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Register in advance for this webinar:

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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: 862 0766 2123

**CITY COUNCIL
WORK SESSION AGENDA
Monday, January 4, 2021
6:00 PM**

A. 2020 Water and Wastewater Rate Review

Director of Public Services Marguerite Davenport, Water Superintendent Aaron Ambler, and Wastewater Superintendent Alec Egnatuk will present the latest water and wastewater rate review findings

B. Other items

C. Future Work Sessions

- a. CityWorks & Asset Management Tuesday, January 19th
- b. 2021 Strategic Planning April 9th & 10th

D. Future topics

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

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cityofmarshall.com

2020 Water/Sewer Rate Study

Aaron Ambler, Water Superintendent

Alec Egnatuk, Wastewater Superintendent

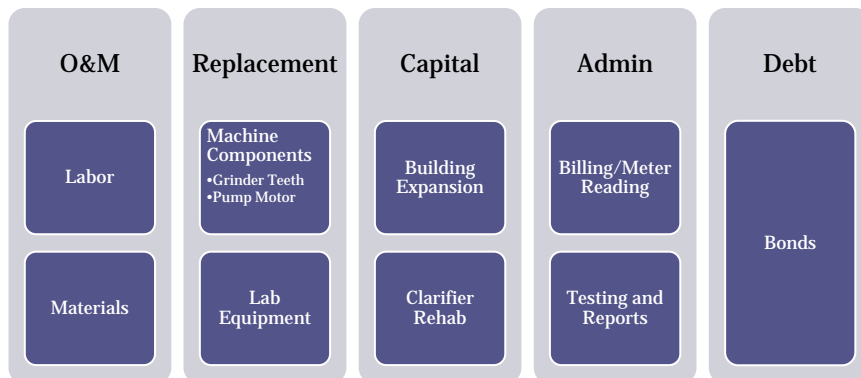
Marguerite Davenport, Director of Public Services

Introduction

- Providing quality drinking water and wastewater treatment is an essential service for our residents.
- Over many years our community has invested in the essential infrastructure and services necessary to provide its residents with safe and potable drinking water and wastewater treatment.
- The construction and maintenance of this infrastructure is one of the costliest investments the residents in our community will make.
- Community officials strive to ensure that the residents' investment in these facilities is based on sound judgment, cost effectiveness and sustainable financing for the present and future. The purpose of analyzing utility rates is to ensure;
 - Compliance with federal and state regulations
 - That adequate revenue is collected through service charges to support cost of servicing the residents
 - That the rates are equitable to all users of the service

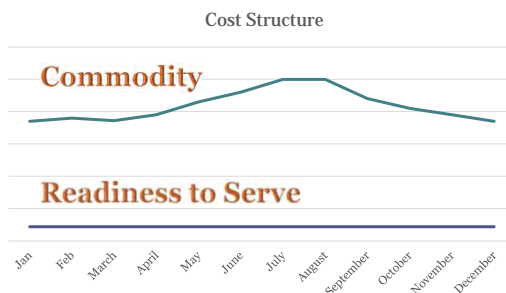
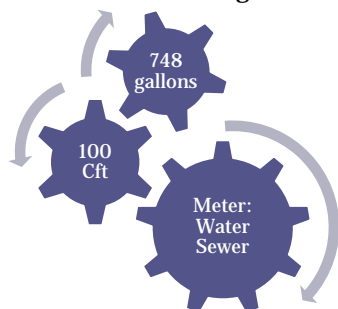
Revenue Required = Total System Cost

Ensuring that the revenue covers the total system cost means the service is “sustainable”. That is, the system will serve the present needs and will continue to meet future needs. Total system cost is comprised of the following components:



Water/Sewer Rate Cost Structure

- Customers are charged a *readiness-to-serve* charge for water and sewer each billing cycle
- Customers are also charged a *commodity charge* for the actual water consumed and wastewater discharged based on the water meter reading



WATER RATE REPORT

Aaron Ambler, Water Superintendent

WATER DEPARTMENT ADMINISTRATIONS EXPENSES (591-539)

	Proposed Budget	YEAR 2	YEAR 3	YEAR 4	YEAR 5
	ANNUAL INCREASE	2.0%	2.0%	2.0%	2.0%
ADMINISTRATIONS BUDGET	2021	2022	2023	2024	2025
EXPENSES	\$ 903,375	\$ 921,443	\$ 939,871	\$ 958,669	\$ 977,842
BOND INTEREST PAID (FROM BOND/DEBT PAGE)	\$ (203,225)	\$ (207,290)	\$ (211,435)	\$ (215,664)	\$ (219,977)
SUBTRACT DB RETIREMENT ACCRUAL (PER J. BARTLETT)	\$ (65,125)	\$ (66,428)	\$ (67,756)	\$ (69,111)	\$ (70,493)
TOTAL	\$ 635,025	\$ 647,726	\$ 660,680	\$ 673,894	\$ 687,371

WATER DISTRIBUTION EXPENSES (591-544)

	Proposed Budget	YEAR 2	YEAR 3	YEAR 4	YEAR 5
	ANNUAL INCREASE	2.0%	2.0%	2.0%	2.0%
DISTRIBUTION BUDGET 591-544	2021	2022	2023	2024	2025
EXPENSES	\$ 866,814	\$ 884,150	\$ 901,833	\$ 919,870	\$ 938,267
DEPRECIATION	\$ (331,300)	\$ (337,926)	\$ (344,685)	\$ (351,578)	\$ (358,610)
TOTAL	\$ 535,514	\$ 546,224	\$ 557,149	\$ 568,292	\$ 579,658

WATER PRODUCTION EXPENSES (591-546)

	Proposed Budget	YEAR 2	YEAR 3	YEAR 4	YEAR 5
	ANNUAL INCREASE	2.0%	2.0%	2.0%	2.0%
PRODUCTION BUDGET 591-546	2021	2022	2023	2024	2025
EXPENSES	\$ 204,907	\$ 209,005	\$ 213,185	\$ 217,449	\$ 221,798
DEPRECIATION	\$ (12,600)	\$ (12,852)	\$ (13,109)	\$ (13,371)	\$ (13,639)
TOTAL	\$ 192,307	\$ 196,153	\$ 200,076	\$ 204,078	\$ 208,159

WATER DEPARTMENT DEBT SCHEDULE

	Proposed Budget	YEAR 2	YEAR 3	YEAR 4	YEAR 5
BOND PAYMENTS	2021	2022	2023	2024	2025
NEW - ISSUE 37 - MATURES 2040 (WATER CONTR. TO METER PROJECT)	\$ 177,422	\$ 183,172	\$ 188,922	\$ 194,672	\$ 199,600
ISSUE 20 - MATURES 2024	\$ 17,575	\$ 17,125	\$ 21,600	\$ 20,800	
ISSUE 21 - MATURES 2023	\$ 11,717	\$ 16,417	\$ 16,067	\$ 15,533	
ISSUE 22 - MATURES 2023	\$ 5,858	\$ 5,708	\$ 10,533	\$ 10,267	
ISSUE 29 - MATURES 2029	\$ 107,240	\$ 103,880	\$ 105,450	\$ 101,775	\$ 102,950
ISSUE 32 - MATURES 2032	\$ 99,835	\$ 102,885	\$ 115,785	\$ 118,235	\$ 115,535
ANTICIPATED NEW ISSUE - MATURES 2063		\$ 80,000	\$ 160,000	\$ 240,000	\$ 240,000
TOTAL	\$ 419,647	\$ 509,187	\$ 618,357	\$ 701,282	\$ 658,085

POTENTIAL NEW BOND ISSUE COMING IN 2023 TO FUND THE PROPOSED NEW WATER PLANT AND MAINS REPLACEMENT PENDING NEED DUE TO GROWTH.

WATER DEPARTMENT CAPITAL IMPROVEMENTS

YEAR	CAPITAL EXPENDITURES	ANNUAL FUNDING AMOUNT	RUNNING BALANCE
			\$ 500,000
2021	\$ 194,000	\$ 100,000	\$ 406,000
2022	\$ 183,600	\$ 200,000	\$ 422,400
2023	\$ -	\$ 250,000	\$ 672,400
2024	\$ -	\$ 250,000	\$ 922,400
2025	\$ 216,000	\$ 250,000	\$ 956,400
2026	\$ 627,000	\$ 250,000	\$ 579,400
2027	\$ -	\$ 250,000	\$ 829,400
2028	\$ -	\$ 250,000	\$ 1,079,400
2029	\$ -	\$ 250,000	\$ 1,329,400
2030	\$ 1,062,000	\$ 250,000	\$ 517,400

WATER DEPARTMENT CONCLUSION OF ANALYSIS

COMMODITY CHARGE				
	CURRENT COST PER 100CFT	PROPOSED COST PER 100CFT		DIFFERENCE
0 - 3000 CU FT	\$ 3.07	\$ 3.44		\$ 0.37
3001-15000 CU FT	\$ 2.45	\$ 2.75		\$ 0.30
OVER 15000 CU FT	\$ 1.84	\$ 2.06		\$ 0.22
READINESS TO SERVE				
METER SIZE	CURRENT	PROPOSED	METER RATIO FACTOR	DIFFERENCE
1"	\$ 20.86	\$ 20.95	1.00	\$ 0.09
1-1/2"	\$ 53.61	\$ 53.83	2.57	\$ 0.22
2"	\$ 96.71	\$ 97.12	4.64	\$ 0.41
3"	\$ 217.77	\$ 218.69	10.44	\$ 0.92
4"	\$ 407.62	\$ 409.35	19.54	\$ 1.73
6"	\$ 876.66	\$ 880.39	42.02	\$ 3.73

SEWER RATE REPORT

Alec Egnatuk, Wastewater Superintendent

Mission Statement

The goal of the City of Marshall Wastewater Department is to protect public health and the natural resources of the State of Michigan by providing professional, accountable, and fiscally responsible operation of the Wastewater Treatment Plant and Collection System in accordance with applicable State of Michigan (EGLE) requirements and permits.

