



**CITY COUNCIL
WORK SESSION AGENDA
Monday, May 15, 2017
6:00 PM
City Hall Training Room**

A. Work session item

Calhoun County Prosecutor David Gilbert will discuss changes in the Michigan Medical Marijuana Act.

B. Other items

C. Future Work Sessions

June 19	6:00 PM	Dam preliminary report
July 17	6:00 PM	Electric capacity market

D. Future topics

323 W. Michigan Ave.

Marshall, MI 49068

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cityofmarshall.com



MARSHALL CITY COUNCIL AGENDA

MONDAY – 7:00 P.M.

May 15, 2017

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) INVOCATION – Brandon Crawford, Grace Baptist Church
- 4) PLEDGE OF ALLEGIANCE
- 5) APPROVAL OF AGENDA – Items can be added or deleted from the Agenda by Council action.
- 6) PUBLIC COMMENT ON AGENDA ITEMS – Persons addressing Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of five (5) minutes on any agenda item.

7) CONSENT AGENDA

A. Grant Application for Voting Equipment P. 5

City Council will consider the recommendation to authorize the City Clerk to submit a grant application to the Secretary of State for the purchase of a new voting system.

B. Schedule Public Hearing – Zoning Amendment #RZ17.03 for 1002 Mann Road P. 9

City Council will consider the recommendation to schedule a public hearing for Monday, June 5, 2017 to hear public comment on Zoning Amendment Application #RZ17.03 to rezone 1002 Mann Road from R-2 (Suburban Residential District) to MFRD (Multi-Family Residential District).

C. Schedule Public Hearing – Zoning Amendment #RZ17.04 for 417 Locust Street P. 17

City Council will consider the recommendation to schedule a public hearing for Monday, June 5, 2017 to hear public comment on Zoning Amendment Application #RZ17.04 to rezone 417 Locust Street from R-2 (Suburban Residential District) to MFRD (Multi-Family Residential District).

D. Schedule Public Hearing – Zoning Amendment #RZ17.02 for 500 S. Kalamazoo Avenue P. 21

City Council will consider the recommendation to schedule a public hearing for Monday, June 5, 2017 to hear public comment on Zoning Amendment Application #RZ17.02 to rezone 500 S. Kalamazoo Avenue from I-1 (Research and Technical District) to B-4 (Regional Commercial District).

E. Schedule Public Hearing – Sign Ordinance P. 25

City Council will consider the recommendation to schedule a public hearing for Monday, June 5, 2017 to hear public comment on the recommended changes to the Sign Ordinance.

Mayor:

Jack Reed

Council Members:

Ward 1 - Kari Schurig

Ward 2 - Nick Metzger

Ward 3 - Brent Williams

Ward 4 - Michael McNeil

Ward 5 - Robert Costa

At-Large - Joe Caron



F. Pole License between the City Electric Department and FiberNet Department P. 28

City Council will consider the recommendation to approve the use of the Pole License Agreement for the City FiberNet Department to attach to the city owned electric poles and to authorize the City Clerk to sign the agreement on behalf of the FiberNet and Electric Departments.

G. Colocation Agreement with the Calhoun Intermediate School District P. 29

City Council will consider the recommendation to approve entering into a Colocation Agreement with the Calhoun Intermediate School District for the provisioning of a long-haul internet connection for the city's FiberNet project and authorize the City Clerk to sign the agreement.

H. Repurchase of Electric Substation from MSCPA P. 34

City Council will consider the recommendation to adopt the resolution regarding repurchase of substation facilities.

I. City Council Minutes P. 41

Regular Session..... Monday, May 1, 2017

J. City Bills P. 47

Regular Purchases.....	\$ 266,752.94
Weekly Purchases – 4/28/17.....	\$ 16,722.92
Weekly Purchases – 5/5/17.....	\$ 3,461.25
Total	\$ 286,937.11

8) PRESENTATIONS AND RECOGNITIONS

A. Eagle Scout Awards P. 53

9) INFORMATIONAL ITEMS

A. Event Report – 3rd Annual Ride of Silence P. 56

10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Fiscal Year 2018 Budget Adoption P. 57

City Council will hear public comment on the proposed budget and related property tax millage rates for Fiscal Year 2018.

11) OLD BUSINESS

12) REPORTS AND RECOMMENDATIONS

A. Annual Compensation of Administrative Officials, Department Heads, and Salaried Personnel P. 63

City Council will consider the recommendation to approve the proposed FY2018 wages for the Administrative Officials, Department Heads, and Salaried Personnel as presented.

B. Personnel Policy Manual Amendments P. 65

City Council will consider the recommendation to approve the proposed changes to the Personnel Manual.



C. Schedule Public Hearing -Medical Marihuana

P. 72

City Council will discuss and consider scheduling a public hearing for June 5, 2017 to hear public comment on a Michigan Medical Marihuana Facilities Licensing Act Ordinance.

13) APPOINTMENTS / ELECTIONS

14) PUBLIC COMMENT ON NON-AGENDA ITEMS

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

15) COUNCIL AND MANAGER COMMUNICATIONS

16) ADJOURNMENT

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Tom Tarkiewicz".

Tom Tarkiewicz
City Manager



ADMINISTRATIVE REPORT
May 15, 2017 – CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members

FROM: Trisha Nelson, Clerk
Tom Tarkiewicz, City Manager

SUBJECT: Authorization of Grant Application for New Voting Equipment

BACKGROUND: The City of Marshall has been using our current voting equipment since 2005. The system is becoming worn and outdated and it is time to be upgraded.

In February, Calhoun County Clerks were given demonstrations of voting equipment options from 3 state approved vendors. The County has selected to purchase from Dominion Voting. Full funding for the new voting system will be provided by the State, and will include a combination of Federal Help America Vote Act and State-appropriated funds.


Calhoun County will implement the use of the new voting system in November 2017. The Bureau of Elections is requiring all Grant Agreements be submitted by June 15, 2017 and is requiring an authorizing signatory resolution be submitted with the application.


RECOMMENDATION: Authorize the City Clerk to submit a grant application to the Secretary of State for the purchase of a new voting system.

FISCAL EFFECT: Funding for the voting system purchase will be provided by State and Federal funds.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,


Trisha Nelson
Clerk


Tom Tarkiewicz
City Manager

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**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2017-**

WHEREAS, the City of Marshall City Council, wishes to apply to the Secretary of State for a grant to purchase a new voting system from Dominion Voting, which includes precinct tabulators, Absent Voter Counting Board (AVCB) tabulators (if applicable), accessible voting devices for use by individuals with disabilities, and related Election Management System (EMS) software.

WHEREAS, full funding for the new voting system will be provided by the State, and will include a combination of Federal Help America Vote Act and State-appropriated funds. Local funding obligations, if any, are detailed in the attached Dominion quote.

WHEREAS, the City of Marshall plans to begin implementation for first use of the new voting system in November 2017.

NOW, THEREFORE, BE IT RESOLVED that the Marshall City Clerk is authorized to submit this Grant Application on behalf of City of Marshall, Calhoun County on this 15th day of May, 2017.

The foregoing resolution offered by Council Member _____.

Second offered by Council Member _____.

AYES:

NAYES:

RESOLUTION DECLARED ADOPTED.

I, Trisha Nelson, being duly sworn as the Clerk for the City of Marshall, herby certify that foregoing is a true and complete copy of a resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on May 15, 2017, and that said meeting was conducted and that the minutes of said meeting were kept and will be or have been made available

Trisha Nelson, Clerk

2017 NEW DOMINION VOTING EQUIPMENT COSTS

Calhoun County

(unit)

LOCAL

Actual

Optional Items

COUNTY

STATE

Initial Costs and first 5 years are covered by the State using HAVA and State-appropriated funds

includes 65 Tabulators, 43 ADA devices, and 'Accumulation Only' Software

\$439,886.00

Additional/Extra ONE TIME Costs (not covered by State) include: *(purchase from your \$2,000 budget)*

EMS Hardware (**County only**) includes EMS Express & Listener Server/Desktop,
EMS Express Managed Switch, Compact Flash Reader/Writer, I-Button
Programmer w/USB adapter, SmartCard Reader/Writer, EMS Report Writer,
one-time cost (1TC)

1TC

\$2,310.00

Results Transmission includes ImageCast Listener Express Server and Firewall
(**County only**), one-time cost (1TC)

1TC

\$2,680.00

Cellular Wireless Modem (send results from Precinct Tabulator), one time cost,
(external) minimum one per precinct location

each modem/1TC

\$295.00

IC Communications Manager Software - to receive Cellular Modem/RTM results
at the County, one time cost (1TC)

\$19,580 divided by 63 precincts

each precinct/1TC

\$310.80

Optional ONE TIME Costs (not covered by State) refer to ElectionSource Product Roll-Out Flyer:

Optional ICX Transport Case (ICX comes in pre-packaged boxes)

Black Case or Soft side Case range depending on the requirement for protection

each

from \$150 - \$400

ICX Custom Designed Cart - holds/stores ICX monitor w/side table slide to
accommodate a wheel chair, printer storage underneath, swivel/locking casters,
power strip, plug in ONE cord on Election morning

each

\$450.00

Padded Tabulator Bag, pockets for cables/memory cards, handles/shoulder strap

each tabulator

\$49.00

ICX Privacy Shield

each ADA device

\$20.00

EXTRA Regular or Collapsible Ballot Bin - NOTE: clerk will receive a Ballot Bin of their
choice with their initial order, no add'l charge for either option.

Cost if you wish to purchase an add'l ballot box (separate from the initial purchase)

each

\$950.00

Costs for years 6 through 10 are the responsibility of local jurisdictions:

ICP Tabulator w/Ballot Box Annual Fee Maintenance/Extended Service

each tabulator

\$375.00

ICX Assessible Device Annual Fee Maintenance/Extended Service

each ADA device

\$240.00

Accumulation Only EMS Annual Fee/ Service options (**County only**)

\$5,400 Annually (equivalent of 18 hrs.) or \$300 hourly; OR for years 6-10
reduced cost contract option (available later)

\$300 hourly

ImageCast Communications Manager Annual License and Fee *(for County modem software)*

\$4,320 annually divided by 63 precincts

each precinct

\$68.58

Years 6 - 10 ANNUAL PER PRECINCT COSTS Unless ADA Device is shared at same location:

\$683.58

2017 NEW DOMINION VOTING EQUIPMENT COSTS

Calhoun County

(unit)

LOCAL

Actual

Optional Items

COUNTY

STATE

EACH ELECTION Costs (not covered by State) include:

Programming estimates (for both ICP and ICX)

per precinct \$320.00
+ per split \$50.00

ICP Thermal Paper Roll

each \$3.50

Data Cost for Cellular Modem: minimal. Service activated a month prior to election = cost estimated at \$8-\$10 a month; rest of year cost is \$0.01 per month to keep account activated.

each modem \$ _____

Test Deck options for Primary and General Elections:

- 1) County creates Ballot Charts (average of \$45 for first one + \$25 each for rest)
County prints chart \$, Locals mark ballots
- 2) County creates Ballot Charts (average of \$45 for first one + \$25 each for rest)
ES prints chart, uses overlay to mark our test ballots, sends to local clerk
- 3) Full Test service includes ballot chart creation, printed chart, marked ballots;
also requires a level of local participation; if countywide full service is
utilized a pre-set test date/time will be scheduled and your Local Election
Commission is required to be in attendance (recommended by BoE and Co.)

per ballot style

same as current

Chart creation costs
Plus \$65.00

\$110.00



ADMINISTRATIVE REPORT
MAY 15, 2017 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members

FROM: Natalie Dean
Tom Tarkiewicz, City Manager

SUBJECT: Set Public Hearing for June 5, 2017 to consider Zoning Amendment #RZ17.03 to rezone 1002 Mann Road from R-2 (Suburban Residential District) to MFRD (Multi-Family Residential District)

BACKGROUND: Jerry Clifton, owner of approximately 10.9 acres in the O'Keefe neighborhood (Parcel 53-003-304-00). The land is highly residential, with a very small portion to the south zoned Manufactured Housing Park District (MHPD). Mr. Clifton desires to use this land to develop multi-family residential buildings due to the high need for this type of housing, as indicated by the 2016 Target Market Analysis. Multi-family development is a permitted use in the MFRD district. There have been several calls and emails from neighbors with questions; none of the questions have been directed to the Planning Commission.

The 2015 Master Plan calls for this area to be Residential 2 (average 4 units per acre). Residential 2 is defined as "intended to accommodate primarily detached single family residential uses with an average density of four dwelling units per acre" (Master Plan, p. 26).

