleasant, MI	\$126,450	15 - 16 Weeks	Yes
Motorshop Battle Creek, MI	\$179,115	16 - 18 Weeks	Yes
KW Associates Laurel, MS	\$180,288	18 - 20 Weeks	Yes

City Staff is recommending that the transformer purchases be awarded to Solomon Corporation from their manufacturing facility in Solomon, Kansas for the following reasons:

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

- To meet the required installation date of Cresco Labs, the transformers will need to be delivered by May 1, 2021 or 18 weeks. This eliminates the Powerline Supply bid.
- The bid required copper windings not aluminum windings. This eliminates the Resco bid.
- The Solomon transformers are manufactured in the United States while the Irby General Electric units are manufactured in Mexico. Marshall Electric service and material requisitions are attempted to be acquired in following order: 1) local; 2) within Michigan; 3) made in USA when prudent. This eliminates the Irby bid.

**RECOMMENDATION:** Staff recommends that Council approves awarding the purchase of the three (3) new 3000KVA transformers for the Cresco Labs development project to Solomon Corporation in the amount of \$133,425 based on their delivery schedule, conformance to the Request for Proposals and location of manufacture.

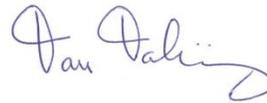
**FISCAL EFFECTS:** The expenditure will initially be funded from the Electric Department budget but be repaid from expected gain of net revenues from the new customer by June 1, 2022.

**ALTERNATIVES:** As suggested by City Council.

Respectfully Submitted,



Edward E. Rice  
Director of Electric Utilities



Tom Tarkiewicz  
City Manager



**ADMINISTRATIVE REPORT**  
**December 7, 2020 – City Council Meeting**

**REPORT TO:** Honorable Mayor and City Council Members

**FROM:** Eric Zuzga, Director of Special Projects  
Tom Tarkiewicz, City Manager

**SUBJECT:** Social District Changes

**BACKGROUND:** At the July 23, 2020 Special Council meeting, Council approved the creation of a Social District/Commons Area as authorized by PA 124 of 2020. The first licensed establishments received their permits in September and have been operating by the guidelines created by Council in July.

Since its creation, the Social District has been used heavily by the Copper Athletic Pub, but not heavily by the other licensed establishments. An Ad-Hoc committee was created with two Council members (Mayor Caron and Member Traver), city staff, MAEDA staff, and an owner of the Copper Athletic Pub. This group was charged with discussing improvements, changes, and any related issue that could assist in increasing the usage of the social district.

On November 20, 2020, the Ad-Hoc Committee met and discussed many issues facing businesses in the downtown and how the Social District concept could be amended to assist in maintaining the viability of the licensed establishments. A number of ideas are currently being explored, but two items are being presented for your approval: extension of the time the social district operates and an expansion of the commons area.

The Committee proposes expanding the Social District to 7 days per week from noon-10:00 PM. Specific closures of the streets or alleys would still need to be presented to the City. The other change is expanding the commons area to include Michigan Avenue from Park Street to Exchange Street (See attached map).

City and MAEDA staff will continue to explore the following issues: closure of parking spaces on Michigan Avenue to create parklets (specifically in front of each licensed establishment), creation of a permanent seating area in the south parking lot between Eagle and Jefferson Streets, and other aesthetic improvements that will make downtown more attractive and welcoming.