WASTEWATER DEPARTMENT ADMINISTRATIONS EXPENSES (590-539)

	Proposed Budget	YEAR 2	YEAR 3	YEAR 4	YEAR 5
	ANNUAL INCREASE	2.0%	2.0%	2.0%	2.0%
ADMINISTRATIONS BUDGET	2021	2022	2023	2024	2025
EXPENSES	\$ 623,674	\$ 636,147	\$ 648,870	\$ 661,848	\$ 675,085
BOND INTEREST PAID (FROM BOND/DEBT PAGE)	\$ (64,540)	\$ (65,831)	\$ (67,147)	\$ (68,490)	\$ (69,860)
DEPRECIATION	\$ (1,700)	\$ (1,734)	\$ (1,769)	\$ (1,804)	\$ (1,840)
SUBTRACT DB RETIREMENT ACCRUAL (PER J. BARTLETT)	\$ (43,500)	\$ (44,370)	\$ (45,257)	\$ (46,163)	\$ (47,086)
TOTAL	\$ 513,934	\$ 524,213	\$ 534,697	\$ 545,391	\$ 556,299

WASTEWATER DEPARTMENT OPERATIONS EXPENSES (590-545)

	Proposed Budget	YEAR 2	YEAR 3	YEAR 4	YEAR 5
	ANNUAL INCREASE	2.0%	2.0%	2.0%	2.0%
OPERATIONS BUDGET	2021	2022	2023	2024	2025
EXPENSES	\$ 1,411,256	\$ 1,439,481	\$ 1,468,271	\$ 1,497,636	\$ 1,527,589
DEPRECIATION	\$ (423,075)	\$ (431,537)	\$ (440,167)	\$ (448,971)	\$ (457,950)
METER READING LABOR - ELIMINATED STARTING IN FY022		\$ (30,000)	\$ (30,000)	\$ (30,000)	\$ (30,000)
ADDITIONAL STAFF GIS - SPLIT BETWEEN 3 DEPT's (50% FY2021)	\$ 11,000	\$ 22,000	\$ 22,440	\$ 22,889	\$ 23,347
TOTAL	\$ 999,181	\$ 999,945	\$ 1,020,544	\$ 1,041,554	\$ 1,062,985

WASTEWATER DEPARTMENT DEBT SCHEDULE

	Proposed Budget	YEAR 2	YEAR 3	YEAR 4	YEAR 5
	2021	2022	2023	2024	2025
BOND PAYMENTS					
NEW - ISSUE 37 -MATURES 2040 (WW CONTR. TO METER PROJECT)	\$ 38,578	\$ 39,828	\$ 41,078	\$ 42,328	\$ 43,400
ISSUE 31 - MATURES 2031	\$ 214,540	\$ 215,040	\$ 210,390	\$ 210,740	\$ 210,940
TOTAL	\$ 253,118	\$ 254,868	\$ 251,468	\$ 253,068	\$ 254,340

POTENTIAL NEW BOND ISSUE COMING IN 2026 TO FUND THE PROPOSED HEADWORKS UPGRADES AT THE WASTEWATER TREATMENT PLANT

WASTEWATER DEPARTMENT CAPITAL IMPROVEMENTS

YEAR	CAPITAL EXPENDITURES	ANNUAL FUNDING AMOUNT	RUNNING BALANCE
			\$ 700,000
2021	\$ 415,000	\$ 306,000	\$ 591,000
2022	\$ 699,720	\$ 306,000	\$ 197,280
2023	\$ 509,600	\$ 306,000	\$ (6,320)
2024	\$ 408,100	\$ 306,000	\$ (108,420)
2025	\$ 64,800	\$ 306,000	\$ 132,780
2026	\$ 66,000	\$ 306,000	\$ 372,780
2027	\$ -	\$ 306,000	\$ 678,780
2028	\$ 45,600	\$ 306,000	\$ 939,180
2029	\$ -	\$ 306,000	\$ 1,245,180
2030	\$ -	\$ 306,000	\$ 1,551,180

Observations

- The current Sewer REU schedule ratios do not match the Water REU schedule ratios.
- We will continue with our plan to match the Water REU schedule by continuing to increase the readiness-to-serve charges equally over the next 3 years.

WASTEWATER DEPARTMENT CONCLUSION OF ANALYSIS

COMMODITY CHARGE				
	CURRENT	PROPOSED		DIFFERENCE
PER 100 CU FT	\$ 4.13	\$ 4.25		\$ 0.12
READINESS TO SERVE				
METER SIZE	CURRENT	PROPOSED	METER RATIO FACTOR	DIFFERENCE
1"	\$ 17.44	\$ 17.96	1.00	\$ 0.52
1-1/2"	\$ 37.36	\$ 41.04	2.29	\$ 3.68
2"	\$ 56.84	\$ 66.81	3.72	\$ 9.97
3"	\$ 104.37	\$ 134.16	7.47	\$ 29.79
4"	\$ 210.76	\$ 263.47	14.67	\$ 52.71
6"	\$ 371.58	\$ 506.65	28.21	\$ 135.07
FLAT RATE USER FEE				
	CURRENT	PROPOSED		DIFFERENCE
BASED ON 600 CU FT OF USAGE	\$ 42.22	\$ 43.46		\$ 1.24

WATER & WASTEWATER COMBINED BILLING COMPARISONS

FAMILY OF 2		
	CURRENT	PROPOSED
WATER		
USAGE OF 400 CU FT	\$ 12.28	\$ 13.76
1" METER CHARGE	\$ 20.86	\$ 20.95
TOTAL	\$ 33.14	\$ 34.71
DIFFERENCE		\$ 1.57
SEWER		
400 CU FT	\$ 16.52	\$ 17.00
1" METER - RTS	\$ 17.44	\$ 17.96
TOTAL	\$ 33.96	\$ 34.96
DIFFERENCE		\$ 1.00
TOTAL MONTHLY DIFFERENCE		\$ 2.57

FAMILY OF 3		
	CURRENT	PROPOSED
WATER		
USAGE OF 2000 CU FT	\$ 61.40	\$ 68.80
1" METER CHARGE	\$ 20.86	\$ 20.95
TOTAL	\$ 82.26	\$ 89.75
DIFFERENCE		\$ 7.49
SEWER		
2000 CU FT	\$ 82.60	\$ 85.00
1" METER - RTS	\$ 17.44	\$ 17.96
TOTAL	\$ 100.04	\$ 102.96
DIFFERENCE		\$ 2.92
TOTAL MONTHLY DIFFERENCE		\$ 10.41

FAMILY OF 5		
	CURRENT	PROPOSED
WATER		
USAGE OF 6900 CU FT	\$ 187.65	\$ 210.45
1" METER CHARGE	\$ 20.86	\$ 20.95
TOTAL	\$ 208.51	\$ 231.40
DIFFERENCE		\$ 22.89
SEWER		
6900 CU FT	\$ 284.97	\$ 293.25
1" METER - RTS	\$ 17.44	\$ 17.96
TOTAL	\$ 302.41	\$ 311.21
DIFFERENCE		\$ 8.80
TOTAL MONTHLY DIFFERENCE		\$ 31.69

LARGE INDUSTRIAL USER		
	CURRENT	PROPOSED
WATER		
USAGE OF 32,640 CU FT	\$ 710.68	\$ 796.58
3" METER CHARGE	\$ 217.77	\$ 218.69
TOTAL	\$ 928.45	\$ 1,015.27
DIFFERENCE		\$ 86.82
SEWER		
32,640 CU FT	\$ 1,348.03	\$ 1,387.20
3" METER - RTS	\$ 104.37	\$ 134.16
TOTAL	\$ 1,452.40	\$ 1,521.36
DIFFERENCE		\$ 68.96
TOTAL MONTHLY DIFFERENCE		\$ 155.78

QUESTIONS

The electronic public meeting will be held as a webinar using the ZOOM virtual meeting platform. Register in advance for this webinar:

<https://us02web.zoom.us/j/88396916319?pwd=RnRMSWFxR0VnVlJWeXpHL2RvamZiZz09>

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: 883 9691 6319**

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.

January 4, 2021

- 1) OATH OF OFFICE
- 2) CALL TO ORDER
- 3) ROLL CALL
- 4) INVOCATION – Kris Tarkiewicz, Family Bible Church
- 5) PLEDGE OF ALLEGIANCE
- 6) APPROVAL OF AGENDA – Items can be added or deleted from the Agenda by Council action.
- 7) 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.
- 8) CITY COUNCIL ORGANIZATION
 - A. Election of Mayor Pro-Tem
 - B. Boards and Commissions Liaison Appointments
 - C. Firekeeper's Local Revenue Sharing Board Appointment
 - D. Calhoun County Consolidated Dispatch Authority Board Appointment
- 9) CONSENT AGENDA
 - A. City Council Minutes
Regular Session.....Monday, December 7, 2020
 - B. City Bills
Regular Purchases..... \$ 206,284.97
Regular Purchases..... \$ 81,204.21
Purchased Power..... \$ 714,558.88
Weekly Purchases –12/4/20 \$ 118,795.58
Weekly Purchases –12/11/20 \$ 40,701.82
Weekly Purchases –12/18/20 \$ 43,271.04
Weekly Purchases –12/23/20 \$ 59,107.32
Total..... \$ 1,263,923.82

10) PRESENTATIONS AND RECOGNITIONS

11) INFORMATIONAL ITEMS

12) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Amendments to City Ordinance Chapter 70: Vehicle and Traffic Code

City Council will hear public comment regarding the proposed amendments to sections 70.13 through 70.17 of Chapter 70: Vehicle and Traffic of the Marshall City Code of Ordinances.

13) OLD BUSINESS

14) REPORTS AND RECOMMENDATIONS

A. 2021 Strategic Planning Work Session Date

City Council will consider the recommendation to establish Strategic Planning Work Session dates for April 9 and 10, 2021.

B. Clarifier Equipment Bids

City Council will consider the recommendation to award the Clarifier Rehabilitation Project Equipment Purchase to WesTech, through their local representative, Hamlett Environmental of Howell, MI in the amount of \$313,171.00 and to authorize the City Clerk to sign the contract.

15) APPOINTMENTS / ELECTIONS

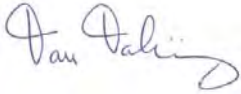
16) PUBLIC COMMENT ON NON-AGENDA ITEMS

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.

17) COUNCIL AND MANAGER COMMUNICATIONS

18) ADJOURNMENT

Respectfully submitted,



Tom Tarkiewicz
City Manager

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2021-**

**RESOLUTION APPOINTING REPRESENTATIVE AND ALTERNATES
TO THE LOCAL REVENUE SHARING BOARD**

WHEREAS, the Urban Cooperation Act of 1967 (MCL 124.501 et seq., as amended: hereinafter the “Urban Cooperation Act”) provides that Public agencies of the State of Michigan and Public agencies of the United States may enter into interlocal agreements to exercise jointly with each other any power, privilege or authority that the agencies share in common and that each may exercise separately; and

WHEREAS, under subsection 2(e) of the Urban Cooperation Act (MCL 124.502(e)), Calhoun County, Emmett Charter Township, the City of Battle Creek, the City of Marshall, and Athens Township are Public agencies of the State of Michigan, each of which have the authority to enter into an interlocal agreement; and

WHEREAS, for purposes of the Urban Cooperation Act, the Nottawaseppi Huron Band of the Potawatomi Indians (hereinafter “the Tribe”) is treated as a Public agency of the United States with the authority to enter into an interlocal agreement; and

WHEREAS, in accordance with the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.; hereinafter referred to as “IGRA”), on December 3, 1998 the State of Michigan and the Tribe made and entered into a Compact providing for the conduct of casino gaming, as approved by the U.S. Secretary of the Interior by publication in the Federal Register on February 18, 1999 (64 Fed. Reg. 8111), and as amended on July 23, 2009 in accordance with Section 16 of the Compact and approved by the U.S. Secretary of the Interior by publication in the Federal Register on October 8, 2009, (74 Fed. Reg. 51875) (hereinafter collectively referred to as the “Compact”); and

WHEREAS, the Tribe, a federally-recognized Indian tribe, acting under its governmental authority in accordance with IGRA and the Compact, commenced casino gaming operations on August 1, 2009, at the Firekeepers Casino (hereinafter the “Casino”) on land located in Emmett Township, Michigan that is held in trust for the Nottawaseppi Huron Band by the United States; and

WHEREAS, growth and development on and in the vicinity of the Pine Creek Indian Reservation, which is the governmental and community center of the Tribe, will have impacts on Athens Township, which will be affected by the Tribe’s operation of the Casino; and

WHEREAS, the Compact provides that the local units of government that are in the immediate vicinity or are otherwise directly affected by the Casino, together with the local government(s) affected by growth and development of the Tribe’s governmental and community facilities on and in the immediate vicinity of the Pine Creek Reservation that will result from the operation of the Casino, may, at their option, form a Local Revenue Sharing Board in conjunction with the Tribe for the purpose of receiving and directing the disbursement of

revenue sharing payments required by the Compact; and

WHEREAS, by entering into this interlocal agreement (hereinafter this “Agreement”), the parties hereto seek to create a Local Revenue Sharing Board, consistent with the terms and provisions of the Compact and for the purposes stated therein; and

WHEREAS, the Local revenue Sharing Board bylaws allow appointment of a Board representative and Board alternates.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City of Marshall appoints _____ as the Board representative and _____ as the Board alternate.