The Planning Commission received Mr. Clifton's request at their regular meeting on April 12, 2017 and held a public hearing on the matter at their regular meeting on May 10, 2017. There were two letters received prior to the public hearing and several members of the community spoke:

- Letter from Grubers, 1106 O'Keefe
- Letter from Fahrenbruch, 401 Julia's Place

Other public comments included:

- Jerry Clifton, 17 ½ mile road, Marshall. Mr. Clifton stated that he owns a business in town and has asked for numerous zoning requests over the years. He feels his proposed development is a great opportunity for the City. He has 11 acres of land that has 4 exits. The land is behind the old State Farm building and the trailer park, nursing home, family dwellings, cemetery are our neighbors. He discussed that he built homes on O'Keefe which backs up to this property, and also attempted a subdivision on Forest. Mr. Clifton feels that he has been unsuccessful with naming issues. He stated that we are always concerned about neighbors and that we don't need single family homes. Due to the sale market, it's hard to build a new house cheaper than what you can buy one for. He stated that Marshall has an industrial development to the south without a single taker for years. Mr. Clifton feels the problem is that we do not have sufficient work force to bring a plant in. Coldwater got their new plant because of their population-we need multiple family housing in our community. He suggested rezoning ½ of the industrial

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park to multi-family. Mr. Clifton stated that he can promise the people on O'Keefe that nothing will hurt their properties and asked the Planning Commission for positive consideration on the rezoning.

In favor-no public spoke. In opposition:

- John Fahrenbruch, 401 Julia's Place. Property backs up to 1002 Mann. Mr. Fahrenbruch was in his house before the subdivision was created. He has had a good relationship with Mr. Clifton for many years. His major concern is that builders/developers tell you one thing and they sound good for the zoning; then they do something different. Living there, he does not want a 3 story building in his backyard. He does realize that property in town will change; that said, we have to do something. He has concerns about traffic influx with what he sees as 2 exits, the drainage and consideration for storm water. He mentioned there are "holding ponds" but they don't add much to the community-no one wants that in their backyard because of mosquitos and such. The turn at Allen and Mann is not the best one and there have been problems there in the past. An intersection would then be placed close to this corner. The City would have to be willing to address these problems. There are more compatible uses for that property like condominiums, this feels a little safer to him because people are more invested. Rentals are a liability. He stated that he had experience with a friend's rental property that was thoroughly ruined and this was costly. He would like to see a site plan before zoning is given. He would like to know that what is told to him will happen.
- Kevin Patrick, 915 O'Keefe. He stated that they bought their house because there was a natural area around their house and that was their expectation. He stated that they had leaks to deal with and the windows were terrible and that the house was one Jerry Clifton built. Mr. Patrick stated that there are condos down the street from them; it was going to be called a "walking community" and it started and never finished. In the past, apartment complexes that were supposed to be 4 phase, but they stopped at 1. He has a fear of traffic coming through his neighborhood. He stated that we pick what town we live in, what house we live in, and stated that he always paid his taxes. He doesn't want a problem neighborhood. There are 12 home sites right by his house that he hopes get built so that people can put "more skin in the game".
- Joyce Soebbing, 1102 O'Keefe. Ms. Soebbing stated that she is right at the corner to the proposed rezoning. She is opposed to the rezoning without a site plan and without knowledge of what can be there, she cannot support a simple rezoning to multi-family. She stated that she wanted to protect her property and bought additional property to do so. The traffic issues worry her; therefore, she cannot support.
- Sue Baranowski, 403 Julia's Place. Ms. Baranowski feels there is way too broad of a rezoning unless we there is more direction. She made note of the Colegrove addition and the individual homes seem to do just fine but the apartments were not kept up. The neighbors mentioned are NOT in the City. She stated that she did not buy into this neighborhood because there was a trailer park, or because there were going to be multiple family dwellings; she bought because it was a neighborhood. This is way too open for possibilities of things the neighbors don't want.

- Joan Bujdos, 412 Allen Road. The one thing she's been thinking about is that they already have an apartment complex, Polo Club, next to her that is not taken care of (weeds, fence sags, etc.). The neighbors have been suffering for over 10 years with the deterioration of the old state farm building and she called the land bank about all the weeds today. This structure has brought down her land value and they could have that eyesore for possibly 10 more years. She is against bringing anything else potentially damaging to land values in her neighborhood.
- Jerry Kline, 407 Allen Road, stated that progress is great but we may be losing more people yet. There's still space in Pratt Park. On Forest, Mr. Clifton wanted the street's name change and it's only paved to a certain point. He asked why it hadn't been paved. There were a lot of floods in basements and that could happen on the north end of Mann Road. Who will pay the bill for the street through the Mann Road project? Is it the City or the developer or the tax payers?
- Charlotte Werpy, 1008 O'Keefe. She supported the concerns of her neighbors.
- Jerry Clifton (rebuttal). Mr. Clifton stated that this is the nature of the beast when you attempt to do something different. He stated that he's had problems for over 60 years and many things didn't happen and that's why our community is in the situation it is in today. The new group of people in Marshall expect new things. People are in Marshall because of the highway system and they can work in other places. He feels that Marshall needs to get people here to help pay the bills, the City doesn't have the budget to pay for what they have now. Main street is suffering. He understand the comments and has to agree with a lot of it but asked "do we want to stay the way we are"? If so, turn it down. If you want to change, you should give serious consideration to this.

After the public hearing, the Planning Commission worked through a Zoning Amendment worksheet and found the requirements not to be in favor of rezoning. Comments on the worksheet included:

Commissioner McNiff suggested that she is struggling with this zoning amendment but understands the neighbor's plight. The density will certainly change the neighborhood but balancing that with the needs for housing in the community, this is a tough decision.

Commissioner Davis suggested that this will have a definite result on property values on the existing single family homes. He would rather see development that enhances neighborhoods. There are other areas to develop and there are other ways for Mr. Clifton to develop, such as a Planned Unit Development. There's no question we need more housing, but we should do it in a smart way. Natalie added that the difference between asking for a Planned Unit Development and Zoning Amendment is that a plan is shown during the PUD process, but not during the rezoning process. Also open space is required in a Planned Unit Development.

Commissioners Zuck and Bomia both remarked that they are balancing the need for housing in the community with the needs of the neighbors. Commissioner Bomia remarked that there are other ways to approach this development. Commissioner Burke-Smith stated that this disagrees with the master plan and she agrees that it will drive down property values. Commissioner Collins stated that she is concerned that Pratt Park was never completed.

1. The proposed zoning district is not more appropriate.
2. The property can be reasonably used as zoned.
3. The proposed is not consistent with the Master Plan. It is master planned for single family residential.
4. The proposed zoning change is not compatible with the surrounding zoning and traffic impacts and impact on property values.
5. All the potential uses in the MFRD are possibly compatible, but high density development requires special drainage conditions and this may not be compatible.
6. The change would have significant impacts on all of these.
7. The rezoning would create an isolated and unplanned district.
8. We don't know without a plan.
9. There was no mistake in zoning.
10. There is land available elsewhere and they have been identified through economic development.

MOTION by McNiff, supported by Bomia, to recommend to the City Council the approval of the Zoning Amendment Application #RZ17.03 to rezone 1002 Mann Road from R-2 (Suburban Residential District) to MFRD (Multi-Family Residential District). On a roll call vote: ayes; none. Nays; Davis, Burke Smith, Collins, Bomia, McNiff, Meservey, Zuck, Rodgers and Banfield. Recommendation Denied.

RECOMMENDATION: Staff recommends that City Council set a public hearing for June 5, 2017 to hear comments on Zoning Amendment Application #RZ17.03 to rezone 1002 Mann Road from R-2 (Suburban Residential District) to MFRD (Multi-Family Residential District).

FISCAL EFFECTS: None at this time.


CITY GOAL CLASSIFICATION: GOAL AREA I. ECONOMIC DEVELOPMENT

Goal Statement: Sustain and intensify the economic vitality of the Marshall area.
Creative redevelopment of vacant commercial and industrial property.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,


Natalie Dean

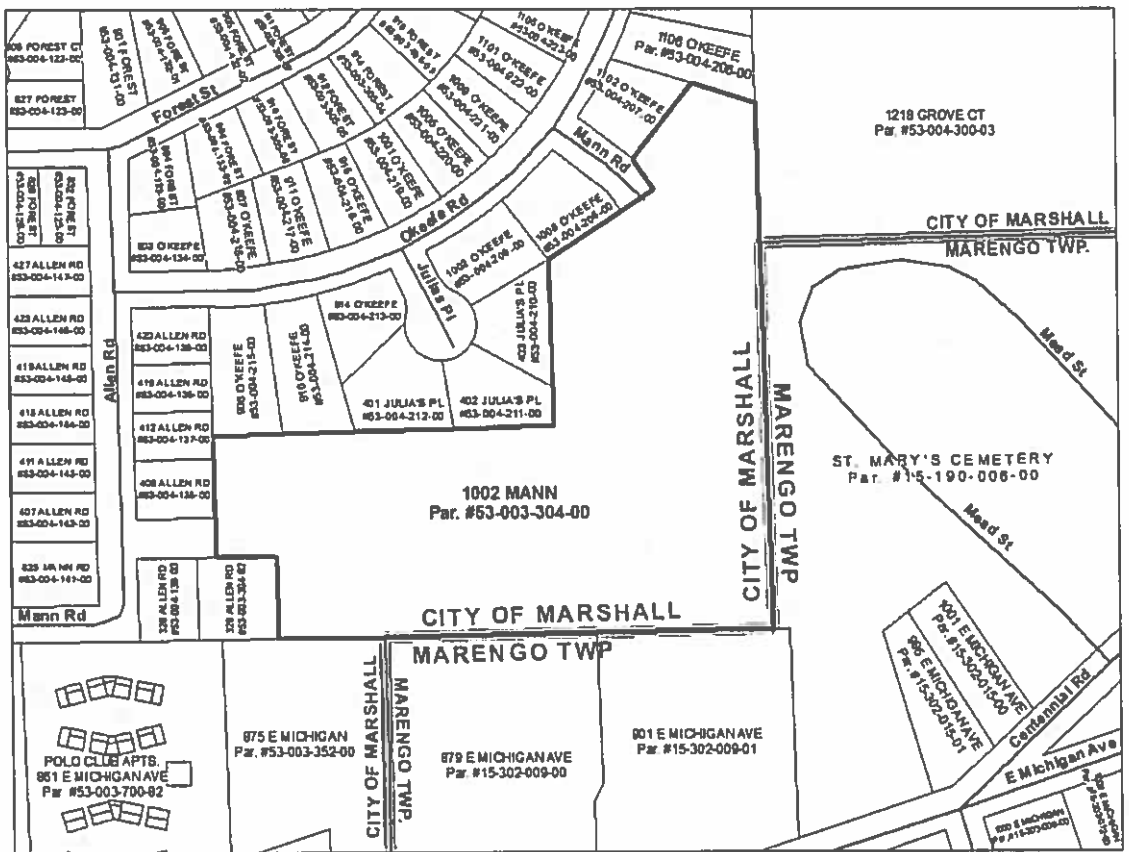

Tom Tarkiewicz
City Manager

**CITY OF MARSHALL
ORDINANCE 17-##**

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CHANGE THE ZONING OF ONE PARCEL OF REAL PROPERTY AT 1002 MANN ROAD, PARCEL #53-003-304-00 FROM THE ZONING DISTRICT OF SUBURBAN RESIDENTIAL (R-2) TO MULTI-FAMILY RESIDENTIAL DISTRICT (MFRD).

THE CITY OF MARSHALL, MICHIGAN ORDAINS:

Section 1. Pursuant to the authority granted in Section 7.1 of the Marshall City Code, the Zoning Map of the City of Marshall is hereby amended so as to change the zoning district for the below described properties from Suburban Residential (R-2) to Multi-Family Residential (MFRD).



Property Descriptions

PARCEL #53-003-304-00

MARSHALL CITY SEC 19 T2S-R5W, BEG SW SEC CORNER, THENCE N 30.75 FT, THENCE W 32 FT, THENCE N 131 FT, E 31,54 FT, N 199.76 FT TO SW COR LOT 215 PLAT OF EAST DRIVE #8; TH E 567.45 FT; N 278.55 FT; N 58 DEG 07 MIN 57 SEC E 211.35 FT; TH NWLY 61.71 FT ALG ARC CUR LT RAD 190.63 FT CHORD BARING S 36 DEG 23 MIN 28 SEC E 61.45 FT; TH N 39 DEG 57 MIN 04 SEC W 163=4.46 FT; TH S 71 DEG 30 MIN 56 SEC W 110.75 FT; S 872.79 FT; W 920.79 FT TO POB. EXC BEG AT THE SW COR TH N 132 FT E 100 FT S 132 FT W 100 FT TO POB 10.9399 AC M/L

Common Addresses

1002 Mann Road

Section 2. This Ordinance or a summary thereof 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, within ten (10) days after its adoption. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signature of the Mayor and the City Clerk.