**RECOMMENDATION:** Staff recommends adoption of the changes proposed by the Ad-Hoc Committee.

**FISCAL EFFECTS:** None anticipated.

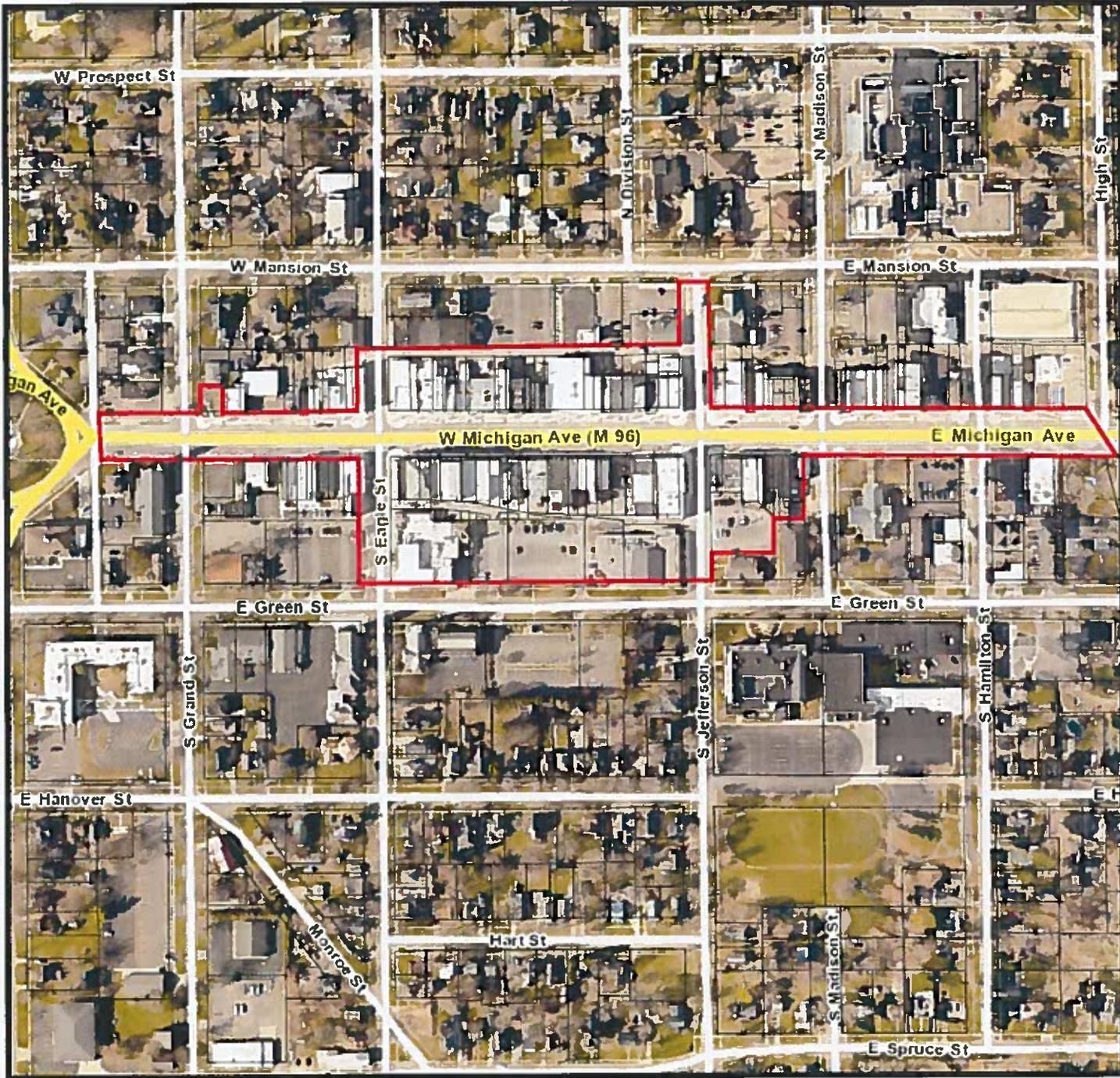
**ALTERNATIVES:** As determined by Council

Respectfully submitted,

Eric Zuzga  
Director of Special Projects

Tom Tarkiewicz  
City Manager

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Marshall, MI 49068  
p 269.781.5183  
F 269.781.3835  
cityofmarshall.com



Social District  
Expansion





**Administrative Report**  
**December 7, 2020 – City Council Meeting**

**REPORT TO:** Honorable Mayor and City Council Members

**FROM:** Eric Zuzga, Director of Special Projects  
Tom Tarkiewicz, City Manager

**SUBJECT:** Solid Waste Proposals, Rules and Regulations

**BACKGROUND:**

In October, an RFP was released to four companies for the provision of trash and recycling services. The report was developed based upon the direction that staff received from Council earlier this year. The basis of the RFP being the following:

- Billing and all customer service issues will be provided by the City.
- Service will not be required, however, any residence requiring trash service must use the exclusive contractor. **Properties must opt out** to avoid having trash and recycling service.
- Properties within a development which receives service provided through their Home Owner Association are exempt from this service (if desired).
- Downtown buildings which include upper floor residential are exempt from this ordinance due to the commercial nature of the property.
- Recycling will not be required, but is available at an additional charge to each residence.
- Implementation is proposed to begin March 29, 2021.

On November 12, proposals were received from two companies, Granger and Republic, interested in providing the requested services. Attached to this report are the results of the RFP. The summary starts with a review of the first year's prices and also includes the term and increase in prices for each year of the contract. Upon the completion of our analysis of the bids, it appears that Granger is the low bidder for the duration of each proposed contract term.

Along with accepting one of the proposals, Council is being asked to approve rates and regulations necessary for the operation of the solid waste collection system. The proposed rates and regulations will (See attached document) provide the necessary structure and funds to operate the solid waste enterprise fund.

**RECOMMENDATION:** If Council approves the solid waste ordinance, the Council is then asked to accept the bid from Granger to provide solid

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waste services for a period of five years and to approve the proposed rules & regulations for the provision of solid waste services.

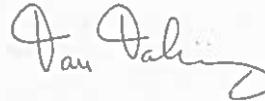
**FISCAL EFFECTS:** The passage of rates and regulations will result in the creation of a solid waste enterprise fund. Rates are being set to ensure that the fund will remain solvent, but will need to be monitored for bad debt and late payments so not impact our ability to pay for the services provided. Council will be required to adjust prices on an annual basis to ensure positive cash flows and adequate fund balance.

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,



Eric Zuzga  
Director of Special Projects



Tom Tarkiewicz  
City Manager

**City of Marshall Solid Waste RFP Proposals  
First Year Comparison**

	# of Residences	Granger		Republic	
		96-Gallon	65-Gallon	96-Gallon	65-Gallon
<b>Trash</b>	2000+	\$ 10.00	\$ 10.00	\$ 11.00	\$ 11.00
	1500-1999	\$ 11.00	\$ 11.00	\$ 11.85	\$ 11.85
	1000-1499	\$ 12.00	\$ 12.00	\$ 13.85	\$ 13.85
	500-999	\$ 13.00	\$ 13.00	\$ 15.75	\$ 15.75

	# of Residences	Granger		Republic	
		96-Gallon	65-Gallon	96-Gallon	65-Gallon
<b>Recycling</b>	2000+	\$ 4.35	\$ -	\$ 3.53	\$ 4.53
	1500-1999	\$ 5.50	\$ -	\$ 4.68	\$ 5.68
	1000-1499	\$ 5.50	\$ -	\$ 5.83	\$ 5.83
	500-999	\$ 5.50	\$ -	\$ 7.28	\$ 8.28

	# of Residences	Granger		Republic	
		96-Gallon	65-Gallon	96-Gallon	65-Gallon
<b>Total</b>	2000+	\$ 14.35	\$ 14.35	\$ 14.53	\$ 15.53
	1500-1999	\$ 16.50	\$ 16.50	\$ 16.53	\$ 17.53
	1000-1499	\$ 17.50	\$ 17.50	\$ 19.68	\$ 19.68
	500-999	\$ 18.50	\$ 18.50	\$ 23.03	\$ 24.03

**Notes**

- Granger Annual Increase- 3.5% for 3 years and 3.0% for 5 years
- Republic Annual Increase- 4.5% for 3 years, 4% for 4 years, 3.5% for 5 years
- Republic fuel surcharge with diesel >\$4.00 per gallon- \$0.04 per \$0.10 above
- Republic provides municipal facility service at no charge
- Granger has provided a price for municipal facilities service