Motion by:

AYES, Council members:

NAYES, Council members:

ABSTAIN, Council members:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and a complete copy of the resolution adopted by the City Council and the City of Marshall at a regular meeting on January 4, 2021. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976, as amended). Minutes of the meeting will be available as required by the Act.

City of Marshall

By: Trisha Nelson
Its: Clerk

Date:

CALL TO ORDER

IN REGULAR SESSION, Monday, December 7, 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 (Marshall, MI), Gates (Marshall, MI), McNeil (Milwaukee, WI), Metzger (Marshall, MI), Traver (Marshall, MI), Underhill (Marshall, MI), and Wolfersberger (Marshall, MI).

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: Council Member Traver.

INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Caron led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Metzger, supported McNeil, to approve the agenda as presented. On a roll call vote – ayes: Gates, McNeil, Metzger, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

Mike Yarger of Republic Services stated he was on the meeting if there were any questions for him regarding Trash.

Barry Wayne Adams stated that he believes the will of the people does not matter. He did not authorize the City to enter into a contract on his behalf and he feels we are taking away people's rights and constitutional given rights.

Vicki DeGraw of 609 Hill Road stated she did not see a cost analysis on the trash issue and feels the city should not go into a contact on the citizen's behalf. Ms. DeGraw feels that the Zoom Meeting is wrong and hopes it is voted down.

CONSENT AGENDA

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

- A. Schedule 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. Received the dates for the 2021 City Council Meetings;
- C. Received the listing of the 2021 Boards and Commission positions that

- are scheduled to expire and the term of office;
- D. Approved the revised Title VI Non-Discrimination Plan as presented;
 - E. Approve the MERS 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. Minutes of the City Council Work Session and Regular Session held on Monday, November 16, 2020 and the Special Session held on Thursday, November 19, 2020;
 - G. Approve city bills in the amount of \$249,344.09.

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

PRESENTATIONS AND RECOGNITION

A. 2020 Financial Audit:

Matt Holland of Gabridge and Co. presented the findings of the FY 2020 Financial Audit for the City of Marshall.

B. Certificates of Appreciation:

Mayor Caron acknowledged past boards and commissions members.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Solid Waste Disposal Ordinances:

Director of Special Projects Eric Zuzga provided background regarding the proposed solid waste ordinance. Staff has been working on updating the proposed ordinance to address comments and concerns that were received during the discussion in 2019.

Mayor Caron opened the public hearing for public comment regarding the Solid Waste Disposal Ordinance.

Barry Wayne Adams finds it disturbing that the City is discussing the ordinance again and feels that people's constitutional rights are being ignored. Mr. Adams also feels that the Zoom meeting is in violation of the Open Meetings Act and what the City is trying to do is corporate fascism.

Tim Ruddock does not agree with using a single hauler for the City and wanted clarification if he would be charged for his vacant parcel on Montgomery Street.

Sara Huggett commented in support of the issue and stated the few voices don't speak for the entire City and the single hauler would be in the best interest of the community.

Vicki DeGraw inquired regarding the \$2.00 admin fee and the limitations on what could be charged to citizens. Ms. DeGraw also likes having competition and the single contract would eliminate this.

Brian Huggett feels the issue is a good fight and to continue to pursue the issue. He thanked Council for hearing their voices.

Heather Johnson inquired if it could be set up similar to FiberNet.

Stephanie Davis expressed opposition to the issue.

Bill Collins stated he is currently paid in full for a year with his current provider and inquired what would happen. Mr. Collins asked why only 1 bid was presented and stated he is not in agreement.

Hearing no further comment, the hearing was closed.

Moved Wolfersberger, supported Metzger, to adopt the proposed Chapter 50: Garbage and Rubbish Ordinance. On a roll vote – ayes: Traver, Wolfersberger, Mayor Caron, and Gates; nays: Metzger, McNeil, and Underhill. **MOTION CARRIED.**

MARSHALL CITY ORDINANCE
CALHOUN COUNTY, MICHIGAN

ORDINANCE NUMBER #2020-13

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: December 7, 2020

Date Published: December 12, 2020

Date Effective: January 11, 2021

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 7th 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

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

Planning and Zoning Administrator Trisha Nelson provided background on the proposed ordinance amendments. The purpose of the amendments is to allow the cultivation of marihuana in semi-permanent structures defined as hoop houses and commercial greenhouses.

Mayor Caron opened the public hearing to hear comment on the proposed changes to the Zoning Ordinance and City Ordinance to define Hoop House and Commercial Greenhouse.

Barry Wayne Adams commented that he finds it interesting that government is trying to regulate an individual growing plants and it is an overreach by the government.

Mike Beck, Director of Community Public Relations for MPM, thanked staff for doing a good job on the ordinance and the use of commercial greenhouses for MPM will add money and jobs.

Hearing no further comment, the hearing was closed.

Moved Traver, supported Metzger, to approve the changes to the Zoning Ordinance and Chapter 121 of the City of Marshall Code of Ordinances to define Hoop House and Commercial Greenhouse and to define the Use Standards. On a roll call vote – ayes: Underhill, Wolfersberger, Mayor Caron, Gates, McNeil, Metzger, and Traver; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
ORDINANCE #2020-14**

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 7th day of December, 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 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

CITY OF MARSHALL, MICHIGAN

Ordinance No. 2020-15

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 7th 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 regular 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

C. Obsolete Property Rehabilitation Exemption (OPRA):

Moved Metzger, supported Traver, to recuse Mayor Caron from voting on the OPRA Exemption as he is an employee of Schuler's Restaurant. On a roll vote – ayes: McNeil, Metzger, Traver, Underhill, Wolfersberger, and Gates; nays: None. **MOTION CARRIED.**

Eric Zuzga provided background on the OPRA exemption request by Schuler's Restaurant for the redevelopment of the second floor. The exemption will assist with the redevelopment of 7 apartments.

Mayor Pro-Tem Nick Metzger opened the public hearing to hear public comment regarding the Obsolete Property Rehabilitation Exemption request by Schuler's Restaurant.

Hearing no comment, the hearing was closed.

Moved Gates, supported Traver, to approve the application for an Obsolete Property Rehabilitation Exemption for Schuler's Restaurant located at 115 S. Eagle Street for a period of 12 years. On a roll vote – ayes: Traver, Underhill, Wolfersberger, Gates, McNeil, and Metzger; nays: None. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2020-38**

**RESOLUTION TO APPROVE AN OBSOLETE P-ROPERTY 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: Mayor Caron, Gates, McNeil, Metzger, Traver, Underhill, and Wolfersberger.

ABSENT: None.

The following preamble and resolution were offered by Gates, and supported by Traver.

Resolution 2020- 38 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 (2nd 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: Traver, Underhill, Wolfersberger, Gates, McNeil, and Metzger.

NAYS: None.

ABSTAIN: Mayor Caron

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

OLD BUSINESS

A. City Council Rules of Procedure:

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

REPORTS AND RECOMMENDATIONS

A. Transformer Purchase for CRESCO Labs Inc.:

Moved McNeil, supported Metzger, to approve awarding the purchase of three (3) new 3000KVA transformers for the Cresco Labs development project in the amount of \$133,425 with the approval of the City Manager and Director of Electric Utility. On a roll vote – ayes: Gates, McNeil, Metzger, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: None. **MOTION CARRIED.**

B. Social District Changes:

Moved Gates, supported McNeil, to approve the changes to the Social District as proposed by the Ad-Hoc Committee. On a roll vote – ayes: McNeil, Metzger, Traver, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: None. **MOTION CARRIED.**

C. Solid Waste Proposals:

Moved Wolfersberger, supported Traver, to accept the bid from Granger to provide Solid Waste services and to direct staff and City Attorney to negotiate a contract for a period of 5 years and to approve the proposed Rules and Regulations for the provision of Solid Waste Services. On a roll vote – ayes: McNeil, Metzger, Wolfersberger, Mayor Caron, and Gates; nays: Underhill. **MOTION CARRIED.**

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

Moved Wolfersberger, supported McNeil, to approve a \$65,000 annual salary for the FiberNet Manager and IT Team Leader effective January 4, 2021. On a roll vote – ayes: McNeil, Metzger, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: None. **MOTION CARRIED.**

Moved McNeil, supported Metzger, to approve a salary range of \$90,000 to \$100,000 for the Assistant Director of Electric Utility position. On a roll vote – ayes: McNeil, Metzger, Traver, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: None. **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

None

PUBLIC COMMENT ON NON-AGENDA ITEMS

Barry Wayne Adams spoke regarding the validity of the mask wearing and Governor Whitmore's orders. Mr. Adams also commented on the Montgomery Street issue and the harassing of Mr. Ruddock.

Moved McNeil, supported Traver, to extend the Council Meeting beyond 10:00 p.m. On a roll vote – ayes: Gates, McNeil, Metzger, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: None. **MOTION CARRIED.**

Tim Ruddock of 560 N. Madison commented the taking of one's property is against the 5th amendment and he would be willing to sell his property to the City for \$200,000.

ADJOURNMENT

The meeting was adjourned at 10:15 p.m.