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

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

Adopted and signed this _____ day of _____, 2017.

Jack Reed, MAYOR

Trisha Nelson, CITY CLERK

I, Trisha Nelson, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on June 5, 2017, 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

Tom and Lynn Gruber
1106 OKeefe Road
Marshall MI 49068
269.275. 3140 / 248.961.2343

Planning Commission – City of Marshall
323 West Michigan Avenue
Marshall MI 49068

May 3, 2017

RE: Zoning Amendment request RZ17.03 for 1002 Mann Road, Parcel 53-003-304-00

Dear Chair of the Planning Commission,

We received the letter regarding the above Zoning Amendment to rezone this parcel from Residential homes to Multi-Family / Apartment, and we strongly oppose this request.

We have lived in Marshall for almost 13 years. We lived at 524 North Kalamazoo Avenue from 2004, when we moved to Marshall, until 2013. We decided to down-size after our children left home and purchased the home we currently live in at 1106 OKeefe Road. We purchased this home because of the beautiful single family homes, quiet, safe, well-kept neighborhood and underground utilities. It is a pretty area.

The reasons we do NOT want to see this re-zoned to Multi-Family / Apartment are:

- We bought this home because it is a neighborhood of single family homes and we want to keep it that way
- The traffic would increase throughout this entire quiet neighborhood if it was rezoned.
- We pay high taxes currently, with the expectation in doing so we will keep our neighborhood nice
- We would not have any idea what type of housing would be going in if it were to be rezoned. If less-than-desirable unit / units were built (such as low-income units) it would bring our property values down.
- If our property values went down, it would also bring the tax base down – a losing proposition for us and our neighbors, as well as the city.

My husband and I will not be able to attend the meeting on May 10, but we wanted to make our concerns known to the Commission and be sure you know we strongly oppose this rezoning request. Please leave this parcel as Suburban Residential.

Sincerely,

Tom and Lynn Gruber

John & Barbara Fahrenbruch
401 Julia's Place
Marshall, MI 49068

May 2, 2017

Re: Zoning Amendment Request
#RZ17.03 for 1002 Mann Road
Parcel #53-003-304-00

Attn: Trisha Nelson
City of Marshall
323 W. Michigan Avenue
Marshall, MI 49068

Planning Commission Members,

The MFRD (Multiple Family Residential District) zoning request for this property is too broad of a request. The reason being is the size and number of the buildings that can be placed on the property. The buildings should be more transitional in nature going into a residential community. Because the property to the south has some draw backs as to what a potential buyer would like, it must and should blend the housing together. Because of the building heights, number of buildings, size of the buildings and set back requirements for a MFRD development, it will likely not blend the housing together. A blanket approval for this classification should not be given.

My experience with these developments is that any verbal promises and/or presentations showing how the site will be used is fiction. Because the person or developer is not bound to this type of an arrangement, it is only prudent that a detailed site plan and performance bond be required before rezoning is authorized. If rezoning is granted and the development does not follow the approved site and building plans, occupancy cannot be granted until the property meets agreed upon plans and the performance bond will be exercised.

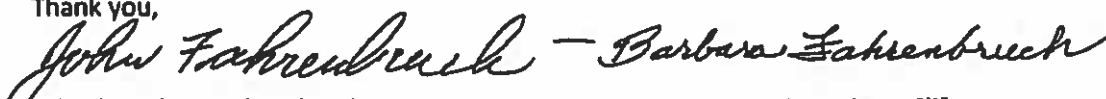
A more compatible use of the property would be for combination of one and two story condominiums, or a senior citizen complex. A condominium site is to be a minimum of 15 acres, and this property would need a waiver. However, fifteen acre sites are very rare inside the city limits. This requirement should be given some reconsideration. The suggested uses of the property would be better for Marshall and the surrounding properties.

Surface water and storm drains are also a concern. In recent years, the drains at the corner of Allen and O'Keefe had to be reworked to handle the water after a heavy downpour. Consequently, this additional water runoff may require additional storm drain modification, and/or holding ponds. These holding ponds may be somewhat a fix, but do come with negatives. Marshall does have several examples of this. The negatives are: standing water which provides a source for mosquitoes, insects, unwanted weeds, brush and trees, plus maintenance issues with no aesthetic value to the neighborhood.

Traffic Ingress and egress safety concerns will have to be addressed by the city. Today, the traffic that flows around the corner of Mann and Allen Roads becomes tight if two approaching vehicles try to negotiate a turn at the same time. The additional traffic from the continuation of 1002 Mann Road into the proposed property will cause increase traffic and safety issues. This traffic increase will be determined by how the property units will be developed. The 1002 Mann Road Intersection location will cause additional driver confusion. Consequently, the city will then be required to redesign Mann and Allen Roads and intersections to address these issues.

Whatever zoning this property is given, the proposed use and future use should be given careful consideration.

Thank you,


John & Barbara Fahrenbruch

Copy: Jerry Clifton



ADMINISTRATIVE REPORT
MAY 15, 2017 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members

FROM: Natalie Dean
Tom Tarkiewicz, City Manager

SUBJECT: Set Public Hearing for June 5, 2017 to consider Zoning Amendment #RZ17.04 to rezone 417 Locust Street from R-2 (Suburban Residential District) to MFRD (Multi-Family Residential District)

BACKGROUND: Kelly Williams, owner of 417 Locust Street (a vacant lot) in an R-2 neighborhood, has applied to rezone this lot to Multi-Family Residential (MFRD). Mr. Williams desires to use this land to develop multi-family residential buildings due to the high need for this type of housing, as indicated by the 2016 Target Market Analysis. Multi-family development is a permitted use in the MFRD district.

The 2015 Master Plan calls for this area to be Residential 2 (average 4 units per acre). Residential 2 is defined as "intended to accommodate primarily detached single family residential uses with an average density of four dwelling units per acre" (Master Plan, p. 26).

The Planning Commission received Mr. William's request at their regular meeting on April 12, 2017 and held a public hearing on the matter at their regular meeting on May 10, 2017. Public comment included:

- Kelly Williams, 208 Prospect. My plan is to rezone 417 and build a small 6 unit and utilize some vacant property here in Marshall. I want to enhance and create value on that street.
- Scott Fleming, Economic Developer. Not your typical multi-family housing development. We do have a housing shortage in Marshall and there is a Target Market Analysis that says Marshall needs more housing. We have 3 new businesses coming in, then Mr. Vincent, there's a housing shortage. I think what Mr. Williams has is a good design that will bring in quality people. They are 1,200 sf and there's a garage. They are very nice units.

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No public spoke in opposition.

After the public hearing, the Planning Commission worked through a Zoning Amendment worksheet and found the requirements to be in favor of the rezoning. The worksheet addressed the following criteria:

1. MFRD is appropriate for this area given the density of the project.
2. The property could be used as zoned, but hasn't been.

3. The proposed change is not consistent with the master plan; however, conditions have changed and recent development trends show that we need this sort of development.
4. The proposed zone change is compatible with the surrounding uses, especially given the fact that Marshall House is in the very near vicinity.
5. All the potential uses would be compatible and the City will have to review the storm water requirements.
6. The changes will not be severe.
7. The rezoning will create an unplanned district.
8. The boundaries will include the city's vacated land.
9. There was no mistake in the original zoning.
10. Adequate sites are available elsewhere.

MOTION by Davis, supported by Rodgers, to recommend to the City Council the approval of the Zoning Amendment Application #RZ17.04 to rezone 417 Locust Street from R-2 (Suburban Residential District) to MFRD (Multi-Family Residential District). On a voice vote; **MOTION CARRIED.**

RECOMMENDATION: Staff recommends that City Council set a public hearing for June 5, 2017 to hear comments on Zoning Amendment Application #RZ17.04 to rezone 417 Locust Street from R-2 (Suburban Residential District) to MFRD (Multi-Family Residential District).

FISCAL EFFECTS: None at this time.

CITY GOAL CLASSIFICATION: GOAL AREA I. ECONOMIC DEVELOPMENT

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

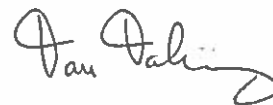
Creative redevelopment of vacant commercial and industrial property.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,



Natalie Dean



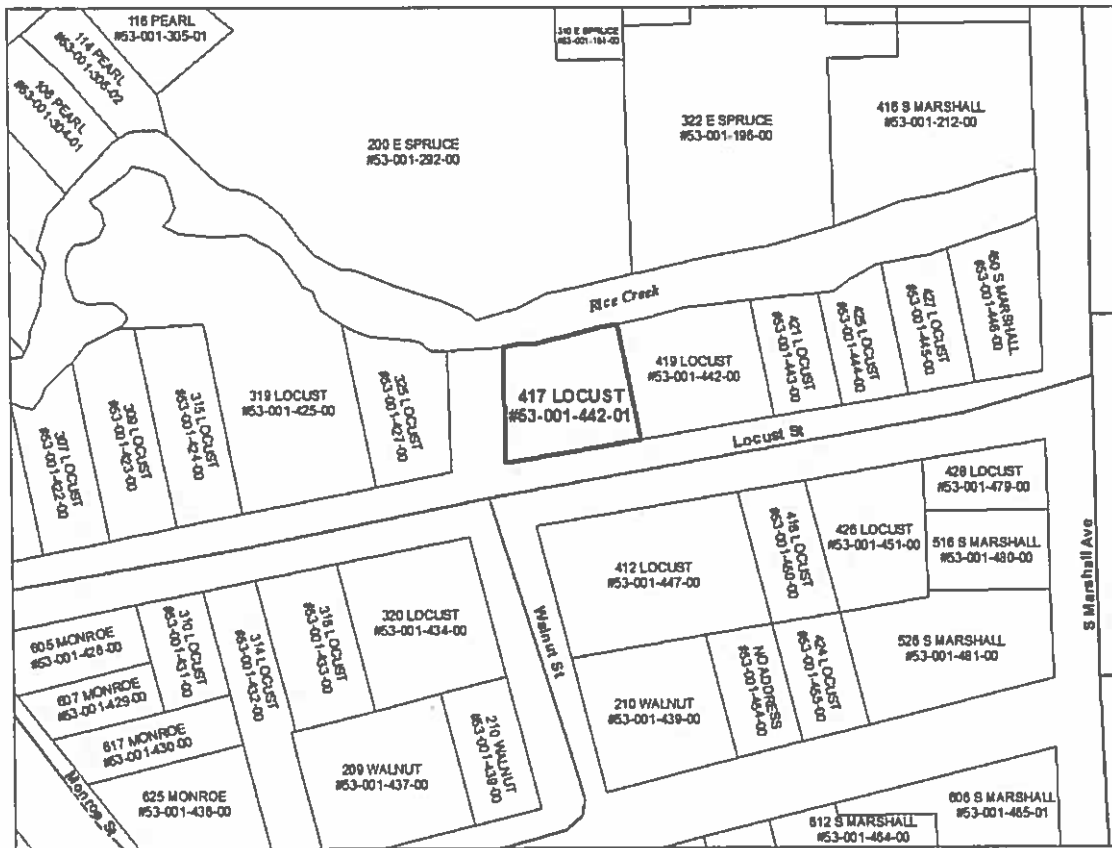
Tom Tarkiewicz
City Manager

**CITY OF MARSHALL
ORDINANCE 17-##**

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CHANGE THE ZONING OF ONE PARCEL OF REAL PROPERTY AT 417 LOCUST ROAD, PARCEL #53-001-442-01 FROM THE ZONING DISTRICT OF SUBURBAN RESIDENTIAL (R-2) TO MULTI-FAMILY RESIDENTIAL DISTRICT (MFRD).

THE CITY OF MARSHALL, MICHIGAN ORDAINS:

Section 1. Pursuant to the authority granted in Section 7.1 of the Marshall City Code, the Zoning Map of the City of Marshall is hereby amended so as to change the zoning district for the below described properties from Suburban Residential (R-2) to Multi-Family Residential (MFRD).



Property Descriptions

PARCEL #53-001-442-01

MARSHALL CITY, UPPER VILLAGE LOT 440. ALSO, VACATED E 1/2 HAMILTON ST

Common Addresses

417 Locust Road

Section 2. This Ordinance or a summary thereof 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, within ten (10) days after its adoption. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signature of the Mayor and the City Clerk.

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

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

Adopted and signed this _____ day of _____, 2017.

Jack Reed, MAYOR

Trisha Nelson, CITY CLERK

I, Trisha Nelson, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on June 5, 2017, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.