## Large Item Pick-Up

Item	Granger	Republic
Disposal Cost per ton	\$ 40.00	\$ 34.00
Hourly Rate	\$ 150.00	\$ 155.00

### Historical Impact

	Tons	Hours	Granger	Republic
2020	139.7	138.53	\$26,367.50	\$ 26,221.95
2019	125	84.25	\$17,637.50	\$ 17,308.75
2018	109.39	69.75	\$14,838.10	\$ 14,530.51
2017	93.77	82.25	\$16,088.30	\$ 15,936.93
4-Year Average	116.97	93.70	\$18,732.85	\$ 18,499.54

### Bulk Item

Granger	Republic
\$25.00	\$30.00

## Granger Contract Proposal

### Three Year Contract

		First Year		Second Year		Third year	
		96-Gallon	65-Gallon	96-Gallon	65-Gallon	96-Gallon	65-Gallon
<b>Trash</b>	# of Residences						
	2000+	\$ 10.00	\$ 10.00	\$ 10.35	\$ 10.35	\$ 10.71	\$ 10.71
	1500-1999	\$ 11.00	\$ 11.00	\$ 11.39	\$ 11.39	\$ 11.78	\$ 11.78
	1000-1499	\$ 12.00	\$ 12.00	\$ 12.42	\$ 12.42	\$ 12.85	\$ 12.85
	500-999	\$ 13.00	\$ 13.00	\$ 13.46	\$ 13.46	\$ 13.93	\$ 13.93
<b>Recycling</b>	# of Residences						
	2000+	\$ 4.35	\$ -	\$ 4.50	\$ -	\$ 4.66	\$ -
	1500-1999	\$ 5.50	\$ -	\$ 5.69	\$ -	\$ 5.89	\$ -
	1000-1499	\$ 5.50	\$ -	\$ 5.69	\$ -	\$ 5.89	\$ -
	500-999	\$ 5.50	\$ -	\$ 5.69	\$ -	\$ 5.89	\$ -
<b>Total</b>	# of Residences						
	2000+	\$ 14.35	\$ 14.35	\$ 14.85	\$ 14.85	\$ 15.37	\$ 15.37
	1500-1999	\$ 16.50	\$ 16.50	\$ 17.08	\$ 17.08	\$ 17.68	\$ 17.68
	1000-1499	\$ 17.50	\$ 17.50	\$ 18.11	\$ 18.11	\$ 18.75	\$ 18.75
	500-999	\$ 18.50	\$ 18.50	\$ 19.15	\$ 19.15	\$ 19.82	\$ 19.82

### Five Year Contract

		First Year		Second Year		Third year		Fourth Year		Fifth Year	
		96-Gallon	65-Gallon	96-Gallon	65-Gallon	96-Gallon	65-Gallon	96-Gallon	65-Gallon	96-Gallon	65-Gallon
<b>Trash</b>	# of Residences										
	2000+	\$ 10.00	\$ 10.00	\$ 10.30	\$ 10.30	\$ 10.61	\$ 10.61	\$ 10.93	\$ 10.93	\$ 11.26	\$ 11.26
	1500-1999	\$ 11.00	\$ 11.00	\$ 11.33	\$ 11.33	\$ 11.67	\$ 11.67	\$ 12.02	\$ 12.02	\$ 12.38	\$ 12.38
	1000-1499	\$ 12.00	\$ 12.00	\$ 12.36	\$ 12.36	\$ 12.73	\$ 12.73	\$ 13.11	\$ 13.11	\$ 13.51	\$ 13.51
	500-999	\$ 13.00	\$ 13.00	\$ 13.39	\$ 13.39	\$ 13.79	\$ 13.79	\$ 14.21	\$ 14.21	\$ 14.63	\$ 14.63
<b>Recycling</b>	# of Residences										
	2000+	\$ 4.35	\$ -	\$ 4.48	\$ -	\$ 4.61	\$ -	\$ 4.75	\$ -	\$ 4.90	\$ -
	1500-1999	\$ 5.50	\$ -	\$ 5.67	\$ -	\$ 5.83	\$ -	\$ 6.01	\$ -	\$ 6.19	\$ -
	1000-1499	\$ 5.50	\$ -	\$ 5.67	\$ -	\$ 5.83	\$ -	\$ 6.01	\$ -	\$ 6.19	\$ -
	500-999	\$ 5.50	\$ -	\$ 5.67	\$ -	\$ 5.83	\$ -	\$ 6.01	\$ -	\$ 6.19	\$ -
<b>Total</b>	# of Residences										
	2000+	\$ 14.35	\$ 14.35	\$ 10.30	\$ 14.78	\$ 10.61	\$ 15.22	\$ 10.93	\$ 15.68	\$ 11.26	\$ 16.15
	1500-1999	\$ 16.50	\$ 16.50	\$ 11.33	\$ 17.00	\$ 11.67	\$ 17.50	\$ 12.02	\$ 18.03	\$ 12.38	\$ 18.57
	1000-1499	\$ 17.50	\$ 17.50	\$ 12.36	\$ 18.03	\$ 12.73	\$ 18.57	\$ 13.11	\$ 19.12	\$ 13.51	\$ 19.70
	500-999	\$ 18.50	\$ 18.50	\$ 13.39	\$ 19.06	\$ 13.79	\$ 19.63	\$ 14.21	\$ 20.22	\$ 14.63	\$ 20.82