Joe Caron, Mayor

Trisha Nelson, City Clerk

APPROVAL LIST FOR CITY OF MARSHALL
 EXP CHECK RUN DATES 01/07/2021 - 01/07/2021
 UNJOURNALIZED
 OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
84795	5 ALARM	MSA SCBA FLOWTEST		1,455.54
55763	A - Z KEY SHOP	REKEY POWERHOUSE		932.32
90989	ALL-TRONICS INC	QUARTERLY FIRE ALARM MONITORING		81.00
12312020	ALLIED UNIVERSAL TECH	MARSHALL HOUSE INTERCOM REPLACEMENT PROJ 2021.213		138,649.69
1T9K-MPXR-3Y3P	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - POWER ADAPTER		34.46
1TG7-FNMQ-VJQJ	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - SPRAY BOTTLE/POSTA		117.15
1HDP-NQRD-6PP9	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - COVID ANTIBACTERI		578.02
4770654-00	ANIXTER POWER SOLUTION	METERING FOR CRESCO		393.52
02250470945	AUTO VALUE MARSHALL	BATTERY/PIGTAIL/MARKER LAMP		153.32
02250471033	AUTO VALUE MARSHALL	VREDIT MEMO		(13.52)
02250470999	AUTO VALUE MARSHALL	MARKER BULBS/PIGTAIL/OIL FILTER/OIL		125.69
02250471076	AUTO VALUE MARSHALL	OIL FILTER		6.80
02250471131	AUTO VALUE MARSHALL	RUNNING BOARDS		833.96
02250471222	AUTO VALUE MARSHALL	FORWARD LIGHTING/WASHER SOLVENT		51.27
02250471280	AUTO VALUE MARSHALL	AIR FILTER/OIL FILTER/FUEL FILTER/OIL FI		101.40
02250471299	AUTO VALUE MARSHALL	DEF FLUID		240.09
02250471332	AUTO VALUE MARSHALL	PAINT/RUST FIX		77.86
02250471321	AUTO VALUE MARSHALL	CREDIT MEMO		(36.00)
1000217426	BALTIC NETWORKS USA	MIKROTIK INTERNATIONAL- RESIDENTIAL ROUT 2021.212		2,400.61
P34100907	BATTERIES PLUS BULBS	150 WATTS HPS		41.85
P34396367	BATTERIES PLUS BULBS	175 WATT MH		239.40
54904	BATTLE CREEK RENTAL EQ	GENIE SCISSOR LIFT/TRAILER		410.00
5428	CEREAL CITY SNACKS, IN	SNACK MACHINE/SODA MACHINE RENTAL - DECE		150.00
161465	D & D MAINTENANCE SUPP	WYPAL		57.80
161454	D & D MAINTENANCE SUPP	JANITORIAL		539.61
161338	D & D MAINTENANCE SUPP	JANITORIAL		564.82
574690	DARLING ACE HARDWARE	PARACORD/LAG BOLT/NUTS & BOLTS		15.27
577466	DARLING ACE HARDWARE	HOOKS		7.17
577028	DARLING ACE HARDWARE	NUTS/BOLTS/WASHERS		68.06
577115	DARLING ACE HARDWARE	FORK LIFT PROPANE		27.64
577148	DARLING ACE HARDWARE	FAUCET/VALVE		71.98
577111	DARLING ACE HARDWARE	GASKET KIT/FLUSH VALVE		17.58
577027	DARLING ACE HARDWARE	BATTERIES FOR CHRIS BROWN		9.59
577313	DARLING ACE HARDWARE	KEYS		3.88
577294	DARLING ACE HARDWARE	CAP HOSE BRASS		6.59
577470	DARLING ACE HARDWARE	PLUNGER/HOSE CLAMP/TOILET FILL VALVE		30.17
577715	DARLING ACE HARDWARE	FAUCET		74.98
150190	DQE	PERSONAL PROTECTION KITS- ON SCENE AND H 2021.053		1,703.70
150292	DQE	PERSONAL PROTECTION KITS- ON SCENE AND H 2021.053		1,858.50
IN-2055698	DUBOIS CHEMICALS	BLANKET PO FOR POLYMER	2021.010	10,015.84
3314385	EDWARDS INDUSTRIAL	SALIHOSSE ASSEMBLY		96.03
1109383	ERIC DALE HEATING & AI	SERVICE CALL - POWERHOUSE		956.00
0118621	FERGUSON WATERWORKS #3	INVENTORY FOR WATER DEPARTMENT	2021.208	2,579.00
0118374	FERGUSON WATERWORKS #3	INVENTORY FOR WATER DEPARTMENT	2021.188	119.95
19642	FIRESERVICE MANAGEMENT	UNIFORM INSPECTION/REPAIR/CLEANING		1,579.55
247053	FOSTER, KEN	SERVICE CALL - WATER SOFTNER		100.00
16913	FUG	DELIVERY SIGNS		75.00
117047726	GLOBAL EQUIPMENT COMP	PAIGLOVES		212.99
1995876	GRIFFIN PEST SOLUTIONS	PEST CONTROL		51.00
20200921	GRP ENGINEERING INC	BROOKS SUBSTATION SITE LAYOUT		1,355.78
87591	HERMANS MARSHALL HARDW	LIGHT FIXTURES		71.97
8239	J.C. EHRLICH	PEST CONTROL		77.00
129057	J.C. EHRLICH	PEST CONTROL		224.67
21340	J.C. EHRLICH	PEST CONTROL - BED BUGS		250.00
196027	K & H CONCRETE CUTTING	MINIMUM CHARGE CORE DRILLING		175.00
154407635	KONECRANES INC	CRANE AND HOIST MAINTENANCE	2021.161	4,714.95
37861	LAKELAND ASPHALT CORPO	BITUMINOUS AGGREGATES		335.58
6438	LEGG LUMBER	PLYWOOD & 2X4X8		105.88
50359119	MCMMASTER-CARR	PADLOCKS		141.08
S4783513.001	MEDLER ELECTRIC COMPAN	CRESCO - CTX PVC FLEX		172.88
S4783328.001	MEDLER ELECTRIC COMPAN	METERING UNIT		252.78
S4773636.002	MEDLER ELECTRIC COMPAN	3' LONG COUPLING		43.05
S4783328.002	MEDLER ELECTRIC COMPAN	TERMINAL STRIP		23.95
S4783263.001	MEDLER ELECTRIC COMPAN	ROMEX		227.16
S4783266.001	MEDLER ELECTRIC COMPAN	CREDIT		(190.77)
39749773	MSC INDUSTRIAL SUPPLY	MARKING FLAGS		8.44
568959	NAPA OF MARSHALL	HOSE FITTINGS/GLOVES		30.48
755884	NYE UNIFORM COMPANY	COLLAR BRASS		42.00
755882	NYE UNIFORM COMPANY	MATT PARKS		31.40
759187	NYE UNIFORM COMPANY	COVID - FACE SHEILDS		420.00
755880	NYE UNIFORM COMPANY	DEPT. UNIFORM STOCK		347.50
757001	NYE UNIFORM COMPANY	HAWLEY		59.15
1826418B1	OFFICE 360	PLANNER		32.17
1826530	OFFICE 360	FLAGS		12.32
1827698	OFFICE 360	POUCH		9.99
1835440	OFFICE 360	CALENDAR		37.95
56526431	POWER LINE SUPPLY	STREET LIGHT ARMS		1,094.57
56526566	POWER LINE SUPPLY	RED METER SEALS		540.00
56527762	POWER LINE SUPPLY	SCREW LAG		175.38

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
56527813	POWER LINE SUPPLY	WINTER GLOVES		183.46
56527763	POWER LINE SUPPLY	CONNECTOR - PEARL ST EXITS		859.02
56527759	POWER LINE SUPPLY	#4 TAP WIRE	2021.206	2,495.00
56527765	POWER LINE SUPPLY	600 AMP DISCONNECT		953.61
56527766	POWER LINE SUPPLY	ELECTRIC INVENTORY	2021.174	1,086.71
56527761	POWER LINE SUPPLY	ELECTRIC INVENTORY	2021.174	1,448.94
56528934	POWER LINE SUPPLY	CLIMBING GLOVES		25.12
56527228	POWER LINE SUPPLY	TESTING OF ELETRIC RUBBERGOODS	2021.207	2,028.50
56528394	POWER LINE SUPPLY	AUGER BITS		112.00
20-2500	QUALITY EXCAVATORS, IN	SAND		91.00
20-2503	QUALITY EXCAVATORS, IN	REPAIR STORM SEWER DRAIN AND CURB AT LIN	2021.201	3,100.00
11671	R & M SERVICE & GLOWIN	TEST AND SERVICE TWO PORTABLES		375.00
59050	R&R FIRE TRUCK REPAIR,	BREATHING AIR - ANNUAL EQUIP MAINTENANCE		663.42
15742	R-S TRUCK & DIESEL, IN	CHECK BRAKES		114.40
246682	RIDGEWEAR SPORTS & IM	EMBROIDERY - FIRE LOGO		40.00
1737378	STANTEC CONSULTING MIC	WATER RELIABILITY STUDY UPDATE	2021.009	3,808.70
1737380	STANTEC CONSULTING MIC	WATER AMI CONSTRUCTION ENGINEERING	2021.097	809.00
1737377	STANTEC CONSULTING MIC	DESIGN SERVICES FOR CLARIFIER REHABILITA	2021.093	5,104.50
5352938	TOSHIBA AMERICA BUSINE	MRLEC COPIER		44.10
139815	TRI AIR TESTING INC	AIR TESTING		195.01
132836305	TRUGREEN	ICE MELT		577.71
154 0108725	UNIFIRST CORPORATION	WATER UNIFORMS		35.12
154 0108726	UNIFIRST CORPORATION	MARSHALL HOUSE UNIFORMS		39.87
154 0108724	UNIFIRST CORPORATION	POWER HOUSE UNIFORMS		52.87
154 0108721	UNIFIRST CORPORATION	WASTE WATER UNIFORMS		31.43
154 0108722	UNIFIRST CORPORATION	DPW GARAGE UNIFORMS		47.73
154 0108723	UNIFIRST CORPORATION	ELECTRIC UNIFORMS		191.19
20-155	WATERWAY OF MICHIGAN	ANNUAL HOSE TESTING	2021.211	2,890.15
23322	WEST SHORE SERVICES	TIC BATTERY		191.97
GRAND TOTAL:				206,284.97