—

Trisha Nelson, CITY CLERK



ADMINISTRATIVE REPORT
MAY 15, 2017 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members

FROM: Natalie Dean
Tom Tarkiewicz, City Manager

SUBJECT: Set Public Hearing for June 5, 2017 to consider Zoning Amendment #RZ17.02 to rezone 500 S. Kalamazoo Avenue from I-1 (Research and Technical District) to B-4 (Regional Commercial)

BACKGROUND: Eldon Vincent, owner of 500 S. Kalamazoo Avenue (former Fastenal) is seeking to rezone this property from I-1 Industrial to B-4 Commercial. The property is surrounded by other I-1 properties-even the Advisor building directly to the south. However, the north portion of the Dark Horse complex across the street and to the north is zoned B-4, as are the next two properties to the north beyond this. The property adjoining, behind and to the west, is owned by Dark Horse and is planned to be a parking lot area. The uses adjoining this lot are retail uses and the owner seeks to use 500 S. Kalamazoo Avenue as a retail lot as well.

The 2015 Master Plan calls for this area to be River District Mixed Use. River District Mixed use is defined as "including the area centered along Kalamazoo between Downtown and the river. Redevelopment within this area could include a mix of residential and non-residential uses. Use of the City's Planned Unite Development option is encouraged to allow for a mix of uses and development that results in a unified and identifiable character." (Master Plan, p. 27).

The Planning Commission received Mr. Vincent's request at their regular meeting on April 12, 2017 and held a public hearing on the matter at their regular meeting on May 10, 2017. Eldon Vincent, owner 500 S. Kalamazoo, remarked that in order to sell more than 4 pop-up campers, he will need a dealer's license (therefore, he needs rezoning). Commissioner McNiff asked why he was not requesting a use variance. Natalie Dean stated that it is best for the community to rezone if possible and to avoid use variances where possible. Also, she stated that the property has a strong history of being retail, which is a B-4 use. No public commented.

After the public hearing, the Planning Commission worked through a Zoning Amendment worksheet and found the requirements to be in favor of the rezoning. The worksheet addressed the following criteria:

1. The proposed B-4 is more appropriate and helps our long-term goal of building more retail that way. Will mesh in well with brewery plans.

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2. Property can be reasonably used as zoned, but not for his intended use. The building may not be good for industrial.
3. The proposed use is consistent because this is River District Overlay area. Uses like retail are encouraged.
4. The impact will be mild and it fits in well in the area.
5. All uses are compatible for this district.
6. There would be no impact to public services or compromise health, safety and welfare. Not much change and it's a low-intensity use.
7. This will not create an unplanned district.
8. Not changing the footprint.
9. No mistake in original zoning.
10. Adequate sites are available elsewhere but none owned by the petitioner.

MOTION by Davis, supported by McNiff, to recommend to the City Council the approval of the Zoning Amendment Application #RZ17.02 to rezone 500 South Kalamazoo Avenue from I-1 (Research and Technical District) to B-4 (Regional Commercial District). On a voice vote; **MOTION CARRIED.**

RECOMMENDATION: Staff recommends that City Council set a public hearing for June 5, 2017 to hear comments on Zoning Amendment Application #RZ17.02 to rezone 500 South Kalamazoo Avenue from I-1 (Research and Technical District) to B-4 (Regional Commercial District).

FISCAL EFFECTS: None at this time.

CITY GOAL CLASSIFICATION: GOAL AREA I. ECONOMIC DEVELOPMENT

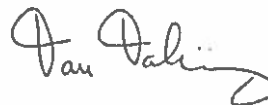
Goal Statement: Sustain and intensify the economic vitality of the Marshall area.
Creative redevelopment of vacant commercial and industrial property.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,



Natalie Dean



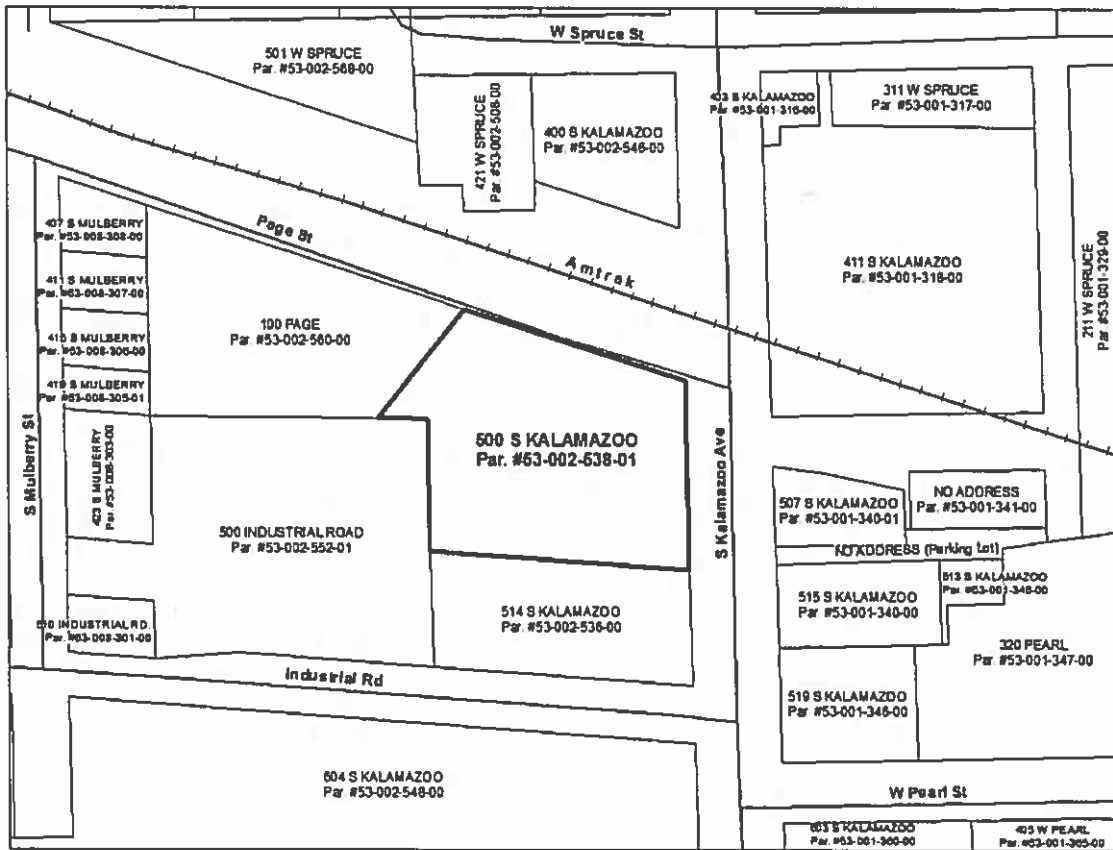
Tom Tarkiewicz
City Manager

**CITY OF MARSHALL
ORDINANCE #2017-##**

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CHANGE THE ZONING OF ONE PARCEL OF REAL PROPERTY AT 500 SOUTH KALAMAZOO AVENUE, PARCEL #53-002-538-01 FROM THE ZONING DISTRICT OF RESEARCH AND TECHNICAL DISTRICT (I-1) TO REGIONAL COMMERCIAL DISTRICT (B-4).

THE CITY OF MARSHALL, MICHIGAN ORDAINS:

Section 1. Pursuant to the authority granted in Section 7.1 of the Marshall City Code, the Zoning Map of the City of Marshall is hereby amended so as to change the zoning district for the below described properties from Research and Technical District (I-1) to Regional Commercial District (B-4).



Property Descriptions

PARCEL #53-002-538-01

A PARCEL OF LAND LOCATED IN THE SE 1/4 OF SEC 26, T2S, R6W, CITY OF MARSHALL CALHOUN COUNTY MICHIGAN BEING DESCRIBED AS: COM AT THE E 1/4 CORN OF SEC 26 TO THE S LINE OF THE CONRAIL RR; TH N 69 DEG, 29' 24"W, 52.85 FT ALONG S LINE TO W LINE OF KALAMAZOO AVENEUE TO THE POB OF THE FOLLOWING DESCRIBED PARCEL; TH S 00 DEG 00' 46"E, 183.24 FT ALONG W LINE; TH N 85 DEG 16' 56" W, 296.21 FT (RECORDED AS 297 FT); TH N00 12' 31" E, 129.78 FT; TH N 84 DEG 46' 50" W, 60.10 FT; TH N 38 DEG 49' 08"E, 154.16 FT TO THE S LINE OF CONRAIL RR; TH S 69 DEG 29' 24" E, 275.37 FT TO THE POB. SUBJECT TO ALL EASEMENTS, CONDITIONS, AND LIMITATIONS OF RECORD. 2007LD-009 SEE PARCEL 002-538-00

Common Addresses

500 South Kalamazoo Avenue

Section 2. This Ordinance or a summary thereof 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, within ten (10) days after its adoption. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signature of the Mayor and the City Clerk.

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

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

Adopted and signed this _____ day of _____, 2017.

Jack Reed, MAYOR

Trisha Nelson, CITY CLERK

I, Trisha Nelson, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on June 5, 2017, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.

Trisha Nelson, CITY CLERK



**ADMINISTRATIVE REPORT
MAY 15, 2017 - CITY COUNCIL MEETING**

REPORT TO: Honorable Mayor and City Council Members
FROM: Natalie Dean
Tom Tarkiewicz, City Manager
SUBJECT: Set Public Hearing for June 5, 2017 to consider Sign Ordinance Changes

BACKGROUND: During their regular meetings in January and February, the Planning Commission discussed certain aspects of the Sign Ordinance that were no longer working well in the community. They held a public hearing on May 10, 2017 and no public commented. The following changes are being recommended:

- Strike mention of political/expressive signage from the ordinance (due to current case law and restrictions on regulating content)
- Strike off-premises signage from the ordinance. (Commissioners will allow off-premises signage—each property is still held to maximum sign square footage for the property).
- Strike Vehicle Signage from the ordinance (its largely unenforceable, specific problems can be handled by Code Enforcement)

Commissioners clarified that off-premises signs will now be allowed within the city. They will still have to fall within the regulated sign square footage for the property.

MOTION by Zuck, supported by Burke Smith, to recommend to the City Council the approval of three changes to the zoning ordinance. On a voice vote; **MOTION CARRIED.**

RECOMMENDATION: Staff recommends that City Council set a public hearing for June 5, 2017 to hear comments on Zoning Ordinance changes recommended by Planning Commission.

FISCAL EFFECTS: None at this time.

CITY GOAL CLASSIFICATION: GOAL AREA I. ECONOMIC DEVELOPMENT

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

Creative redevelopment of vacant commercial and industrial property.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Natalie Dean

Tom Tarkiewicz
City Manager

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cityofmarshall.com

**CITY OF MARSHALL
ORDINANCE #-17**

AN ORDINANCE TO AMEND CITY OF MARSHALL ZONING CODE, CHAPTER AND SECTION 2.2 DEFINITIONS AND 5.0 SITE STANDARDS SECTIONS B AND C, TABLE 5.1.3 AND M (ii)(c) THE CITY OF MARSHALL ORDAINS:

Section 1. That chapter 2.0, **Definitions** of the Marshall City Zoning Code, is hereby amended to **Strike the following definitions:**

- (13) "*Expressive Sign*. A sign placed or displayed for the purpose of expressing an opinion about any societal or political issue."
- (26) "*Off Premises Sign*. A temporary sign or permanent sign advertising any establishment, merchandise, service, or entertainment which is not sold, produced, manufactured, or furnished at the property on which said sign is located."
- (40) "*Vehicle Sign*. A temporary sign or permanent sign which is mounted or painted on a vehicle which is displayed in public view under such circumstances as to indicate that the primary purpose of said display is to attract the attention of the public rather than to serve the business or the owner thereof in the manner which is customary for said vehicle."

Section 1a. That chapter 5.0, **Site Standards** of the Marshall City Zoning Code, is hereby amended to **Strike the following site standards:**

- B (iv) (b) "Off Premises"
- B (ix) "Political and Expressive signs"
- C (iv) "Vehicle signs"

Section 1b. That table 5.1.3, **Signs by Type, as Permitted by District** of the Marshall City Zoning Code, is hereby amended to **Strike the following signs by type:**

- A. R-1, R-2, R-3 districts (x) Political/Expressive
- B. MFRD and MHPD districts (xi) Political/Expressive
- C. POSD district (xi) Political/Expressive
- D. B-3 district (x) Political/Expressive
- E. B-3 and B-4 districts (xi) Political/Expressive
- F. FS district (ix) Political/Expressive
- G. I-1 and I-2 districts (xii) Political/Expressive
- H. HCHSD (xi) Political/Expressive

Section 1c. That chapter 5.0, **Site Standards** of the Marshall City Zoning Code, is hereby amended to **Strike the following site standards:**

- (M) (ii) (c) Political Signs and Expressive Signs. Political and expressive signs are permitted in all districts, subject to the following:
 - (1) It shall be unlawful to place or display a political or expressive sign on any property owned or under control of the City of Marshall the County of Calhoun the State of

Michigan, the United States of America, any school district, any utility, or within any right-of-way easement located on private property, unless otherwise permitted by law.