# Republic Services Contract Proposal

## Three Year Contract

		First Year		Second Year		Third year	
Trash	# of Residences	96-Gallon	65-Gallon	96-Gallon	65-Gallon	96-Gallon	65-Gallon
	2000+	\$ 11.00	\$ 11.00	\$ 11.50	\$ 11.50	\$ 12.01	\$ 12.01
	1500-1999	\$ 11.85	\$ 11.85	\$ 12.38	\$ 12.38	\$ 12.94	\$ 12.94
	1000-1499	\$ 13.85	\$ 13.85	\$ 14.47	\$ 14.47	\$ 15.12	\$ 15.12
	500-999	\$ 15.75	\$ 15.75	\$ 16.46	\$ 16.46	\$ 17.20	\$ 17.20

		First Year		Second Year		Third year	
Recycling	# of Residences	96-Gallon	65-Gallon	96-Gallon	65-Gallon	96-Gallon	65-Gallon
	2000+	\$ 3.53	\$ 4.53	\$ 3.69	\$ 4.73	\$ 3.85	\$ 4.95
	1500-1999	\$ 4.68	\$ 5.68	\$ 4.89	\$ 5.94	\$ 5.11	\$ 6.20
	1000-1499	\$ 5.83	\$ 5.83	\$ 6.09	\$ 6.09	\$ 6.37	\$ 6.37
	500-999	\$ 7.28	\$ 8.28	\$ 7.61	\$ 8.65	\$ 7.95	\$ 9.04

		First Year		Second Year		Third year	
Total	# of Residences	96-Gallon	65-Gallon	96-Gallon	65-Gallon	96-Gallon	65-Gallon
	2000+	\$ 14.53	\$ 15.53	\$ 15.18	\$ 16.23	\$ 15.87	\$ 16.96
	1500-1999	\$ 16.53	\$ 17.53	\$ 17.27	\$ 18.32	\$ 18.05	\$ 19.14
	1000-1499	\$ 19.68	\$ 19.68	\$ 20.57	\$ 20.57	\$ 21.49	\$ 21.49
	500-999	\$ 23.03	\$ 24.03	\$ 24.07	\$ 25.11	\$ 25.15	\$ 26.24

