

Marshall City Council, Regular Session
Monday, June 15, 2009

IN REGULAR SESSION Monday, June 15, 2009, AT 7:00 P.M. in the Council Chambers of Town Hall, 323 West Michigan Avenue, Marshall, MI, the Marshall City Council was called to order by Interim Manager Tarkiewicz.

Roll was called:

Present: Council Members: Dyer, Metzger, L. Miller, and Traver .

Also Present: Interim City Manager Tarkiewicz and Interim Clerk-Treasurer Habedank.

Absent: Mayor Smith and Council Member Williams.

Moved L. Miller, supported Metzger, to appoint Council Member Dyer to serve as Chair of the meeting. On a voice vote: **MOTION CARRIED.**

The invocation was given by David Litchfield, Calhoun County Sheriff's Department

Council Member Dyer led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved L. Miller, supported K. Miller, to approve the agenda as presented. On a voice vote: **MOTION CARRIED.**

PRESENTATIONS AND RECOGNITIONS

None.

INFORMATIONAL ITEMS

None

PUBLIC COMMENT ON AGENDA ITEMS

John LaPietra of 386 Boyer Court had questions regarding the appeals fee for the Nuisances ordinance and the appointment of the Clerk-Treasurer.

PUBLIC HEARINGS AND SUBSEQUENT COUNCIL ACTION

None.

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

Moved K. Miller, supported L. Miller, to accept the Planning Commission's recommendation to approve the Special Land Use permit #SLU03-2009 to allow a home-based Photography Studio to operate at 744 E. Michigan Avenue, under the following conditions concerning signage:

- The home business is allowed one sign which must be attached to the home.
- The sign may not be illuminated.
- The sign may not exceed 4 square feet total.

On a roll call vote -- ayes: Dyer, Metzger, K. Miller, L. Miller, and Traver; nays: none.
MOTION CARRIED.

Moved L. Miller, supported K. Miller, to approve the Labor Agreement with Teamsters Local 214. On a roll call vote -- ayes: Metzger, K. Miller, L. Miller, Traver, and Dyer; nays: none.
MOTION CARRIED.

Moved Metzger, supported L. Miller, to table the 2008-2009 Budget Amendments until the special meeting on June 29, 2009 at 6:00 p.m. On a voice vote: **MOTION CARRIED.**

Moved K. Miller, supported L. Miller, to accept the recommendation to approve the fee resolution for the appeals fee under Chapter 92: Health and Sanitation: Nuisances ordinance with the removal of the phrase Residential and Commercial. On a roll call vote -- ayes: K. Miller, L. Miller, Traver, Dyer, and Metzger; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN RESOLUTION NO.

RESOLUTION ESTABLISHING FEES UNDER CHAPTER 92: HEALTH AND SANITATION: NUISANCES, SECTION 92.07 OF THE MARSHALL CITY CODE.

WHEREAS, the City of Marshall may adopt an appeal fee to defray the City's expenses for inspection and violation notice such as; staff time, publication of notices, owner notices, as well as other overhead cost; and

WHEREAS, the City of Marshall now wishes to establish those fees in accordance with City policy;

NOW THEREFORE, BE IT RESOLVED, that the following fees shall be established.

Claim of Appeal under Chapter 92, Section 92.07, shall be:

\$25.00 Residential and Commercial

A copy of this Schedule as amended from time to time, shall be maintained by the Marshall City Clerk.

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 June 15, 2009. 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.

Clerk-Treasurer

Moved L. Miller, supported Metzger, to approve the resolution authorizing the Clerk-Treasurer to sign the State Trunkline Maintenance contract No. 2009-0334 effective October 1, 2009 through September 31, 2014. On a roll call vote -- ayes: L. Miller, Traver, Dyer, Metzger, and K. Miller; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION NO. 09-18**

**RESOLUTION FOR MICHIGAN DEPARTMENT OF TRANSPORTATION
TRUNKLINE MAINTENANCE CONTRACT**

WHEREAS, the City of Marshall Department of Public Services maintains the state trunk line system and bridges with the City of Marshall; and

WHEREAS, the Michigan Department of Transportation requires a contract with the City of Marshall for reimbursement of expenditures related to the maintenance of state trunk lines and bridges: and

WHEREAS, the Marshall City Council reviewed the contract and found it acceptable.

NOW THEREFORE, BE IT RESOLVED, that the Marshall City Council hereby resolves and authorizes the City Clerk-Treasurer to sign State Trunk Line Maintenance Contract No2009-0334 with the Michigan Department of Transportation. The term of said contract is October 1, 2009 through September 30, 2014.

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 June 15, 2009. 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.

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed seal of said City of Marshall, this 15th day of June A.D.2009

Dennis Habedank, CLERK-TREASURER

APPOINTMENTS / ELECTIONS

Moved Traver, supported K. Miller, to approve the appointment of Sandra Bird as the City Clerk-Treasurer with a term effective June 29, 2009 through May 31, 2011. On a roll call vote -- ayes: Traver, Dyer, Metzger, K. Miller, and L. Miller; nays: none. **MOTION CARRIED.**

CONSENT AGENDA

Moved L. Miller, supported Metzger, to approve the consent agenda as presented:

- approve the request to allow the 2009 Cruise to the Fountain on Friday, July 3, 2009;
- approve one year licenses for amusement devices and music machines to various businesses;
- approve the request to close Parking Lot #2 (located between the rear of Schulerø and Marshall District Library) on Sunday, July 26, 2009 from 8:00 a.m. until 6:00 p.m. for an Antiques Auction;
- approve the request to schedule a truth-in-taxation hearing on July 6, 2009;
- minutes of the City Council Work Session meeting held Monday, June 1, 2009;
- minutes of the Regular City Council Meeting held Monday, June 1, 2009;
- approve city bills in the amount of \$362,608.05.

On a roll call vote ó ayes: Dyer, Metzger, K. Miller, L. Miller, and Traver nays: none.
MOTION CARRIED

PUBLIC COMMENT ON NON-AGENDA ITEMS

Creighton Burrows of 19254 B Drive North expressed concern with the condition of the city's streets.

John LaPietra of 386 Boyer Court encouraged participation in Dark Earth Hour on the 3rd Thursday from 9-10 p.m. and also questioned the condition of the grass at the Fountain.

Marshall City Council, Regular Session
Monday, June 15, 2009

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

Bruce R. Smith, MAYOR

Sandra Bird, Clerk-Treasurer