- (2) No political or expressive sign shall exceed 6 square feet in area or 3 feet in height.
- (3) The total square footage of all political or expressive signs on a given parcel shall not exceed 24 square feet at any time.
- (4) It shall be unlawful to display or place a political sign which is in violation of the requirements of the Michigan Campaign Finance Act (MCL 169.201 et seq.) as amended from time to time.

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

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

Adopted and signed this _____ day of _____, 2017.

Jack Reed, MAYOR

Trisha Nelson, CITY CLERK

I, Trisha Nelson, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on June 5, 2017, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.

Trisha Nelson, CITY CLERK



ADMINISTRATIVE REPORT
MAY 15, 2017 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and Council Members
FROM: Ed Rice, Director of Electric Utilities
Tom Tarkiewicz, City Manager
SUBJECT: Pole License Agreement between the City Electric and
FiberNet Departments.

BACKGROUND: At its regular meeting on April 17, 2017, the City Council approved the use of a Pole License Agreement (PLA) that provides a contractual arrangement for cable companies to attach to City owned electric poles. The PLA was based on an American Public Power Association model that is used by electric municipal utilities throughout the United States.

The State of Michigan requires, through its Metropolitan Extension Telecommunication Rights-of-Way Act 48 of 2002 (METRO Act) 484.3114(e), that "A county or municipality that provides a telecommunication service or cable modem service provided through a broadband internet transport service shall not adopt an ordinance or policy that unduly discriminates against another person providing the same service".

Also, per the City of Marshall's *Utilities Rate Classifications and Standard Rules and Regulations*, "The City Council may approve the attachment and insertion of other wire, cables and appurtenances to City owned poles or conduits through a pole attachment agreement".

RECOMMENDATIONS: It is recommended by city staff (in order to be compliant with the State of Michigan's METRO Act) that the City Council approve the use of the PLA for the City FiberNet Department to attach to the city owned electric poles and to authorize the City Clerk to sign the PLA on behalf of both the FiberNet and Electric Departments.

FISCAL EFFECTS: Approximately 2000 electric poles are planned to be contacted by the roll out of the FiberNet system. The PLA contractual rate is \$2.00/pole/year which results in the FiberNet Department paying the Electric Department \$4,000/year for a pole rental fee. The cost benefit analysis for the FiberNet Project included an estimate of 1800 electric poles to be contacted for a \$3,600/year fee for the pole rental fee.

ALTERNATIVES: As suggested by City Council

CITY GOAL CLASSIFICATION: GOAL AREA IV -- INFRASTRUCTURE

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

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cityofmarshall.com

Respectfully Submitted,

A handwritten signature in black ink that reads "Ed Rice".

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

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

Tom Tarkiewicz
City Manager



ADMINISTRATIVE REPORT
MAY 15, 2017 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and Council Members

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

SUBJECT: Colocation Agreement with the Calhoun Intermediate School District for the City's FiberNet Connection to a Long-Haul Communication Provider.

BACKGROUND: At its regular meeting of March 20, 2017, the City Council approved a resolution authorizing the construction of an ultra-high speed fiber-optic network and to provide connection availability for all city residents and businesses.

In order to facilitate the residential and business internet connections it is necessary to acquire a connection to a long-haul communication provider to provide a fiber-optic direct connection to the World Wide Web. The FiberNet staff and its consultant (Jim Selby of Aspen Wireless) have been investigating connection options for a long-haul provider. At this juncture, the most expedient and cost-effective connection would be at the Calhoun Intermediate School District (CISD) facility located on G-Drive North.

As a result of a meeting with the CISD Superintendent and Assistant Superintendent, an Agreement for Colocation has been developed that will provide long haul connection availability to four (4) different providers at the CISD facility. The CISD Superintendent and Assistant Superintendent are very supportive of the city's FiberNet project and view it as providing increased educational opportunities in a collaborative manner.

RECOMMENDATIONS: It is recommended by city staff that the City Council approve entering into a Colocation Agreement with the Calhoun Intermediate School District for the provisioning of a long-haul internet connection for the city's FiberNet project and authorized the City Clerk to sign the agreement.

FISCAL EFFECTS: The Calhoun Intermediate School District has offered the Colocation Agreement on a no charge basis.

ALTERNATIVES: As suggested by City Council

CITY GOAL CLASSIFICATION: GOAL AREA IV -- INFRASTRUCTURE

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

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Respectfully Submitted,

A handwritten signature in cursive script that reads "Ed Rice".

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

A handwritten signature in cursive script that reads "Tom Tarkiewicz".

Tom Tarkiewicz
City Manager



17111 G Drive North, Marshall, MI 49068 / P 269 781 5141 / F 269 781 7071 / www.calhounisd.org

AGREEMENT FOR COLOCATION

This agreement is entered into this ___ day of _____, ____, between the Calhoun Intermediate School District a Michigan intermediate school district organized and operating under Revised School Code, MCL 380.1 et seq., located at 17111 G. Drive North, Marshall, Michigan 49068 (hereinafter referred to as "CISD") and the City of Marshall located at 323 W. Michigan Ave. Marshall, MI 49068 (hereinafter referred to as "LEASEE").

WHEREAS, CISD houses equipment for various telecommunication providers and CISD has extra space in their telecommunications area for housing equipment at 17111 G Drive North, Marshall, Michigan 49068;

WHEREAS, LEASEE is interested in obtaining a license to place equipment on CISD premises for use by LEASEE for the purposes of entering into an agreement with a telecommunications provider with equipment located at CISD;

NOW THEREFORE, CISD and LEASEE, in consideration of the mutual promises, covenants, and conditions contained in this agreement mutually agree as follows:

SECTION 1: Term

This agreement will be effective May 1, 2017 for a term of one year with automatic renewals. If either party wishes to cancel the agreement at any time, the canceling party must give 180 days advanced written notice to the other party. Either party can, at its option, end this agreement, including should CISD elect to no longer allow other telecommunication providers to be housed at CISD. In the event the agreement is terminated by either party, LEASEE will remove its equipment from CISD's premises by the end of the 180 day period. Nothing in this agreement shall limit CISD's ability to immediately discontinue a telecommunication provider's access to CISD premises. No fees or charges shall be paid by LEASEE to CISD for this right to house LEASEE'S equipment on CISD premises.

SECTION 2: Responsibilities of CISD

- a. CISD will provide space in the telecommunications area of CISD premises for LEASEE equipment. The space provided will reside in a normal office-type environment, with heating and air conditioning (i.e. no furnace or boiler rooms, and located away from any water flow). CISD will provide rack space in a 19" rack for 3U of space. LEASEE agrees that it will not hold any property rights in any CISD premises. The parties agree that nothing in this agreement will limit or otherwise impair CISD's ability to operate its premises or network in its own discretion.
- b. CISD will provide electrical service it receives from local utility company for the LEASEE equipment. CISD will not be responsible for any damages or costs to LEASEE associated with outages or power failures, whether caused by CISD or another party.

- c. CISD will secure the equipment behind a locked door to prevent unauthorized access.
- d. CISD will allow access for staff identified by LEASEE to the area in which LEASEE'S equipment is located during normal business hours (7:30 a.m. – 4:30 p.m. Monday through Friday). CISD will provide a procedure for providing access for LEASEE outside of normal business hours to resolve outages within one but not more than three hours notice.
- e. CISD shall have no responsibility for any of LEASEE'S equipment that may be located on CISD's premises, including but not limited to a duty to monitor LEASEE'S equipment. CISD shall further have no responsibility for any loss of data or service interruption suffered by LEASEE or any other party associated with LEASEE'S equipment located on the CISD's premises.

SECTION 3: Responsibilities of LEASEE

- a. LEASEE will bear the costs of any equipment housed at CISD, including an uninterruptable power supply (UPS). LEASEE shall be responsible for maintaining and repairing any equipment it installs at the CISD premises.
- b. LEASEE will own, operate and maintain all equipment and related components housed at CISD. LEASEE shall be responsible for the payment all personal property taxes assessed directly upon or arising solely from its use of the CISD premises.
- c. LEASEE will insure against loss of LEASEE equipment and related components housed at CISD, and provide CISD proof of insurance before placing equipment on the CISD premises.
- d. LEASEE will provide customer support to entities utilizing their equipment.
- e. LEASEE will work directly, and at their expense, with the telecommunications provider of their choice that is housed at CISD for connecting to the LEASEE equipment.

SECTION 4: Indemnification

LEASEE agrees to the extent permitted by law to indemnify, protect, defend, and hold harmless CISD from any and all claims, losses, liabilities, causes of action, demands, judgments, decrees, proceedings, or expenses of any related nature, including without limitation, reasonable attorney's fees arising out of or resulting from the sale of this excess capacity to LEASEE, as well as arising out of or resulting from any negligent acts or omissions of LEASEE or CISD, its officers, agents, employees, contractors, successors, or assigns in its use of this housing agreement.

SECTION 5: Notices

All notices or communications required or permitted to be given under this agreement shall be given as follows:

To the CISD
 Attention: Superintendent
 Calhoun County Intermediate School District
 17111 G Drive North
 Marshall, Michigan 49068

To LEASEE

Attention: Director of Electric Utilities
City of Marshall
900 South Marshall Ave.
Marshall, Michigan 49068

SECTION 6: Entire Agreement

The terms of this agreement contain all of the terms of the agreement between the parties with respect to this transaction and such agreement may only be amended by written mutual consent, signed by both of the parties.

SECTION 7: Interpretation and Severability

If any provision of this agreement is overbroad or unenforceable, it shall nevertheless be enforced to the extent permitted under applicable law. The unenforceability of any provision of this agreement shall not affect the enforceability of the remaining provisions of this agreement.

SECTION 8: Assignability

This agreement is not assignable without the advance written consent of CISD, which shall not be unreasonably withheld; provided, LEASER may grant a security interest in its rights under this agreement in favor of a third-party ordinarily associated as being a traditional financing institution. In the event the secured party must enforce its secured interest, and execute on the collateral, the secured party will assume the position of LEASER with all rights and responsibilities under this agreement, and the terms and conditions of this agreement shall be binding upon the secured party.

SECTION 9: Governing Law

This agreement shall be governed by and enforced in accordance with the laws of the State of Michigan.

SECTION 10: Default

In addition to the rights described in Section 1 of this agreement, if either party defaults at any time with respect to any of the covenants or conditions to be kept, observed, and performed by the other party, and such default shall continue for thirty (30) days after notice thereof, in writing, to the defaulting party by the non-defaulting party, without reasonable steps being taken to complete or correct same, this agreement shall terminate and the non-defaulting party may pursue all legal and equitable remedies against the defaulting party.

SECTION 11: Waiver

No waiver of any default of either party shall be implied from any omission to take any action on account of such default if such default persists or is repeated. Furthermore, no express waiver shall affect any default other than the default specified in the waiver. One or more waivers by a party shall not be construed as a waiver of a subsequent breach of the same covenant, term, or condition.

SECTION 12: No Third-Party Beneficiary & Relationship

It is the explicit intent of the parties, hereto, that not person or entity other than the Parties

and their respective successors and assigns is or shall be entitled to bring any action to enforce any provision of this agreement against either party.

For purposes of this agreement, the relationship between the parties shall be that of independent contractors, and this agreement does not evidence any joint operation or venture.

SECTION 10: Authorization

This agreement has been duly authorized, executed and delivered by the parties and constitutes a legal, valid and binding obligation upon each of them, enforceable in accordance with its terms. Each individual placing his/her signature below represents and warrants that he/she is the signatory duly authorized to execute this agreement on behalf of CISD or LEASER, as is respectively applicable.

CALHOUN INTERMEDIATE SCHOOL DISTRICT

Dated: _____, 2017 By: _____

Its: _____

CITY OF MARSHALL

Dated: _____, 2017 By: _____

Its: _____



ADMINISTRATIVE REPORT
May 15, 2017 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council
FROM: Tom Tarkiewicz, City Manager
SUBJECT: Repurchase of Electric Substation from MSCPA

BACKGROUND: In 1979, each of the MSCPA's members entered into separate Substation Agreements with the Agency whereby certain substation assets were acquired by the Agency for the benefit of each respective member. In Section 11 of these agreements, provision was made providing each member the option to repurchase these assets for \$100 once the debts related to these assets had been retired.

Following the retirement of the Litchfield Endicott Generating Station, with a reduced asset base for the Agency, it has now become more cost effective for each member to add these facilities to their own asset lists, and to insure as each member deems appropriate. See attached letter from MSCPA General Manager Glen White.

In order to effectuate this transfer, the MSCPA Board of Commissioners approved the attached resolution authorizing the sale of the Substation Facilities, including easements and interests in land. In order to complete this transaction, each member's governing body must also pass the attached resolution authorizing the repurchase.

RECOMMENDATION: It is recommended that the Council adopt the Resolution Regarding Repurchase of Substation Facilities.