# Republic Services Contract Proposal

## Four Year Contract

Trash	# of Residences	First Year		Second Year		Third year		Fourth Year	
		96-Gallon	65-Gallon	96-Gallon	65-Gallon	96-Gallon	65-Gallon	96-Gallon	65-Gallon
	2000+	\$ 11.00	\$ 11.00	\$ 11.44	\$ 11.44	\$ 11.90	\$ 11.90	\$ 12.37	\$ 12.37
	1500-1999	\$ 11.85	\$ 11.85	\$ 12.32	\$ 12.32	\$ 12.82	\$ 12.82	\$ 13.33	\$ 13.33
	1000-1499	\$ 13.85	\$ 13.85	\$ 14.40	\$ 14.40	\$ 14.98	\$ 14.98	\$ 15.58	\$ 15.58
	500-999	\$ 15.75	\$ 15.75	\$ 16.38	\$ 16.38	\$ 17.04	\$ 17.04	\$ 17.72	\$ 17.72

Recycling	# of Residences	First Year		Second Year		Third year		Fourth Year	
		96-Gallon	65-Gallon	96-Gallon	65-Gallon	96-Gallon	65-Gallon	96-Gallon	65-Gallon
	2000+	\$ 3.53	\$ 4.53	\$ 3.67	\$ 4.71	\$ 3.82	\$ 4.90	\$ 3.97	\$ 5.10
	1500-1999	\$ 4.68	\$ 5.68	\$ 4.87	\$ 5.91	\$ 5.06	\$ 6.14	\$ 5.26	\$ 6.39
	1000-1499	\$ 5.83	\$ 5.83	\$ 6.06	\$ 6.06	\$ 6.31	\$ 6.31	\$ 6.56	\$ 6.56
	500-999	\$ 7.28	\$ 8.28	\$ 7.57	\$ 8.61	\$ 7.87	\$ 8.96	\$ 8.19	\$ 9.31

Total	# of Residences	First Year		Second Year		Third year		Fourth Year	
		96-Gallon	65-Gallon	96-Gallon	65-Gallon	96-Gallon	65-Gallon	96-Gallon	65-Gallon
	2000+	\$ 14.53	\$ 14.53	\$ 15.11	\$ 15.11	\$ 15.72	\$ 15.72	\$ 16.34	\$ 16.34
	1500-1999	\$ 16.53	\$ 16.53	\$ 17.19	\$ 17.19	\$ 17.88	\$ 17.88	\$ 18.59	\$ 18.59
	1000-1499	\$ 19.68	\$ 19.68	\$ 20.47	\$ 20.47	\$ 21.29	\$ 21.29	\$ 22.14	\$ 22.14
	500-999	\$ 23.03	\$ 23.03	\$ 23.95	\$ 23.95	\$ 24.91	\$ 24.91	\$ 25.91	\$ 25.91