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
352915	AD-VISOR & CHRONICLE	PUBLIC SALE AD		15.55
1P9T-TICK-WNFH	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - STORAGE BIN		54.08
1P9T-TICK-RMRV	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - SD CARDS/USB HUB		77.94
1R17-YR7F-FXJ9	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - EXTENSION POLE/WIN		249.93
13XQ-733C-JM9R	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - COVID SUPPLIES - G		977.12
311646	APEX SOFTWARE	APEX SKETCHING SOFTWARE ANNUAL MAINTENAN		470.00
5509	ASPEN WIRELESS	48 PORT SWITCH AND POWER SUPPLY WITH FAN 2021.145		6,040.00
02250470036	AUTO VALUE MARSHALL	PAINT/PRIMER		32.07
02250470818	AUTO VALUE MARSHALL	BXT65050/GUN FILTER/MANDREL SET		185.96
02250470822	AUTO VALUE MARSHALL	FIRE EXTINGUISHER		26.79
02250470477	AUTO VALUE MARSHALL	BK LUBE		25.98
02250470484	AUTO VALUE MARSHALL	IND LATEX XL/RUST FIX		30.07
02250470531	AUTO VALUE MARSHALL	WIRE/FUEL FILL HOSE/OIL FILTER		272.18
02250470636	AUTO VALUE MARSHALL	RED N TACKY		59.90
02250470637	AUTO VALUE MARSHALL	RED N TACKY		59.90
02250470613	AUTO VALUE MARSHALL	PALM SANDER		65.09
02250470602	AUTO VALUE MARSHALL	AIR FILTER		38.42
02250470599	AUTO VALUE MARSHALL	PRESTONE DE ICER		29.94
02250470752	AUTO VALUE MARSHALL	TAPE/PRIMER/SPRAYGUN/WAX& GREASE REM		226.77
02250470688	AUTO VALUE MARSHALL	GLOSS BLACK PAINT/HI BUILD PRIMER		18.98
02250470779	AUTO VALUE MARSHALL	FORD GRAY PAINT/OIL FILTER		23.98
02250470855	AUTO VALUE MARSHALL	FEMALE PLUG/SHOP TOWELS		18.58
02250470881	AUTO VALUE MARSHALL	GLOSS BLACK PAINT		18.18
02250470817	AUTO VALUE MARSHALL	COVERALL		8.19
02250470899	AUTO VALUE MARSHALL	MINERAL SPIRITS		27.39
1000215387	BALTIC NETWORKS USA	MIKROTIK INTERNATIONAL- RESIDENTIAL ROUT 2021.184		1,134.61
P34008533	BATTERIES PLUS BULBS	BATTERIES		14.95
P33806146	BATTERIES PLUS BULBS	HEAT LAMP BULBS		47.86
6993	BUD'S TOWING & AUTOMOT	DART 8 - OIL CHANGE/ FRONT TIRES		380.74
INV0154641	CONSUMERS CONCRETE PRO	MANHOLE		23.50
3288192	DAIKIN APPLIED	SERVICE CALL - MRLEC		1,371.00
574526	DARLING ACE HARDWARE	PEG SHELF		2.99
576222	DARLING ACE HARDWARE	SAWZAL BLADE		19.99
576075	DARLING ACE HARDWARE	CHRISTMAS LIGHTS		51.97
576884	DARLING ACE HARDWARE	THERMOSTAT		29.99
576920	DARLING ACE HARDWARE	POLY FILM/PVC/COAX FITTING/TELEPHONE PLA		19.76
576486	DARLING ACE HARDWARE	DRILLING HAMMER		12.99
576665	DARLING ACE HARDWARE	SNAKE/DUCT TAPE/POWER CENTER		48.96
576505	DARLING ACE HARDWARE	FLUSH VALVE		9.99
576775	DARLING ACE HARDWARE	PUSH THRU ADAPTER		11.98
576236	DARLING ACE HARDWARE	PAINT/ BRUSH		35.58
576448	DARLING ACE HARDWARE	DOOR STOP/PLUNGER		16.58
575657	DARLING ACE HARDWARE	NUTS/BOLTS/TUBING		6.64
INV52670	DORNBOS SIGN INC	STREET SIGNS		155.80
0015240	ENG, INC	ENGINEERING SERVICES FOR ROAD CONSTRUCTI	2021.124	11,090.00
0117871-1	FERGUSON WATERWORKS #3	INVENTORY FOR WATER DEPARTMENT	2021.188	752.00
0117871	FERGUSON WATERWORKS #3	INVENTORY FOR WATER DEPARTMENT	2021.188	1,700.00
0117588	FERGUSON WATERWORKS #3	SWVL HYDRANT ADAPTER		393.63
20106	FORUM ARCHITECTS, LLC	INTERCOM REPLACEMENT ARCHITECTURAL DESIG	2020.331	2,400.00
7627	FREDRICKSON SUPPLY	VAC TRUCK REPAIR PARTS	2021.199	2,103.98
20-11087	GARAGE DOORS UNLIMITED	SERVICE CALL - RECEIVING DOOR REPAIR		492.30
9724524971	GRAINGER	ACCT 804945673 - WIPES/SHOP TOWELS		113.30
9318874201	GRAYBAR ELECTRIC	RAINBOW TECHNOLOGY CORP		97.32
3485	HE CLEANS TOO, LLC	JANITORIAL SUPPLIES		356.93
12012020	HERITAGE CLEANERS	NOVEMBER LAUNDRY/CLEANING		153.50
87507	HERMANS MARSHALL HARDW.	PLUGS		24.46
28343	HUNTER PRELL COMPANY	BACKFLOW PREVENTER REPAIR	2021.191	3,373.12
0059874-IN	HYDROCORP	CROSS CONNECTION CONTROL PROGRAM - NOVEM		865.00
C163073	IMPACT SOLUTIONS	UTILITY BILL PAPER		15.00
12012020	ISAAC & SONS	DISINFECT		125.00
19074	J AND K PLUMBING SUPPL	DELTA 13000 SERIES HANDLE CHROME		28.72
19004	J AND K PLUMBING SUPPL	OATEY 16OZ		12.96
18980	J AND K PLUMBING SUPPL	1" ADAPT/90/HEX BUSHING		23.47
8826777	J.C. EHRLICH	PEST CONTROL		224.67
000012389	KELLOGGS REPAIR	HYDROMAX - N		20.95
000012385	KELLOGGS REPAIR	BUSHINGS - N/BOLT - N		24.30
INV013437	KNIGHT WATCH, INC	SERVICE CALL		865.00
INV012935	KNIGHT WATCH, INC	MONTHLY FIRE MONITORING		224.85
5212	LEGG LUMBER	XT25 3 IN 1 GRAY - FROST		29.99
016326	LEWEY'S SHOE REPAIR	SEAT STRAP		5.00
49753292	MCMASER-CARR	CLASS RK5 FUSE		114.49
54768709.004	MEDLER ELECTRIC COMPAN	6" CAP		21.18
54768709.003	MEDLER ELECTRIC COMPAN	LONG COUPLING		80.73
54773636.001	MEDLER ELECTRIC COMPAN	4" ELBOW		86.81
289553	MICHIGAN INDUSTRIAL GA.	CYLINDER RENTAL - WELDING GASES		98.30
32968623	MSC INDUSTRIAL SUPPLY	SAFETY GLASSES		91.00
568408	NAPA OF MARSHALL	HEXBIT ADAPTER		5.21
568378	NAPA OF MARSHALL	FLARENUT SETS/WHEEL BATTER CHARGER		197.98
447497	NORTH CENTRAL LABORATO	BLANKET PO FOR LAB SUPPLIES	2021.013	310.33

APPROVAL LIST FOR CITY OF MARSHALL
 EXP CHECK RUN DATES 12/22/2020 - 12/22/2020
 UNJOURNALIZED
 OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
447459	NORTH CENTRAL LABORATORY	BLANKET PO FOR LAB SUPPLIES	2021.013	49.70
447369	NORTH CENTRAL LABORATORY	BLANKET PO FOR LAB SUPPLIES	2021.013	612.70
447423	NORTH CENTRAL LABORATORY	BLANKET PO FOR LAB SUPPLIES	2021.013	139.79
753207	NYE UNIFORM COMPANY	CIP - VEST - RITSEMA		1,217.50
753221	NYE UNIFORM COMPANY	CIP - VEST - DEKRYGER		407.50
103016	O'LEARY WATER CONDITIONING	NOV/DEC COOLER RENTAL		31.00
1826418	OFFICE 360	SOAP REFILL		95.98
1821759	OFFICE 360	PAPER		32.99
1820173	OFFICE 360	DESKPAD - MONTHLY		4.98
1812837	OFFICE 360	CHAIR - JON BARTLETT		200.07
56522268	POWER LINE SUPPLY	LED ROADWAY AND SECURITY LIGHTS	2021.160	2,297.64
56523308	POWER LINE SUPPLY	SCREWDRIVER SET		230.00
56523200	POWER LINE SUPPLY	GROUND ROD		557.84
56523206	POWER LINE SUPPLY	E233/E164/E153/E165		841.22
56523199	POWER LINE SUPPLY	STEEL LINE PIN		190.50
56523201	POWER LINE SUPPLY	ELECTRIC INVENTORY	2021.174	1,937.10
56523202	POWER LINE SUPPLY	SUPPORT GRIP		273.00
56523204	POWER LINE SUPPLY	ELECTRIC INVENTORY	2021.174	1,587.00
56523205	POWER LINE SUPPLY	PHOTO EYE		97.40
56523203	POWER LINE SUPPLY	I/O LOADBREAK ELBOW		1,156.05
56525574	POWER LINE SUPPLY	COLD SHRINK		218.50
56525575	POWER LINE SUPPLY	WR289 CONNECTOR		83.46
56525576	POWER LINE SUPPLY	METER TESTER		180.00
56525578	POWER LINE SUPPLY	EPOXILATOR		424.28
56525579	POWER LINE SUPPLY	3/8" GUY GRIP		247.28
56525580	POWER LINE SUPPLY	2" U GUARD		195.56
56525581	POWER LINE SUPPLY	GUY WIRE		117.88
56520218	POWER LINE SUPPLY	LED ROADWAY AND SECURITY LIGHTS	2021.160	3,173.87
81149	PRINTLINK	DRIVER INSPECTION SHEETS		178.40
279136	PVS TECHNOLOGIES	BLANKET PO FOR FERRIC CHLORIDE	2021.014	4,824.69
1727046	STANTEC CONSULTING MICROWATER	AMI CONSTRUCTION ENGINEERING	2021.097	2,954.75
1727044	STANTEC CONSULTING MICROWATER	RELIABILITY STUDY UPDATE	2021.009	14,465.50
S020433964	TELEDYNE INSTRUMENTS,	SAMPLER REPAIR		556.60
28187	THOMPSON TECH SUPPLY	TIRE REPAIR SUPPLY		129.16
154 0108160	UNIFIRST CORPORATION	WASTE WATER UNIFORMS		31.43
154 01080163	UNIFIRST CORPORATION	POWER HOUSE UNIFORMS		52.87
154 0108065	UNIFIRST CORPORATION	MARSHALL HOUSE UNIFORMS		39.87
054 0108164	UNIFIRST CORPORATION	WATER UNIFORMS		35.12
154 0107587	UNIFIRST CORPORATION	WASTE WATER UNIFORMS		31.43
154 0107590	UNIFIRST CORPORATION	POWER HOUSE UNIFORMS		52.87
154 0107592	UNIFIRST CORPORATION	MARSHALL HOUSE UNIFORMS		39.87
154 0107591	UNIFIRST CORPORATION	WATER UNIFORMS		35.12
154 0107018	UNIFIRST CORPORATION	WATER UNIFORMS		40.82
154 0107019	UNIFIRST CORPORATION	MARSHALL HOUSE UNIFORMS		39.87
154 0107017	UNIFIRST CORPORATION	POWER HOUSE UNIFORMS		52.87
154 0107014	UNIFIRST CORPORATION	WASTE WATER UNIFORMS		31.43
154 0107015	UNIFIRST CORPORATION	DPW GARAGE UNIFORMS		47.73
154 0107016	UNIFIRST CORPORATION	ELECTRIC UNIFORMS		198.73
154 0107589	UNIFIRST CORPORATION	ELECTRIC UNIFORMS		185.49
154 0107588	UNIFIRST CORPORATION	DPW GARAGE UNIFORMS		47.73
154 0108162	UNIFIRST CORPORATION	ELECTRIC UNIFORMS		192.99
154 0108161	UNIFIRST CORPORATION	DPW GARAGE UNIFORMS		47.73
MRLECN0V20	WHITE COLLAR LAWN & LAI	2020 LAWN MOWING AT MRLEC BUILDING- & AI 2021.048		440.00
BROOKSN0V20	WHITE COLLAR LAWN & LAI	2020 LAWN MOWING AT MRLEC BUILDING- & AI 2021.048		880.00
GRAND TOTAL:				81,204.21