FISCAL EFFECTS: Minor increase in insurance cost.

CITY GOAL CLASSIFICATION: GOAL AREA 4. INFRASTRUCTURE

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

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tom Tarkiewicz", written over a light blue horizontal line.

Tom Tarkiewicz
City Manager

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

**CITY OF MARSHALL
COUNTY OF CALHOUN**

**RESOLUTION REGARDING
REPURCHASE OF SUBSTATION FACILITIES**

Minutes of a regular meeting of the City Council of the City of Marshall, County of Calhoun, State of Michigan (the "Municipality") held on the fifteenth day of May, 2017 at 7:00 o'clock, p.m., prevailing Eastern Time.

PRESENT: Members: _____

ABSENT: Members: _____

The following preamble and resolution were offered by Member _____ and supported by Member _____.

WHEREAS, the Michigan South Central Power Agency (the "Agency") was formed as a Joint Agency by its members, the Municipality and the Cities of Coldwater and Hillsdale, and the Villages of Clinton and Union City (the "Members"), under and pursuant to 448 Public Acts of Michigan, 1976, as amended (the "Act"); and

WHEREAS, the Municipality and the Agency entered into a Substation Agreement on September 15, 1979 (the "Agreement"), under which the Municipality sold to the Agency its Substation Facilities; and

WHEREAS, Section 11 of the Agreement enables the Municipality to repurchase the Substation Facilities for one hundred dollars (\$100.00) once all Bonds of the Agency have been paid; and

WHEREAS, all Bonds of the Agency have been paid; and

WHEREAS, it is necessary and desirable for the Municipality to repurchase the Substation Facilities, in accordance with Section 11 of the Agreement.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL:

1. Capitalized terms not defined in this resolution shall have the meaning ascribed to them in the Substation Agreement.
2. The Municipality hereby agrees to exercise its right to repurchase the Substation Facilities, including easements and interests in land, if any, for one hundred dollars (\$100.00).
3. The Mayor, City Manager, City Clerk, and City Treasurer are each authorized to negotiate and execute all agreements, bills of sale, deeds, and other documentation necessary to finalize the repurchase of the Substation Facilities and corresponding transfer of assets.
4. This Resolution shall be effective at the earliest time permitted by law.

AYES: Members: _____

NAYS: Members: _____

RESOLUTION DECLARED ADOPTED.

City Clerk

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, State of Michigan, at a regular meeting held on May 15, 2017, 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 as required by said Act.

City Clerk



MICHIGAN SOUTH CENTRAL POWER AGENCY

720 HERRING ROAD · LITCHFIELD, MICHIGAN 49252

PHONE (517) 542-2346 · FAX (517) 542-3049

WEB SITE www.mscca.net

MEMO

To: Kevin Cornish, Clinton
Paul Beckhusen, Coldwater
Mike Barber, Hillsdale
Tom Tarkiewicz, Marshall
Chris Mathis, Union City

From: Glen White, MSCPA General Manger

Date: May 5, 2017

Subject: Member Repurchase of Substation Facilities

On September 15, 1979, each of the Agency's members entered into separate Substation Agreements with the Agency whereby certain substation assets were acquired by the Agency for the benefit of each respective member. In Section 11 of these agreements, provision was made providing each member the option to repurchase these assets for \$100 once the debts related to these assets had been retired.

Historically, these assets were insured by the Agency as a group, which allowed for lower overall insurance costs. Following the retirement of the Endicott Generating Station, with a reduced asset base for the Agency, it has now become more cost effective for each member to add these facilities to their own asset lists, and to insure as each member deems appropriate.

In order to effectuate this transfer, the MSCPA Board of Commissioners yesterday approved a resolution authorizing the sale of the Substation Facilities, including easements and interests in land (copy attached). In order to complete this transaction, each member's governing body must also pass a resolution authorizing the repurchase. Attached is a resolution prepared by our general counsel for your consideration.

Once the resolutions have been approved, a Bill of Sale will be issued by the Agency to complete this process. As the Agency's fiscal year ends on June 30, we would like to finalize this effort prior to that date.

Please feel free to contact me if you have any questions, concerns, or need any additional information.

MICHIGAN SOUTH CENTRAL POWER AGENCY

**RESOLUTION REGARDING
SALE OF SUBSTATION FACILITIES**

Minutes of a Regular Meeting of the Board of Commissioners of the Michigan South Central Power Agency (the "Agency") held on the 4th day of May, 2017 at 11 o'clock, a.m., prevailing Eastern Time.

PRESENT: Members: Paul Beckhusen, Tom Tarkiewicz, Kevin Cornish, and Mike Barber

ABSENT: Members: Chris Mathis

The following preamble and resolution were offered by Member Kevin Cornish and supported by Member Tom Tarkiewicz.

WHEREAS, the Agency was formed as a Joint Agency by its members, the Cities of Coldwater, Hillsdale, and Marshall, and the Villages of Clinton and Union City (the "Members"), under and pursuant to Act 448, Public Acts of Michigan, 1976, as amended (the "Act"); and

WHEREAS, the Members and the Agency entered into separate Substation Agreements on September 15, 1979 (the "Agreements"), under which the Members sold to the Agency their respective Substation Facilities; and

WHEREAS, Section 11 of each of the Agreements provides the option to each of the Members to repurchase their individual Substation Facilities for one hundred dollars (\$100.00) once all Bonds of the Agency have been paid; and

WHEREAS, all Bonds of the Agency have been paid; and

WHEREAS, the Agency has received or will soon receive offers from each of the Members to repurchase the Substation Facilities.


NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE MICHIGAN SOUTH CENTRAL POWER AGENCY:

1. Capitalized terms not defined in this resolution shall have the meaning ascribed to them in the Substation Agreement.
2. The Agency hereby agrees to sell the respective Substation Facilities, including easements and interests in land, to each of the Members for one hundred dollars (\$100.00).
3. The General Manager, Director of Finance, Chairperson, and Secretary are each authorized to negotiate and execute all agreements, bills of sale, deeds, and other documentation necessary to finalize the sale of the Substation Facilities and corresponding transfer of assets and interests in land.
4. This Resolution shall be effective at the earliest time permitted by law.

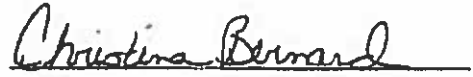
AYES: Members: Paul Beckhusen, Tom Tarkiewicz, Kevin Cornish, and Mike Barber

NAYS: Members:

RESOLUTION DECLARED ADOPTED.


Christina Bernard, Secretary

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Board of Commissioners of the Michigan South Central Power Agency at a Regular Meeting held on May 4, 2017, 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 as required by said Act.



Christina Bernard, Secretary

28920083.2\060539-00004



Marshall City Council, Regular Session
Monday, May 1, 2017
Unofficial

CALL TO ORDER

IN REGULAR SESSION Monday, May 1, 2017 at 7:00 P.M. in the Council Chambers of Town Hall, 323 West Michigan Avenue, Marshall, MI, the Marshall City Council was called to order by Mayor Reed.

ROLL CALL

Roll was called:

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

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: None.

INVOCATION/PLEDGE OF ALLEGIANCE

Kris Tarkiewicz of Family Bible Church gave the invocation and Mayor Reed led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Metzger, supported Schurig, to approve the agenda with the addition of item 8B. Shearman Park Plaque Presentation. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

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

- A. Schedule a public hearing for Monday, May 15, 2017 to receive public comment on the FY 2018 General Fund, Special Revenue Funds, Enterprise Funds, and Internal Service Funds Budgets;
- B. Approve the resolution to allow the Transportation Manager and/or City Manager to sign agreements to allow for future funding of projects for the City of Marshall Dial-A-Ride;
- C. Approve issuing licenses to Pastrami Joe's, Schuler's Restaurant, and Dark Horse Brewing Co. to operate an outdoor restaurant/café effective May 1, 2017 and expires April 30, 2018;
- D. Approve the request by the American Legion to conduct their Annual Poppy Sales on May 19 and 20, 2017;
- E. Minutes of the City Council Regular Session held on Monday, April 17, 2017;
- F. Approve city bills in the amount of \$ 121,000.14.

On a roll call vote – ayes: Caron, Costa, McNeil, Metzger, Mayor Reed, Schurig, and

Marshall City Council, Regular Session
Monday, May 1, 2017
Unofficial

Williams; nays: none. **MOTION CARRIED.**

PRESENTATIONS AND RECOGNITION

A. Fountain Clinic Day Proclamation:

Mayor Reed presented a proclamation to the Fountain Clinic proclaiming May 6, 2017 as Fountain Clinic Day in the City of Marshall.

**FOUNTAIN CLINIC DAY
PROCLAMATION**

WHEREAS, the Fountain Clinic, established in 1992, constitutes a health clinic providing free medical care to the uninsured and underinsured in the Marshall area; and

WHEREAS, as it celebrates its 25th year in Marshall, the Fountain Clinic continues its mission to help those who have no health insurance and cannot afford needed medical care; and

WHEREAS, the Fountain Clinic has provided an overwhelming amount of patient visits since its inception, and will now observe its anniversary by rededicating itself to the community;

NOW, THEREFORE, I, Mayor Jack Reed, proclaim May 6, 2017, Fountain Clinic Day in Marshall; and

BE IT FURTHER RESOLVED, the citizens of Marshall be urged to offer their congratulations to the founders, volunteers, and Board of Directors of the Fountain Clinic, both past and present, and thank them for their contributions these past 25 years toward improving the quality of life for the uninsured and underinsured of the Marshall community.

IN WITNESS WHEREOF, I, Jack Reed, Mayor of the City of Marshall have hereunto set my hand and caused the Official Seal of the City of Marshall to be affixed this 1st day of May 2017.

Mayor Jack Reed
City of Marshall

B. Shearman Park Plaque:

Mayor Reed presented a plaque to Ian Stewart and family for their contribution to the City of Marshall for the construction of a "Hut" at Shearman Park for the ice skating rink.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Vacation of 66' Section of Hamilton Street Right of Way:

City Manager Tarkiewicz provided background on the 66' Hamilton Street Right of Way between Locust Street and Rice Creek.

Mayor Reed opened the public hearing to comment on the vacation request.

Hearing no comment, the hearing was closed.

Moved McNeil, supported Caron, to adopt the resolution to vacate the 66' of Hamilton Street Right-of-Way between Locust Street and Rice Creek. On a voice vote – **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2017-07**

**RESOLUTION TO VACATE THE HAMILTON STREET
RIGHT-OF-WAY BETWEEN LOCUST STREET AND RICE CREEK**

WHEREAS, a request has been received to vacate the east 33' of the right-of-way (ROW) of Hamilton Street between Locust Street and Rice Creek in the plat of the Upper Village, City of Marshall; and

WHEREAS, following review of this request the City of Marshall has determined that it is in the City's best interest to vacate the entire 66' width of this ROW; and

WHEREAS, the City has the authority to vacate streets within the City under Article 7, Section 31 of the Michigan Constitution of 1963, and under Section 4h of Michigan's Home Rule City Act, and Section 2.23 of the City of Marshall Charter, as amended; and

WHEREAS, the City has conducted hearings on vacating the said portion of the said street, and has determined that this vacation will not adversely the city;

and

WHEREAS, Notice of the Public Hearing for vacating the 66' right-of-way of Hamilton Street between Locust Street and Rice Creek was published by the City of Marshall on April 22, 2017, with a notice made to all property owners of record for any property adjoining the parcel in question; and

WHEREAS, the City has determined that the street right-of-way recommended for vacation is not needed by the City's Department of Public Works or Public Safety Department; and

NOW THEREFORE BE IT RESOLVED, the City of Marshall hereby vacates the 66' right-of-way of Hamilton Street between Locust Street and Rice Creek and more particularly described as:

The 66' of the right-of-way of Hamilton Street between Locust Street and Rice Creek dedicated to the public and now being vacated with 33' reverting to each adjoining land owner being described more particularly as: Hamilton Street between Locust Street and Rice Creek, plat of the City of Marshall, Upper Village, as recorded in plat of Calhoun County Register of Deeds.

BE IT FURTHER RESOLVED, that the vacated right-of-way shall become part of each adjacent property of the vacated Hamilton Street; and

BE IT FURTHER RESOLVED, that the City Clerk shall be, and hereby is, authorized for and on behalf of the city to execute and deliver any documents necessary or appropriate.

Dated: May 1, 2017

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed seal of said City of Marshall, this 1st day of May, 2017.

Trisha Nelson, City Clerk

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Hangar Lease – Brooks Field:

Moved Metzger, supported McNeil, to approve the hangar lease with Brian Spencer to build a 60' x 64' personal hangar at Brooks Field. On a voice vote – MOTION CARRIED.