# Republic Services Contract Proposal

## Five Year Contract

		First Year		Second Year		Third year		Fourth Year		Fifth Year	
# of Residences		96-Gallon	65-Gallon	96-Gallon	65-Gallon	96-Gallon	65-Gallon	96-Gallon	65-Gallon	96-Gallon	65-Gallon
<b>Trash</b>	2000+	\$ 11.00	\$ 11.00	\$ 11.39	\$ 11.39	\$ 11.78	\$ 11.78	\$ 12.20	\$ 12.20	\$ 12.62	\$ 12.62
	1500-1999	\$ 11.85	\$ 11.85	\$ 12.26	\$ 12.26	\$ 12.69	\$ 12.69	\$ 13.14	\$ 13.14	\$ 13.60	\$ 13.60
	1000-1499	\$ 13.85	\$ 13.85	\$ 14.33	\$ 14.33	\$ 14.84	\$ 14.84	\$ 15.36	\$ 15.36	\$ 15.89	\$ 15.89
	500-999	\$ 15.75	\$ 15.75	\$ 16.30	\$ 16.30	\$ 16.87	\$ 16.87	\$ 17.46	\$ 17.46	\$ 18.07	\$ 18.07
		First Year		Second Year		Third year		Fourth Year		Fifth Year	
# of Residences		96-Gallon	65-Gallon	96-Gallon	65-Gallon	96-Gallon	65-Gallon	96-Gallon	65-Gallon	96-Gallon	65-Gallon
<b>Recycling</b>	2000+	\$ 3.53	\$ 4.53	\$ 3.65	\$ 4.69	\$ 3.78	\$ 4.85	\$ 3.91	\$ 5.02	\$ 4.05	\$ 5.20
	1500-1999	\$ 4.68	\$ 5.68	\$ 4.84	\$ 5.88	\$ 5.01	\$ 6.08	\$ 5.19	\$ 6.30	\$ 5.37	\$ 6.52
	1000-1499	\$ 5.83	\$ 5.83	\$ 6.03	\$ 6.03	\$ 6.25	\$ 6.25	\$ 6.46	\$ 6.46	\$ 6.69	\$ 6.69
	500-999	\$ 7.28	\$ 8.28	\$ 7.53	\$ 8.57	\$ 7.80	\$ 8.87	\$ 8.07	\$ 9.18	\$ 8.35	\$ 9.50
		First Year		Second Year		Third year		Fourth Year		Fifth Year	
# of Residences		96-Gallon	65-Gallon	96-Gallon	65-Gallon	96-Gallon	65-Gallon	96-Gallon	65-Gallon	96-Gallon	65-Gallon
<b>Total</b>	2000+	\$ 14.53	\$ 15.53	\$ 15.04	\$ 16.07	\$ 15.56	\$ 16.64	\$ 16.11	\$ 17.22	\$ 16.67	\$ 17.82
	1500-1999	\$ 16.53	\$ 17.53	\$ 17.11	\$ 18.14	\$ 17.71	\$ 18.78	\$ 18.33	\$ 19.44	\$ 18.97	\$ 20.12
	1000-1499	\$ 19.68	\$ 19.68	\$ 20.37	\$ 20.37	\$ 21.08	\$ 21.08	\$ 21.82	\$ 21.82	\$ 22.58	\$ 22.58
	500-999	\$ 23.03	\$ 24.03	\$ 23.84	\$ 24.87	\$ 24.67	\$ 25.74	\$ 25.53	\$ 26.64	\$ 26.43	\$ 27.57



## Rules and Regulations Trash and Recycling

Residential trash and recycling services are provided through a contract with a private hauler for the benefit of the residents of the City of Marshall.

### Residential Trash Service

Trash service will be provided to each residential dwelling, once per week.

### Residential Recycling Service

Recycling service will be provided to each residential dwelling, once every other week.

### Residential Rates

Residential rates are established as follows:

Service	96-Gallon Toter	64-Gallon Toter
Trash	\$13.00	\$13.00
Recycling	\$5.50	N/A

Residents will be billed monthly, in advance, for trash and/or recycling services.

### Bulk Items

Residents may request the removal of a bulk item for a per item charge of \$25 by contacting the City who will then schedule service with the private hauler. Freon must be removed any appliance prior to collection.

### Late Fees

Bills are due approximately 20 days after they are issued. Payments received by mail are considered on time when received in the office on or before the printed "Due" date. When bills are not paid on or before the due date, the bill will be considered delinquent. Within four business days following the due date, a late fee of 5% of the total delinquent amount will be charged to the account. Additional tag fees may also apply.

### Opt-Out

Residents are allowed to opt-out of this service, providing they have an alternative method for disposing of trash. A waiver of service must be signed and provided to the city to avoid charges for trash and/or recycling services.

### Exemptions

Residential properties with four (4) units or more are exempt from the services by the Solid Waste Ordinance. Buildings with commercial and residential uses, and properties served by a Homeowners Association are exempt.

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**Collection Schedule and Routes**

Residents must place their container at the street, with the handles facing towards the house, by 6:00 AM of each collection day. Failure to put the container out by 6:00 AM will not result in a special pick-up of the container. If a properly placed container was missed by the provider, the City will coordinate with the provider to provide the service at the earliest possible opportunity.

The City will work with the chosen service provider to establish a schedule of collection for each property in the City. This schedule will be set on annual basis and will be communicated to each property 30 days prior to any change.

**Holidays and Other Interruptions**

Service will not be provided on the following days: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day. If a collection day falls on one of these holidays, service will be provided the next day.