**MICHIGAN SOUTH CENTRAL POWER AGENCY**

168 DIVISION STREET

COLDWATER, MICHIGAN 49036

PHONE (517) 279-6961

FAX (517) 279-6969

INVOICE MONTH:

November, 2020

INVOICE DATE:

12/14/2020

DUE DATE:

12/29/2020

TOTAL AMOUNT DUE:

\$714,558.88

MARSHALL CITY ELECTRIC DEPARTMENT

323 WEST MICHIGAN AVENUE

MARSHALL, MICHIGAN 49068

ATTN TOM TARKIEWICZ

MSCPA Member Power Billing - November, 2020

Total Power Charges:	\$543,258.64
Transmission / Capacity / Ancillary Services:	\$144,715.61
Total Other Charges:	\$6,856.09
Total Miscellaneous Charges:	\$19,728.54

TOTAL CHARGES	\$714,558.88
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NOTE: PLEASE SEE ENCLOSED BACKUP FOR ADDITIONAL DETAIL

* Any amounts due and not paid by the due date shall bear interest at the rate of 1% per month until paid

Notes:

DETAIL INFORMATION OF POWER CHARGES November , 2020
Marshall

Contract 3 (CITI 2018-2030 5x16 AD Hub)			
Energy Charge:	\$0.041700	/ kWh *	137,541 kWh = \$5,735.48
Subtotal	\$0.041700	/ kWh *	137,541 kWh = \$5,735.48
Settlement of Contract Power at AD Hub (PJM)			
Energy Charge:	\$0.024111	/ kWh *	-550,166 kWh = -\$13,265.00
Subtotal	\$0.024111	/ kWh *	-550,166 kWh = -\$13,265.00
Municipal Owned Generation - Hydro			
Energy Charge:			45,835 kWh = \$0.00
Subtotal	\$0.000000	/ kWh *	45,835 kWh = \$0.00
Plus Actual Municipal Generation - Diesel			
Energy Charge:			0 kWh = \$0.00
Consumers Monthly Customer Charge			\$234.57
Consumers Monthly Gas Charge			\$1,292.42
November, 2020 monthly gas usage was 243 MMBTU			
November, 2020 monthly gas rate was \$ 5.319 per MMBTU			
Subtotal	#DIV/0!	/ kWh *	0 kWh = \$1,526.99
Generation Deviation from Schedule - Diesel (RT Sale)			
Energy Charge:			0 kWh = \$0.00
Subtotal	#DIV/0!	/ kWh *	0 kWh = \$0.00
MISO Market Power			
On Peak Energy Charge: (M-F HE 08-23 EDT)	\$0.029348	/ kWh *	3,263,529 kWh = \$95,779.23
Off Peak Energy Charge:	\$0.022453	/ kWh *	2,746,528 kWh = \$61,668.80
Subtotal	\$0.026197	/ kWh *	6,010,056 kWh = \$157,448.03
Total Demand Charges:			\$100,654.23
Total Energy Charges:			\$442,604.41
Total Power Charges:			8,738,593.32 kWh \$543,258.64
TRANSMISSION / CAPACITY / ANCILLARY SERVICES:			
MISO Transmission Charges (breakdown attached)			\$29,179.76
MISO Capacity Charges (breakdown attached)			\$108,454.09
MISO ancillary services, ARRs and FTRs (breakdown attached)			\$7,081.76
TRANSMISSION / CAPACITY / ANCILLARY SERVICES TOTAL:			\$144,715.61
OTHER CHARGES:			
AMP Dispatch Center Charges.	\$0.000128	/ kWh *	8,738,593 kWh = \$1,117.73
AMP Service Fee Part A,			
Based on Annual Municipal Sales	\$0.000229	/ kWh *	111,069,653 kWh 1/12 = \$2,119.58
AMP Service Fee Part B,			
Energy Purchases	\$0.000580	/ kWh *	6,239,281 kWh = \$3,618.78
TOTAL OTHER CHARGES:			\$6,856.09
MISCELLANEOUS CHARGES:			
MSCPA Administration Charges (breakdown attached)			\$16,721.36
UP Hydro prior month metering adjustment			\$3,007.17
TOTAL MISCELLANEOUS CHARGES:			\$19,728.54
GRAND TOTAL POWER INVOICE:	\$0.08177	/ kWh *	8,738,593 kWh = \$714,558.88

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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
5540	ASPEN WIRELESS	TECH SUPPORT FOR FIBERNET. \$8.75/CUSTOM	2021.018	13,063.75
11172020	AT&T MOBILITY	ACCT 145970911		67.35
88296	CARON CHEVROLET	CONDENSER/LUBRICANT - PATROL CAR		748.29
12012020TAX	CITY OF MARSHALL	WINTER 2020 TAX - PARCEL # 53-000-547-00		665.74
102470	CRT, INC	CLOUD STORAGE MONTHLY		1,200.01
574833	DARLING ACE HARDWARE	KEY		4.78
12/03/2020	DINGESS, TORY	UB refund for account: 2900520037		87.47
11302020	DUDA, ERIC	CDL REIMBURSEMENT		168.00
20-56336	ELECTION SOURCE	TABULATOR CODING - VOTING MACHINE		1,110.00
1238144	FIRST ADVANTAGE RESIDE	RESIDENTIAL SCREENING - ACCT # 138969		98.75
11262020	GROSS, JOHN	INSPECTIONS 10/26-11/25/2020		1,100.00
1934194	HUB INTERNATIONAL MIDW	PROPERTY INSURANCE - GENERAL LIABILITY - 2021.022		55,268.00
3729452	IIX INSURANCE INFORMAT	MOTOR VEHICLE REPORTS		36.20
12/03/2020	JANUARY BURK	UB refund for account: 1510		16.00
139	JOHN B SULLIVAN	PROFESSIONAL SERVICES JULY - SEPT 30, 20		7,645.00
12012020	KOLEDO, JULIE	OVERPAYMENT OF TAXES PARCEL # 53-007-815		647.20
201936.10-2201068	LAWSON-FISHER ASSOCIAT	ENGINEERING FOR THE HYDRO ELECTRIC DAM R 2020.169		9,617.07
12/03/2020	LOVEDAY, SUE ELLA	UB refund for account: 3004500025		4.98
12032020	MARENGO TOWNSHIP	WINTER TAXES 2020 - 15-311-015-00		1,369.76
11092020JL	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 3280 - JOSHUA LANKERD		100.00
11092020ER	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 48686 - E. RICE		422.15
20201211454	METRO WIRELESS	BUSINESS DATA SERVICES - 10 GBPS INTERNE	2021.019	4,890.22
03243	MICHIGAN CHAPTER OF NA	MEMBERSHIP RENEWAL		45.00
2943	MICHIGAN MUNICIPAL TRE	MEMBERSHIP RENEWAL - WILLIAM DOPP III		75.00
NNS23582	NEONOVA NETWORK SERVIC	ISP TECH SUPPORT - NOVEMBER 2020		1,161.25
12/03/2020	PARKS, SHANNON	UB refund for account: 101661022		10.62
0249-006934829	REPUBLIC SERVICES #249	ACCT 3-0249-1022021		1,970.90
11262020	SCOTT, DOUGLAS	INSPECTIONS 10/24-11/25/2020		1,350.00
14895	SONAR	SONAR SOFTWARE MONTHLY SERVICE. \$1.25/C	2021.007	1,845.00
761-10591506	STATE OF MICHIGAN EGLE	ANNUAL NPDES PERMIT FEE	2021.181	5,500.00
761-10592621	STATE OF MICHIGAN EGLE	NPDES ANNUAL PERMIT FEE		150.00
12/03/2020	SWIFT, JACOB & DOREEN	UB refund for account: 500680006		27.02
11282020	TAYLOR, JEFF	BOOT ALLOWANCE REIMBURESEMENT		133.51
12012020	TCF BANK	HSA ACCT# 5408998467 MICHAEL KURAS		300.00
40	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE (3-PERSON \$106/	2021.058	2,544.00
12/03/2020	VANDAM, KALA	UB refund for account: 1900880041		2.56
12/03/2020	VANDERVRIES, EDWARD	ASSESSING SERVICES		4,500.00
12/03/2020	WOLFERSBERGER, PAM	FARMERS MARKET MANAGER		850.00
GRAND TOTAL:				118,795.58