B. 3rd Quarter Investment Portfolio Report:

Moved Metzger, supported McNeil, to accept and place on file the 3rd Quarter Investment Portfolio Report as presented. On a voice vote – MOTION CARRIED.

C. 3rd Quarter Financial Report:

Moved Schurig, supported Williams, to accept and place on file the 3rd Quarter Financial Report as presented. On a voice vote – MOTION CARRIED.

D. 3rd Quarter Cash & Investments Position Report:

Moved Caron, supported Costa, to accept and place on file the 3rd Quarter Cash & Investments Position Report as presented. On a voice vote – MOTION CARRIED.

APPOINTMENTS/ELECTIONS

A. Appointment of City Attorney:

Moved McNeil, supported Williams, to confirm the Mayor's recommendation of reappointing John Brundage, John Sullivan, and Jim Dyer as City Attorney's. On a voice vote – MOTION CARRIED.

B. Brooks Nature Area Advisory Board Appointment:

Moved Caron, supported Williams, to approve the appointment of Brian Huggett to the Brooks Nature Area Advisory Board with a term expiring August 15, 2018. On a voice vote – MOTION CARRIED.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Craig Kempf asked the City Council to reconsider the vote for Citywide Lawn mowing services and consider awarding the contract to a local company. He feels we need to support our local businesses.

Eric Schnaitman inquired about the vacant industrial property adjacent to his business and questioned why it is still vacant. He also encouraged City Council to support local businesses.

Marshall City Council, Regular Session
Monday, May 1, 2017
Unofficial

Bob Serbantez asked City Council to reconsider the contract with the Kalamazoo based company for lawn mowing services and stated he was confused by the bid packet for the Lawn Mowing Services. He feel the money should stay local and support a local business and is questioning the quality of work we are receiving.

Michael Lounds spoke in support of local businesses and feels City money should also support local businesses.

Duane Cowgill encouraged City Council to buy local and help small businesses and to reconsider their vote for lawn mowing services. He also encouraged City Council to expand their hours of the Compost Center to help residents.

COUNCIL AND MANAGER COMMUNICATIONS

ADJOURNMENT

The meeting was adjourned at 8:08 p.m.

Jack Reed, Mayor

Trisha Nelson, City Clerk

APPROVAL LIST FOR CITY OF MARSHALL
 EXP CHECK RUN DATES 05/13/2017 - 06/08/2017
 UNJOURNALIZED
 OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
24682	A & D LIGHTING SUPPLY	LIGHT BULBS		
36073	ACTRON SECURITY ALARM	QTRLY ALARM MONITORING - POWERHOUSE		882.50
X72913	AIS CONSTRUCTION EQUIP	TRUCK 301 ENGINE REPAIR		330.00
SLS 10058168	ALEXANDER CHEMICAL COR	CHLORINE, SULFUR DIOXIDE	2017.285	3,772.83
2067	ALL RELIABLE SERVICES	(2017 ELECTRIC LINE CLEARANCE; PER CONTRA	2017.009	1,172.00
2054	ALL RELIABLE SERVICES	(2016 LINE CLEARANCE- TREE TRIMMING CONTRA	2017.283	3,812.80
2054A	ALL RELIABLE SERVICES	(2017 ELECTRIC LINE CLEARANCE; PER CONTRA	2017.089	1,614.62
87541	ALL-TRONICS INC	PSB SERVICE CALL	2017.283	2,198.18
87542	ALL-TRONICS INC	DOOR INTERCOM SYSTEM AT MH		972.50
87523	ALL-TRONICS INC	MAILBOX SETUP FOR FIRE DEPT PERSONNEL		227.00
87522	ALL-TRONICS INC	EXT 1506		75.00
170410268	AMBS CALL CENTER	ANSWERING SERVICES		75.00
042717	APWA, MICHIGAN CHAPTER	MIKE HACKWORTH BASIC YEAR 2		232.37
1029672-0417	ARKADIN INC	PHONE CONFERENCING		695.00
15-514692	ARROW UNIFORM	CUST #010198-03		20.82
15-500267	ARROW UNIFORM	CUST #010198-03		153.28
15-514690	ARROW UNIFORM	CUST #010198-02		153.28
15-500265	ARROW UNIFORM	CUST #010198-02		54.25
15-507441	ARROW UNIFORM	CUST #010198-02		54.25
15-507443	ARROW UNIFORM	CUST #010198-03		54.25
15-500268	ARROW UNIFORM	CUST #010198-06		153.28
15-500261	ARROW UNIFORM	CUST #010198-01		31.23
15-507437	ARROW UNIFORM	CUST #010198-01		27.47
15-514686	ARROW UNIFORM	CUST #010198-01		27.47
15-514691	ARROW UNIFORM	CUST #010198-04		27.47
15-500266	ARROW UNIFORM	CUST #010198-04		55.42
15-507442	ARROW UNIFORM	CUST #010198-04		55.42
15-507445	ARROW UNIFORM	CUST #010198-05		55.42
15-500269	ARROW UNIFORM	CUST #010198-05		30.02
15-514694	ARROW UNIFORM	CUST #010198-05		30.02
15-507444	ARROW UNIFORM	CUST #010198-06		30.02
15-514693	ARROW UNIFORM	CUST #010198-06		31.23
225-411616	AUTO VALUE MARSHALL	HALOGEN CAPSULE		31.23
225-410952	AUTO VALUE MARSHALL	CERAMIC PADS		9.79
225-409890	AUTO VALUE MARSHALL	PREM SEMI MET PA, HALOGEN CAPSULE		37.49
225-411390	AUTO VALUE MARSHALL	REPL LENS		70.58
225-411482	AUTO VALUE MARSHALL	REPL LENS		8.14
225-410987	AUTO VALUE MARSHALL	GREEN TAPE		8.14
225-410746	AUTO VALUE MARSHALL	SILICONE, SCREW CLAMPS		8.49
225-410271	AUTO VALUE MARSHALL	ORANGE, FUEL FILTER		14.59
225-411201	AUTO VALUE MARSHALL	BLK LIGHTING LRG		23.43
225-411727	AUTO VALUE MARSHALL	PISTOL GRIP GUN		17.59
225-410019	AUTO VALUE MARSHALL	ETCH&FILL PRIMER		44.29
225-411424	AUTO VALUE MARSHALL	COARSE		9.99
225-411785	AUTO VALUE MARSHALL	MULTIPURP 14.1 OZ		5.36
225-411729	AUTO VALUE MARSHALL	PISTOL GRIP GUN		38.90
225-411255	AUTO VALUE MARSHALL	FILTERS		44.29
225-409848	AUTO VALUE MARSHALL	DIGITAL CALIPER		144.92
225-410131	AUTO VALUE MARSHALL	SPARK PLG, FUEL FILTERS		16.49
225-411783	AUTO VALUE MARSHALL	OIL FILTER		20.16
225-410827	AUTO VALUE MARSHALL	OIL FILTER		5.71
225-409833	AUTO VALUE MARSHALL	STEPS		6.35
225-411376	AUTO VALUE MARSHALL	COARSE ROLO, GOLD 320		142.89
225-411190	AUTO VALUE MARSHALL	OIL FILTER		6.97
225-411314	AUTO VALUE MARSHALL	AIR FILTER RETURN		33.10
225-410345	AUTO VALUE MARSHALL	AIR FILTER		(31.52)
225-410466	AUTO VALUE MARSHALL	AIR FILTER		16.69
225-410578	AUTO VALUE MARSHALL	100 MO WET BATTERY		15.29
225-411795	AUTO VALUE MARSHALL	OIL FILTER, FUEL FILTER		127.99
225-411651	AUTO VALUE MARSHALL	OIL FILTERS		30.29
225-410381	AUTO VALUE MARSHALL	COPPER PLUG		11.57
225-410664	AUTO VALUE MARSHALL	AUTO/MARINE CORE		5.91
225-410136	AUTO VALUE MARSHALL	OIL FILTER		(16.00)
225-410130	AUTO VALUE MARSHALL	SPARK PLG, FUEL FILTER		114.20
225-411688	AUTO VALUE MARSHALL	BATTERY		76.08
225-411738	AUTO VALUE MARSHALL	OIL FILTER		120.99
225-409696	AUTO VALUE MARSHALL	SEAL KIT		5.99
225-411470	AUTO VALUE MARSHALL	OIL FILTER		27.99
225-411020	AUTO VALUE MARSHALL	OIL FILTER		5.71
225-410485	AUTO VALUE MARSHALL	REMAN ENG ASSY		5.37
225-410538	AUTO VALUE MARSHALL	SEPENTINE BELT		(600.00)
225-410551	AUTO VALUE MARSHALL	CRANK POSITION SNS, CONNECTOR		33.89
225-409948	AUTO VALUE MARSHALL	TEMPERATURE SENSOR		52.69
041817	BAKER TOOL RENTAL & ST	MINI EXCAVATOR		23.79
260546-IN	BEAVER RESEARCH CO	TOWELS		225.00
260547-IN	BEAVER RESEARCH CO	HAND CLEANER		127.50
260545-IN	BEAVER RESEARCH CO	A/C COIL CLEANER		121.00
128509	BELL EQUIPMENT COMPANY	EXT BROOM, SIDE BROOM SET		130.00
042017	BERON'S TREE SERVICE	TOPPED MAPLE ON SYCAMORE ST		1,037.25
				600.00