**Lien**

The charges for residential solid waste and recycling collection shall constitute a lien on the property. Charges remaining delinquent shall be certified annually to the City Treasurer to be entered upon the next tax roll, and the charges, penalties, and interest shall be collected in the same manner as provided for delinquent real property taxes in the City.



**ADMINISTRATIVE REPORT**  
**December 7, 2020 - CITY COUNCIL MEETING**

**REPORT TO:** Honorable Mayor and City Council

**FROM:** Tom Tarkiewicz, City Manager

**SUBJECT:** Assistant Director of Electric Utility Salary & FiberNet Manager and IT Team Leader Salary Adjustment

**BACKGROUND:** At the June 1, 2020 Council meeting, the Council approved the 2020/21 salaries.

The charter of the City of Marshall, Section 2.27, Annual Compensation states *"The city council shall set the salaries of all administrative officials, department heads and salaried personnel by June 30 of every year, except as provided by State law. Such salaries shall be included in the annual budget..."*

**FiberNet Manager & IT Team Leader**

Joe Smith was hired in 2015 as an Electric Department GIS Engineer. In 2017, he was promoted to be the Fibernet Manager. Joe has excelled in these positions. Tracy Hall has inherited the IT duties as part of her Human Resources position. She is limited by her self-learning and relies on CRT our contracted IT Manager.

We desire to expand the IT responsibilities to bring in house some of the tasks done by CRT. We need to review our cybersecurity risks. We want to assign the IT duties to Joe Smith. His primary responsibility will be FiberNet. After review the City's pay structure, I am recommending his annual salary be amended from \$58,938.66 to \$65,000 effective January 3, 2021. This increase would be distributed over all funds, since IT is an internal service fund.

**Assistant Director of Electric Utility**

One of the Council's strategic goals is succession planning. As a sub-task, the employment of an assistant for the Director of Electric & Fibernet Utility was requested.

Currently, the Director has the responsibility of the electric and FiberNet departments which has 23 employees and a combined budget of over \$14 million and growing. In the next several years, the Director may retire. With this future retirement, an Assistant Director is needed.

The City is seeing large electric growth due to our marihuana growers. Consistent, reliable quality power is demanded. In the next three years our load will grow from 25 MW to over 75 MW. This growth

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will require many large-scale infrastructure projects. Some of these projects include:

- \$5.5 million new substation
- New 138 kVa ITC transmission line valued at \$12 million
- System upgrades in the industrial park and on Industrial Road
- Construction of a 50 MW peaking generator

To meet the energy and capacity needs, the construction of the 500 MW \$500 million Marshall Energy Center must be constructed. The City will buy energy and capacity to meet our growth needs. The electric department administration will collaborate with the MEC team.

In 2021, the hydroelectric dams will be rehabilitated. This project will require coordination with FERC, MDNR, EGLE, and the design engineers.

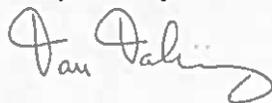
The City has advertised over the last two years for different levels of an assistant to the Director. After minimal interest of applicants from advertisements at the budgeted annual salary of \$60,000-\$70,000, we have rethought the responsibilities of the position to assist the Director. This position is in high demand and it is felt, after doing comparable salary research, that the City will need to compensate this salaried position between \$90,000 - \$100,000. This research reviewed national and the local market.

**RECOMMENDATION:** It is recommended that the Council approve a \$65,000 annual salary for the FiberNet Manager & IT Team Leader effective January 4, 2021. It is further recommended that a salary range of \$90,000-\$100,000 for the Assistant Director of Electric Utility be approved.

**FISCAL EFFECTS:** Currently, Joe Smith is paid 75% out of FiberNet and 25% out of the Electric Fund. On January 4, 2021, Joe Smith will be paid 75% out of FiberNet and 25% out of the Data Processing Fund. In developing the FY 2022 budget, staff will look at whether the savings from not paying CRT will offset the new wages, and if not, Data Processing charges to each department will be adjusted accordingly.

**ALTERNATIVES:** As suggested by the Council.

Respectfully submitted,



Tom Tarkiewicz  
City Manager