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2020-025981	ASPHALT SOLUTIONS PLUS	STREET PATCH ON SOUTH MADISON	2021.190	2,000.00
269789901112-20	AT&T MOBILITY	ACCT 26978990115991		164.85
269781444712-20	AT&T MOBILITY	ACCT 26978144477494		674.01
269781907012-20	AT&T MOBILITY	ACCT 26978190705731		175.69
132302	B S & A SOFTWARE	ANNUAL SERVICE/SUPPORT FEE	2021.193	8,588.00
11162020	CITY OF MARSHALL	ELECTRIC BILL - ST MARY'S - ELECTIONS NO		188.60
10013	COURTNEY & ASSOCIATES	MONTHLY RETAINER - NOVEMBER 2020		250.00
102639	CRT, INC	MONTHLY CLOUD STORAGE		1,211.28
574465	DARLING ACE HARDWARE	CHAIN/CLEVIS/HOOK		42.93
574728	DARLING ACE HARDWARE	BATTERIES/TIDE PODS		33.57
574939	DARLING ACE HARDWARE	BLADE/DRILLBITS/ANCHORS		23.14
575508	DARLING ACE HARDWARE	MOTOMIX/ROPE GUIDE		14.98
575196	DARLING ACE HARDWARE	PICKUP BODY/SO# 42831904021		120.88
575009	DARLING ACE HARDWARE	MINERAL SPIRITS/ BUFF WHEEL		17.18
574859	DARLING ACE HARDWARE	STARTER ROPE/STARTER COVER W/REWIND		31.23
573870	DARLING ACE HARDWARE	SNIPS/SABER		46.98
574908	DARLING ACE HARDWARE	ANTIFREEZE		42.00
574811	DARLING ACE HARDWARE	FLOURESCENT LAMP		19.98
574190	DARLING ACE HARDWARE	LED FEIT		77.94
574814	DARLING ACE HARDWARE	BALLAST - ELECT		25.99
S103761995.001	ETNA SUPPLY	IPERL WATER METERS	2021.186	5,200.00
12092020	FABRILASER MANUFACTURI	ENERGY OPTIMIZATION - LEAK STUDY DONE BY		750.00
20-10028	GARAGE DOORS UNLIMITED	SERVICE CALL - PSB ROLL UP DOOR		192.10
81248	HERMANS MARSHALL HARDW	ZIP TIES/KNIFES/PLIERS/ELECTRICAL TESTER		120.90
87789	HERMANS MARSHALL HARDW	SHARPIES/TAPE MEASURE/TAPE		35.95
81236	HERMANS MARSHALL HARDW	KEY RING/MOP/MARKERS/LIGHT/SPRAYER/BATTE		113.93
12072020	JEFFREY FREED, TRUSTEE	UB REFUND - ACH PULLED FROM WRONG CHECK		45.60
12/10/2020	KRAUS, KYLE	UB refund for account: 3204160020		58.67
12022020	LAHAM, RICH	BOOT ALLOWANCE REIMBURSEMENT		74.19
13533	LOWE'S BUSINESS ACCT/S	ACCT 7982130231059095		58.83
11092020SMD	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 4217 - SCOTT MCDONALD		821.32
12012020	MARSHALL TOWNSHIP	2020 WINTER TAX - PARCEL# 16-272-012-00		117.11
12092020	MEYER, STEVE	REIMBURSEMENT - WIRE LIFTING STRAPS		246.03
753206	NYE UNIFORM COMPANY	RITSEMA		51.00
753211	NYE UNIFORM COMPANY	DEKRYGER		179.85
753190	NYE UNIFORM COMPANY	KURAS - NEW HIRE UNIFORMS		1,079.50
11302020	OAKLAWN HOSPITAL	ACCT 9950-56303 DRUG SCREEN - VICTOR PO		40.00
N8608003	QUADIENT LEASING USA,	JAN - APRIL LEASE PMT		584.52
10203	REVORE LAW FIRM, P.L.C	PROFESSIONAL SERVICES - NOVEMBER		4,900.00
12722	STATE OF MICHIGAN EGLE	ACCT 00015800 - 2021 SARA TITLE III TIER		25.00
12092020	TMI COMPRESSED AIR SYS	ENERGY OPTIMIZATION - LEAK STUDY AT C&S		1,500.00
41	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE (3-PERSON \$106/2021.058		4,069.00
41-STREETS	TOP TO BOTTOM TREE SER	TREE WORK MANSION/JEFFERSON		106.00
12/10/2020	TREECE, MIKAYLA	UB refund for account: 3203320030		100.99
X106000406:01	TRI-COUNTY INTERNATIONAL	SWITCH/TURN SIGNAL W/HAZARD		152.37
12012020	WATER ENVIRONMENT FEDE	WEF DUES - ALEC EGNATUK		152.00
69018268	WEX BANK	ACCT 0470-00-462076-1		4,617.61
11242020	WOW! BUSINESS	ACCT 013934621		42.43
11282020	WOW! BUSINESS	ACCT 010058364		32.97
11292020	WOW! BUSINESS	ACCT 014226414		121.66
12022020	WOW! INTERNET-CABLE-PH	ACCT 010040764		1,363.06
GRAND TOTAL:				40,701.82

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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
353128	AD-VISOR & CHRONICLE	NOVEMBER ADS		550.32
90990	ALL-TRONICS INC	QUARTERLY FIRE ALARM MONITORING		81.00
12/17/2020	AMANDA PARRISH	UB refund for account: 1897		31.94
287290494544X12142	AT&T MOBILITY	ACCT 287290494544		42.49
2265164954	AUTO ZONE INC	HALOGEN CAPSULE		12.99
12/17/2020	BETH RAYNER	UB refund for account: 1834		58.00
12042020	BRONSON HEALTHCARE GRO	ACCT 700003456 - DRUG SCREEN - PRE-EMPLO		270.00
LOCAL-2020-00005	CALHOUN COUNTY TREASUR	PROPERTY ROOM SOFTWARE		837.50
202964382024	CONSUMERS ENERGY	ACCT 103015800248		2,002.64
202430464534	CONSUMERS ENERGY	ACCT 103015800248		423.78
201985505697	CONSUMERS ENERGY	ACCT 100009163203		237.41
12172020	CORELOGIC CENTRALIZED	OVERPAYMENT FOR PARCEL# 13-53-006-612		1,683.52
629021	CORRPRO COMPANIES, INC	WATER TOWER CATHODIC PROTECTION INSPECTI	2021.002	1,640.00
4914040A	DLT SOLUTIONS LLC	AUTOCAD SOFTWARE		882.00
12142020	FUNK, JUDITH	ENERGY OPTIMIZATION - FURNACE AND THERMO		110.00
12/17/2020	GAIL TAYLOR	UB refund for account: 2149		70.65
12/17/2020	GORDIER, ANDREW	UB refund for account: 1900930043		25.66
12172020	GSA PROPERTY TAX CONSU	OVERPAYMENT ON PARCEL# 13-53-003-027-00		1,158.95
12142020	HALL, TRACY	REIMBURSEMENT - SERVICE AWARD - LEE FRIE		295.00
12102020	HERMAN, MARIA	ENERGY OPTIMIZATION - FURNACE		100.00
87781	HERMANS MARSHALL	HARDW.BOLTS/WASHERS/THREAD NUT/EPOXEY/LOCKS/AL		82.02
81250	HERMANS MARSHALL	HARDW.SLYDE LIGHT/WORK LIGHT		89.98
87757	HERMANS MARSHALL	HARDW.SPACE HEATER		67.98
87791	HERMANS MARSHALL	HARDW.SUPPLY LINES/BASKET STRAINERS		39.35
87774	HERMANS MARSHALL	HARDW.STRAPS		15.41
81233	HERMANS MARSHALL	HARDW.FUNNEL/EXT CORD		22.48
87755	HERMANS MARSHALL	DRILL PUMP/VINEGAR/DRIVEWAY WHIPS/BATTER		63.48
28342	HUNTER PRELL COMPANY	BACKFLOW PREVENTER REPLACEMENT	2021.197	1,804.53
3294097	INTERNATIONAL CODE COU	MEMBERSHIP NO: 5159021 - RENEWAL		145.00
12/17/2020	JAQUES, ERIN	UB refund for account: 2100320023		20.48
12/17/2020	JORDAN YOUNG	UB refund for account: 2405		50.00
12/17/2020	KELSIE WEITZEL	UB refund for account: 2280		84.00
12/17/2020	KEVIN DAUS	UB refund for account: 1320		170.00
12/17/2020	LAURA VALENTINE	UB refund for account: 1957		50.00
20.11.01 - DARIDE	LINE1 COMMUNICATIONS	ITEXTBOX CLOUD SERVICE - ANNUAL		529.20
924460-FXHUFV	LOWE'S	ACCT 99007320387		140.60
12102020	LUIB, EARL	BOOT ALLOWANCE REIMBURSEMENT		95.39
12102020JB	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 9784 - JON BARTLETT		170.00
12172020	MARSHALL COMMUNITY CU	OVERPAYMENT ON PARCEL # 13-53-001-369-00		767.36
12102020TS	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 2922 - THERESA SEARS		1,087.75
12102020MD	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 4353 - MARGUERITE DAV		190.67
12102020SMCD	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 4217 - SCOTT MCDONALD		178.59
288753	MICHIGAN INDUSTRIAL GA	NOS/CLEANER TIP/E70S SPOOL		87.60
720029	NYE UNIFORM COMPANY	CREDIT MEMO - HANKIN GARRISON CAP - EIBL		(119.50)
748689	NYE UNIFORM COMPANY	CREDIT MEMO - X2 MOLLE HOLSTER		(39.50)
740766	NYE UNIFORM COMPANY	BADGE - MCDONALD		161.12
12/17/2020	O'DELL, KATELYN	UB refund for account: 1001660007		68.99
12182020	OAKLAWN HOSPITAL	PARKING STRUCTURE - CASH RENTAL		13,875.00
12102020	POTTER, VICTOR	CDL ROAD TEST REIMBURSEMENT		125.00
12102020	RAMEY, JAMES	ENERGY OPTIMIZATION - LED LIGHTING/FAN/T		72.99
5547-2	SHERWIN-WILLIAMS	APT 318 - VINYL FLOORING REPAIR		284.79
1631988066	STAPLES BUSINESS CREDI	CREDIT ACCT# 302063		1,221.83
CARE1591REIM210001	STATE OF MICHIGAN	MICHIGAN AVE PAVING OF PARKING LANES	2021.205	2,853.49
12072020	STEPHEN T DEAN	TOMBSTONE REPAIR		960.00
034494	SUMMIT POINTE	CUSTOMER NO: MAR-018 - CIT PROGRAM CERTI		150.00
209866	TELNET WORLDWIDE	ACCT 8948		1,977.52
12072020	THOMAS NEIDLINGER MD	DOT PHYSICALS - GEORGE/LEVI/STEVEN		225.00
42	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE (3-PERSON \$106/2021.058		3,651.63
9868258239	VERIZON WIRELESS	ACCT 987146080-00001		1,238.35
73315166	WINDSTREAM	ACCT 205599191		98.61
GRAND TOTAL:				43,271.04

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121620	BRONSON FARMS	WIC/SR FRESH REIMBURSEMENT		22.00
121620	BUTTERS, SCOTTY	F. MARKET - ENTERTAINMENT		50.00
121620	CCAIS	WINTER MARKET RENT X 6 MONTHS		600.00
203231404402	CONSUMERS ENERGY	ACCT 100009163435		467.16
203142390228	CONSUMERS ENERGY	ACCT 100072243312		335.49
207057470759	CONSUMERS ENERGY	ACCT 100000335602		3,070.74
201184650251	CONSUMERS ENERGY	ACCT 100007594680		384.20
202786408339	CONSUMERS ENERGY	ACCT 100067101772		56.67
201629532391	CONSUMERS ENERGY	ACCT 100089211096		479.27
206257009011	CONSUMERS ENERGY	ACCT 103009157670		42.51
203231404404	CONSUMERS ENERGY	ACCT 100009163971		704.34
203231404403	CONSUMERS ENERGY	ACCT 100009163708		182.30
204922241011	CONSUMERS ENERGY	ACCT 103013521119		18.20
202519459092	CONSUMERS ENERGY	ACCT 103018520884		727.12
122320	CORELOGIC CENTRALIZED	PROPERTY TAX REFUND		1,781.93
10312	DIG-IT, INC	UNDERGROUND BORING FOR 4" ELECTRICAL CO2021.209		6,809.66
10314	DIG-IT, INC	UNDERGROUND BORING FOR 4" ELECTRICAL CO2021.209		5,821.25
10313	DIG-IT, INC	UNDERGROUND BORING FOR 4" ELECTRICAL CO2021.209		6,407.20
10311	DIG-IT, INC	UNDERGROUND BORING OF 2" ELECTRICAL COND2021.210		11,190.13
10315	DIG-IT, INC	UNDERGROUND BORING OF 2" ELECTRICAL COND2021.210		11,101.51
121620	EICHER, MARY	SR FRESH/DU FB REIMBURSEMENT		72.00
121620	GREENER GRASS FARMS	DU FB/SNAP/WIC/SR FRESH REIMBURSEMENT		442.00
121620	HAZEL FAMILY FARM	DU FB/SR FRESH/WIC REIMBURSEMENT & PUMPK		113.00
121620	JEANETTE M. DYER	REIMBURSEMENT - SIGNS - WINTER MARKET		172.25
196032	K & H CONCRETE CUTTING	ASPHALT SLAB SAWING		175.00
12102020CR	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 4860 - CHRISTY RAMEY		565.99
121020CITY	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 3431 - CITY OF MARSHA		1,080.56
121620	MARSHALL ROTARY CLUB	ADVERTISEMENT - FARMERS MARKET		100.00
121620	MY BROTHER'S FRUIT	DU FB REIMBURSEMENT		30.00
121620	NORMAN, BOBBIE	SNAP/SR FRESH/WIC REIMBURSEMENT		48.00
121120	OAKLAWN HOSPITAL	PRE-EMPLOYMENT DRUG SCREEN - NICKELS		40.00
121620	PERENNIAL CONNECTION	WIC REIMBURSEMENT		5.00
121620	TOLLGATE FARMS	SNAP/WIC/SR FRESH/DU FB PROGRAM REIMBUR		111.00
43	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE (3-PERSON \$106/2021.058		4,240.00
121620	WILLOW GARDEN	WIC/SNAP/DU FB/SR FRESH REIMBURSEMENT		210.00
2376843	XEROX FINANCIAL SERVICE	CONTRACT - 010-0069580-001 LEASE PAYMENT		1,450.84
GRAND TOTAL:				59,107.32



ADMINISTRATIVE REPORT
January 4, 2021 – 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, after hearing public comment, that the Council adopt 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.

Respectfully Submitted,

Scott McDonald
Director of Public Safety

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

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cityofmarshall.com

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:

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 70.14

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:



ADMINISTRATIVE REPORT
January 4, 2021 – City Council Meeting

TO: Honorable Mayor and City Council Members

FROM: Tom Tarkiewicz, City Manager

SUBJECT: 2021 Strategic Planning Work Session – Establish Date

BACKGROUND: In February of 2020, the City Council and the City Directors met with Dr. Lew Bender to review the 2019 City Visioning, Goals, and Objectives. It is now time to prepare the 2021 City Visioning, Goals, and Objectives. It is requested that a work session be held on Friday April 9, 2021 at 5:00 PM and on Saturday April 10, 2021 at 8:00 AM. The work session will be held at the Public Services Building Training Room

RECOMMENDATION: It is recommended that the Council establish a work session for April 9 & 10, 2021 to discuss the 2021 City Visioning, Goals, and Objectives.

Respectfully submitted,

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

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cityofmarshall.com



ADMINISTRATIVE REPORT
January 4, 2021 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council

FROM: Alec Egnatuk, Wastewater Superintendent
Marguerite Davenport, Director of Public Services
Tom Tarkiewicz, City Manager

SUBJECT: WWTP Clarifier Rehabilitation Project

BACKGROUND: The City of Marshall retained Stantec Consulting Inc. to prepare an RFP for the rehabilitation of the two primary and two secondary clarifiers at the Wastewater Treatment Plant. Five reputable manufacturers of clarifier equipment and their local representatives were invited to visit the Plant for their own evaluation of the existing equipment. Stantec then accepted proposals identifying the recommendations from each manufacturer and drafted bid documents for the equipment purchase. As identified in our CIP, two clarifiers will be rehabilitated this construction season and two more in 2023. The project will span four consecutive fiscal years to facilitate the use of fund reserves instead of bonding the project. The project was estimated to cost \$325,000 for the equipment purchase and installation of each clarifier. Thus, \$325,000 has been appropriated in the FY2021 Capital Budget. Our plan is to purchase the equipment for two clarifiers in FY2021 and have them installed during FY2022 (after July 1, 2021).

Design of wastewater treatment equipment, while similar, varies with each manufacturer. Some factors that Plant Staff identified as important for consideration were ease of maintenance, optimizing operational parameters, and longevity of equipment life. The bid specs were written to allow each manufacturer to bid their equipment within certain parameters. There was an option to bid stainless steel versus painted steel. Bidders were asked to include an escalation factor for the equipment purchase in 2023

Bids from three of the five previously identified manufacturers, plus an additional bidder, for a total of four bids were received on December 18, 2020. The bids were forwarded to Stantec for further analysis and a letter with their recommendations has been included with this report.

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Bidder	Painted Steel	Stainless Steel	2023 Escalation
WesTech	\$313,171	\$339,233	5%
Ovivo	293,967	337,870	3%
Envirodyne	No Bid	328,400	5%
Evoqua	489,840	545,906	20%

Stantec recommends painted steel versus stainless steel due to cost savings and the robust quality control protocol identified in the bid documents to ensure long service life. Enrivodyne did not bid painted steel. Stantec felt this was due to their inability to comply with the paint specs. Staff also evaluated the proposal with an emphasis on the factors listed above. The bid from Ovivo was the lowest at \$293,957 and WesTech was second lowest at \$313,171. Staff feels WesTech has a superior design that allows for an optimal sludge blanket level that is lower than the Ovivo design allows. This is important as the secondary clarifiers, having been constructed the 1950's, are shallower than the current standard and a low sludge blanket is desirable. Another benefit of the WesTech design is there are no seals below the water surface that require maintenance. Finally, the WesTech gear box is grease lubricated while the other manufacturers only offer oil lubrication. The current clarifier drive gearboxes are WesTech and the maintenance required to grease the gearbox is less labor intensive and there is no danger of contaminating the clarifier with spilled oil during maintenance.

These factors, when coupled with Stantec's recommendation, have led Staff to choose WesTech as the equipment supplier for the WWTP Clarifier Rehabilitation project.

RECOMMENDATION: For City Council to award the Clarifier Rehabilitation Project Equipment Purchase to WesTech, through their local representative, Hamlett Environmental in Howell, MI. for an amount of \$313,171.00, and to authorize City Clerk Trisha Nelson to sign the contract/purchase order for this equipment purchase.

FISCAL EFFECTS: The amount approved, \$313,171, will be expensed from the Wastewater Department Capital Outlay budget line item 590-900-970.00 that is budgeted for this equipment purchase.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,



Alec Egnatuk
Wastewater Superintendent



Marguerite Davenport
Director of Public Services



Tom Tarkiewicz
City Manager



Stantec Consulting Michigan Inc.
3754 Ranchero Drive, Ann Arbor MI 48108-2771

December 28, 2020

File: 2075107908

Attention: Ms. Marguerite Davenport, PE, Director of Public Services
Mr. Alec Egnatuk, Wastewater Superintendent

City of Marshall
323 W. Michigan Avenue
Marshall, Michigan 49068

Dear Ms. Davenport and Mr. Egnatuk,

Reference: Bid Review – WWTP Clarifiers Procurement – Marshall WWTP

Bids for the above-referenced project were received at Marshall City Hall on Friday, December 18, 2020, where they were opened at 10:00 AM. Four bids were received from specialty manufacturers, known to be engaged in the production of wastewater process equipment. A bid tab summarizing the bid prices for the clarifier mechanism procurement options and overall project phases is attached for your review.

Primary and secondary clarification are two of the most essential unit processes in wastewater treatment. To consistently produce high quality effluent over a very long service life, clarifier equipment manufacturers must have experience, a reputation for producing quality products, engineering expertise, and are known for standing behind their products. Stantec developed a screening process to identify manufacturers who meet these criteria and who were then encouraged to bid on this project. A memo describing this screening process is attached for your reference.

A major portion of the clarification equipment is submerged in wastewater and therefore, is subject to corrosion. Using stainless steel rather than painted steel can provide protection against the premature deterioration of critical components. Since the cost for stainless steel is generally much higher, the bid proposal was designed to ascertain the difference in cost between painted steel and stainless steel to allow a more informed decision for this project. It should be noted that the contract specifications require a very robust quality control protocol for surface preparation and painting of steel and full documentation of quality assurance of all manufacturing processes. Based on our analysis of the bids received, we recommend selecting the painted steel alternate.

Due to differences in the process design approach and equipment components, such as the clarifier drives, Stantec contacted the bidders to obtain their clarifications on the submitted bids. The bid tab reflects these clarifications. Based on our bid analysis, Stantec recommends that the City select either one of the two low bidders, namely WesTech Engineering, Inc. or Ovivo USA, LLC.

It should be noted that this contract is for the procurement of equipment to be shipped in 2021 only. The City may choose to lock in a price for the planned year 2023 shipment. Stantec is in process of preparing bidding documents for installation of the clarifier equipment in the summer of 2021.

Design with community in mind

December 28, 2020

Ms. Marguerite Davenport, PE, Director of Public Services

Mr. Alec Egnatuk, Wastewater Superintendent

Page 2 of 2

Reference: Bid Review – WWTP Clarifiers Procurement – Marshall WWTP

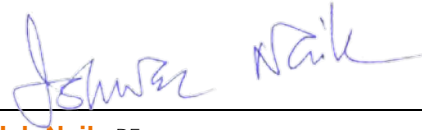
Should the City choose to award the overall project to either WesTech Engineering or Ovivo USA, we would be pleased to prepare a procurement contract for signatures. If you have any questions concerning our bid review, please do not hesitate to contact us.

Regards,

Stantec Consulting Michigan Inc.



Ken Jewison PE
Project Manager
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Ish Naik PE
Principal
Phone: 734 368 3112
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Ish.Naik@stantec.com

Attachment: Bid Tabulation

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Bid Tabulation
for
WWTP Clarifier Rehabilitation, Furnishing Clarifiers, Contract 1
for
City of Marshall, Michigan
Bid Date : December 18, 2020

Bid Date: December 18, 2020
 10:00 AM, local time
 2075107908

Created 12/18/2020
 Updated 12/28/2020

Bidder	Primary Clarifier	Secondary Clarifier	2021 Total (Painted Steel)	Primary Clarifier SS Option	Secondary Clarifier SS Option	2021 Total (Stainless Steel)	2023 Price Escalation	2023 Total (Painted Steel)	2023 Total (Stainless Steel)	Remarks
WesTech Engineering, Inc.	\$ 134,808	\$ 178,363	\$ 313,171	\$ 145,645	\$ 193,588	\$ 339,233	5%	\$ 328,830	\$ 356,195	Sludge Ring Base Bid. Potential reduction in cost by reusing the existing drives
Ovivo USA	\$ 144,974	\$ 148,993	\$ 293,967	\$ 166,926	\$ 170,945	\$ 337,870	3%	\$ 302,786	\$ 348,006	Rotating Sludge Drum Base Bid.
Envirodyne Systems Inc	No Bid	No Bid	No Bid	\$ 168,200	\$ 160,200	\$ 328,400	5%	No Bid	\$ 344,820	Only offering Stainless Steel. Price reflects suction header, their least expensive offering.
Evoqua Water Technologies	\$ 196,962	\$ 292,878	\$ 489,840	\$ 241,565	\$ 304,341	\$ 545,906	20%	\$ 587,808	\$ 655,087	Secondary Clarifier price reflects suction header.