APPROVAL LIST FOR CITY OF MARSHALL
 EXP CHECK RUN DATES 05/13/2017 - 06/08/2017
 UNJOURNALIZED
 OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
89239	BOSHEARS FORD SALES INC	2015 FORD E450		32.68
700003456-0417	BRONSON HEALTHCARE GROUP	COLE, HERMAN		235.00
100251	CARR BROTHERS & SONS	SCREENED TOPSOIL		198.00
333280	CARRIS, STEVE	PAINT UNIT 210		350.00
170308-1	CIVIL ENGINEERS INC	MRLEC DRAINAGE		242.50
13737	COBAN TECHNOLOGIES	BATTERIES		195.00
041017	COLLINS PROFESSIONAL	TIGROUND OUT 5 STUMPS & CLEANUP		500.00
9970	COURTNEY & ASSOCIATES	MONTHLY RETAINER SERVICE		250.00
93759	CRT, INC	CLOUD STORAGE		900.13
6395	CRYSTAL FARMS	SPRING BREAK FUN		285.00
3-31756	CUMMINS BRIDGEWAY	SERVICE CALL - GENERATOR		677.54
141042	D & D MAINTENANCE	SUPP JANITORIAL SERVICE @ DPW		173.33
141044	D & D MAINTENANCE	SUPP JANITORIAL SERVICE @ PARKS APRIL 2017		177.52
139638	D & D MAINTENANCE	SUPP JANITORIAL SERVICE @ DPW JANUARY 2017		173.33
140956	D & D MAINTENANCE	SUPP JANITORIAL SUPPLIES		39.00
141040	D & D MAINTENANCE	SUPP JANITORIAL SERVICES - MRLEC	2017.106	4,454.67
141041	D & D MAINTENANCE	SUPP PSB JANITORIAL SERVICE APRIL 2017	2017.057	1,664.00
140837	D & D MAINTENANCE	SUPP TOWELS		112.80
140838	D & D MAINTENANCE	SUPP BOWL CLEANER		33.60
140840	D & D MAINTENANCE	SUPP TOILET TISSUE		39.00
140663	D & D MAINTENANCE	SUPP JANITORIAL SUPPLIES		89.40
1175	D HILL ENVIRONMENTAL	FULLER & STRAND - SLUDGE CLASS		650.00
505369	DARLING ACE HARDWARE	DOOR STOPS		9.98
505078	DARLING ACE HARDWARE	KEY		1.99
505089	DARLING ACE HARDWARE	KEYS FOR FIRE PULL		3.98
504483	DARLING ACE HARDWARE	NUTS, BOLTS, COVER BOX		3.21
505311	DARLING ACE HARDWARE	LED ACE		9.99
504966	DARLING ACE HARDWARE	CABLE TIES		7.99
505171	DARLING ACE HARDWARE	CABLE WHIP		12.99
505155	DARLING ACE HARDWARE	FUSE PLUG		7.99
504999	DARLING ACE HARDWARE	FAN SHROUD REPAIR		27.46
505418	DARLING ACE HARDWARE	ELBOW, STRAPS		6.23
505515	DARLING ACE HARDWARE	POLY TUBE, HEX HEAD		31.33
505467	DARLING ACE HARDWARE	HAMMER DRILL BIT		7.99
504875	DARLING ACE HARDWARE	CONDUIT, BOX HNDY, RIGID STRAP		23.96
504912	DARLING ACE HARDWARE	STND BAR, CHAIN, NUTS & BOLTS		72.35
505010	DARLING ACE HARDWARE	STIH AUTOCUT		34.95
503349	DARLING ACE HARDWARE	KEYS, RING		7.27
503676	DARLING ACE HARDWARE	KEY		2.99
503944	DARLING ACE HARDWARE	EXTENSION WAND		7.99
505489	DARLING ACE HARDWARE	SHOULDER HARNESS KIT		9.95
503115	DARLING ACE HARDWARE	PRUNING SAW		519.96
503445	DARLING ACE HARDWARE	AIR FILTER		3.99
502988	DARLING ACE HARDWARE	VERNIER CALIPER		11.99
503497	DARLING ACE HARDWARE	TRIMMER		527.98
505332	DARLING ACE HARDWARE	ANNUAL/VEGGIE, POTS		22.58
505222	DARLING ACE HARDWARE	ELBOW, NIPPLE, FLANGE FLOOR GALV		14.56
504256	DARLING ACE HARDWARE	CEMENT ALL PURPOSE, CAP CPVC		6.28
504238	DARLING ACE HARDWARE	VLVBALL FP, ADAPTR, BLADE CUTOFF METAL		25.92
504166	DARLING ACE HARDWARE	DRAIN AUGER		27.99
505186	DARLING ACE HARDWARE	GREASE SILICONE, O-RING FITS		7.98
504016	DARLING ACE HARDWARE	SOCKET GATORGRIP		13.99
504443	DARLING ACE HARDWARE	LINK CHAIN QUICK		3.98
504908	DARLING ACE HARDWARE	ELBOW PULL EMT		8.98
504906	DARLING ACE HARDWARE	KEY - CREDIT		(1.99)
505919	DARLING ACE HARDWARE	PLIER 10" PUMP DIAMOND		16.99
136964	DLZ	ENGINEERING SERVICES FOR S MARSHALL ST B	2016.180	5,559.35
INV32589	DORNBOS SIGN INC	SIGNS		106.40
3204111	EDWARDS INDUSTRIAL	SALVHOSE ASSY		37.70
824823	ENVIRONMENTAL RESOURCE LAB	SUPPLIES		596.44
819938	ENVIRONMENTAL RESOURCE LAB	SUPPLIES		584.73
4631998	ERADICO PEST SERVICES, MH	CERTIFICATION DETECTION & TREATMENT		216.00
4646582	ERADICO PEST SERVICES, MH	PEST CONTROL		65.00
93620	ERIC DALE HEATING & AIR	HEATER REPAIR		145.00
93682	ERIC DALE HEATING & AIR	HEATER REPAIR		298.82
5102198515.001	ETNA SUPPLY	SS SNAP CLAMP		726.00
301217	FAIRBANKS MORSE	WATER PUMP SEAL		590.65
301218	FAIRBANKS MORSE	GROMMETS - ENGINE 6		284.02
MIBAT244112	FASTENAL COMPANY	SHEET METAL SCREWS		67.99
MIBAT244236	FASTENAL COMPANY	HITCHPIN ASSORT		45.27
CM000359	FERGUSON WATERWORKS #3	RETURNED GSKTS		(168.60)
26510	FIFTHROOM.COM	SAVANNAH PAVILION- QUOTE # 3011205 FOR S	2017.252	8,333.00
10307	FUG	WOODEN NICKEL TOKENS		254.00
S105743961.001	GALLOUP COMPANY	GASKET		3.34
17-05068	GARAGE DOORS UNLIMITED	SERVICE CALL AT MH		69.00
9412698046	GRAINGER	REPLACEMENT LENS		58.25
9403491013	GRAINGER	DRUM DEHEADER		93.90
1460065	GRIFFIN PEST SOLUTIONS	900 S MARSHALL		46.00
8041	GUTTERS R US LLC	SNOW REMOVAL FOR MRLEC BUILDING - 3 YEAR	2017.166	229.00

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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
10418239	HACH COMPANY	CALIBRATE AND REPAIR POCKET COLORIMETER	2017.224	277.79
10373401	HACH COMPANY	LAB SUPPLIES		123.37
INV78688	HASSELBRING CLARK	CITY HALL TOSHIBA		160.00
INV79298	HASSELBRING CLARK	MH COPIER		265.25
9153485769	HD SUPPLY FACILITIES	MEXH MOTOR & FAN ASSY		215.94
100243-0517	HERITAGE CLEANERS	ACCT #100243 LAUNDRY SERVICES		226.50
79213	HERMANS MARSHALL	HARDW.SKIMMER		19.99
79139	HERMANS MARSHALL	HARDW.ADDRESS SIGN, TAPE MEASURE, MASKS, COVER		51.25
79481	HERMANS MARSHALL	HARDW.WHIPS, FLAGS		41.87
79474	HERMANS MARSHALL	HARDW.STAKES		15.92
79484	HERMANS MARSHALL	HARDW.VARNISH, WEEK BLOCK		150.96
79494	HERMANS MARSHALL	HARDW.KEY		2.49
79047	HERMANS MARSHALL	HARDW.HITCH PINS, HOSE CLAMPS, BUNGEE STRAPS,		18.21
79308	HERMANS MARSHALL	HARDW.VELCRO, S HOOKS, DRILL BITS		14.64
79102	HERMANS MARSHALL	HARDW.1/4 DRILL DRIVE		3.49
79233	HERMANS MARSHALL	HARDW.BATTERIES		18.99
79229	HERMANS MARSHALL	HARDW.FOLDING RULE		11.49
79234	HERMANS MARSHALL	HARDW.SANDPAPER		15.58
17101	HUNTER PRELL COMPANY	ARMS STREET PROJECT LESS 5% RETAINAGE	2017.249	155,864.15
3166573	IIX INSURANCE INFORMAT	MOTOR VEHICLE REPORTS		151.00
1901802013882	INTERSTATE ALL BATTERY	BATTERIES		428.84
1901899011408	INTERSTATE ALL BATTERY	AUTO BATTERY, LAWN & GARDEN BATTERY		344.85
042717	ISAAC & SONS	UNIT #226		195.00
446306	ITRON INC	HARDWARE MAINTENANCE 05/01/17 - 07/31/17		913.72
1219	J & K PLUMBING SUPPLY	SUPPLIES		46.18
1300	J & K PLUMBING SUPPLY	SUPPLIES		4.72
1298	J & K PLUMBING SUPPLY	SUPPLIES		11.40
1473	J & K PLUMBING SUPPLY	SUPPLIES		24.80
1511	J & K PLUMBING SUPPLY	SUPPLIES		17.03
1501	J & K PLUMBING SUPPLY	SUPPLIES		26.14
1536	J & K PLUMBING SUPPLY	SUPPLIES		9.62
106529	J & K PLUMBING SUPPLY	FAUCET		42.46
6867	JS BUXTON	LIME	2017.031	1,134.63
042817	K-MART	APRIL CHARGES		34.47
704827	KAR LABORATORIES INC	SLUDGE ANALYSIS		305.00
704826	KAR LABORATORIES INC	MERCURY ANALYSIS		260.00
9000	KELLOGG'S REPAIR	BLADES		333.00
31143	LAKELAND ASPHALT CORPO	BITUMINOUS AGGREGATES		104.00
31119	LAKELAND ASPHALT CORPO	BITUMINOUS AGGREGATES		399.36
111422	LARRY'S FLOOR COVERING	APARTMENT # 320 TURNOVER	2017.284	1,588.30
111423	LARRY'S FLOOR COVERING	APARTMENT #320 TURNOVER	2017.284	482.60
111483	LARRY'S FLOOR COVERING	APARTMENT #414 TURNOVER	2017.284	1,588.30
111484	LARRY'S FLOOR COVERING	APARTMENT #414 TURNOVER	2017.284	589.00
111511	LARRY'S FLOOR COVERING	APARTMENT #409 TURNOVER	2017.284	1,588.30
111570	LARRY'S FLOOR COVERING	APARTMENT #118 TURNOVER	2017.284	1,588.30
111571	LARRY'S FLOOR COVERING	APARTMENT #218 TURNOVER	2017.284	482.60
111572	LARRY'S FLOOR COVERING	APARTMENT #218 TURNOVER	2017.284	1,588.30
1043161	LEGG LUMBER	FULL ROUND		96.60
12312	LEWEY'S SHOE REPAIR	SHOE STRINGS - EARL LUIB'S BOOT ALLOWANC		9.90
12351, 11230	LEWEY'S SHOE REPAIR	REPAIR FLAGS		29.00
3308	LINE-X OF BATTLE CREEK	SPRAY ON BEDLINER		499.00
17219	LOU'S GLOVES INC	LAB GLOVES		258.00
MAR3376	MARSHALL TIRE CITY	TIRES FOR SKIDDER		263.98
MAR2900	MARSHALL TIRE CITY	TIRES & REPLC WHL BEARINGS ON 2004 FORD		729.60
7902	MARSHALL WELDING & FAB	12 GA SHEET		127.00
S4136052.003	MEDLER ELECTRIC COMPAN	3" COUPLING		21.26
S4127700.002	MEDLER ELECTRIC COMPAN	PVC CAP		8.91
S4128212.001	MEDLER ELECTRIC COMPAN	ELECTRIC PEDESTAL BOXES - HIGHLINE SERI	2017.261	1,770.08
S4125747.001	MEDLER ELECTRIC COMPAN	THREADED GROUND ROD		454.80
266826	MICHIGAN INDUSTRIAL GA	ACETYLENE, OXYGEN		46.45
1357919	MILLER CANFIELD PADDOC	GENERAL EMPLOYMENTS MATTERS		110.00
85188967	MSC INDUSTRIAL SUPPLY	FIRST AID KIT		38.34
83096817	MSC INDUSTRIAL SUPPLY	GLOVES, GLASSES		207.53
13000	MWEA	COOK, LYNN - MEMBERSHIP		70.00
12892	MWEA	HAZEL, CHAD - MEMBERSHIP		70.00
13079	MWEA	STRAND, MARK - MEMBERSHIP		70.00
13080	MWEA	FULLER, MICHAEL - MEMBERSHIP		70.00
472310	NAPA OF MARSHALL	HYD OIL		13.94
387799	NORTH CENTRAL LABORATO	LAB SUPPLIES	2017.032	58.75
584836	NYE UNIFORM COMPANY	PANTS		101.14
79931	O'LEARY WATER CONDITIO	COOLER RENTAL, WATER		205.00
4788-158818	O'REILLY AUTO PARTS	SPARK PLUG		2.99
838215	OFFICE 360	PAPER		32.90
833625	OFFICE 360	COPY PAPER		131.60
827696	OFFICE 360	CLOROX WIPES		63.83
832754	OFFICE 360	LABEL		9.99
828106	OFFICE 360	PLOTTER PAPER		41.98
013017	ONE ON ONE FITNESS INC	SMITH MACHINE SERVICE		550.00
56135464	POWER LINE SUPPLY	TIE WIRE		1,036.23

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56137149	POWER LINE SUPPLY	SAFETY VESTS		117.63
56138014	POWER LINE SUPPLY	M BOLT		74.52
56136353	POWER LINE SUPPLY	ELECTRIC INVENTORY 100 AMP CUTOUT AND LE 2017.245		2,316.00
56136355	POWER LINE SUPPLY	ELECTRIC INVENTORY 100 AMP CUTOUT AND LE 2017.245		3,776.91
56121201	POWER LINE SUPPLY	TESTING OF RUBBER GOODS		687.00
56141137	POWER LINE SUPPLY	1/0 COPPER UNDERGROUND WIRE (OUR STOCK E 2017.230		18,957.15
56140300	POWER LINE SUPPLY	GUY STRAIN		191.48
56141429	POWER LINE SUPPLY	CABLE PREP WIPES		217.34
285531	PRINTLINK	BUSINESS CARDS - REEN		85.00
2017-299	PRO TRAIN INC	STRATEGIES & TACTICS OF PATROL STOPS		80.00
4238	PROPERTY MANAGEMENT AS	FAIR HOUSING COURSE - THERESA SEARS		115.00
2697813559-0417	QLT CONSUMER LEASE SER	269-781-3559		13.20
949	QUALITY LAWN CARE	AIRPORT LAWN CARE 04/19 - 04/30/17		1,150.00
16235	RIGHT WAY CONTROL LLC	SPRAY AT ALL SUBSTATIONS		1,350.00
73384603	SAFETY-KLEEN	PARTS WASHER SOLVENT		175.00
8946	SIGNWORLD CONCEPTS	DECALS		96.00
8932	SIGNWORLD CONCEPTS	CITY HALL SIGNS		160.00
21063-0517	SPARTAN STORES	CUST #021063		78.64
22099	STANDARD PRINTING & OF	UTILITY BILL INSERTS FOR FIBER PROJECT		425.00
8044208661	STAPLES ADVANTAGE	BATTERIES, WHITEBOARD & MARKERS, USB CAR		96.59
8043904279	STAPLES ADVANTAGE	FLASH DRIVES - BUDGET BOOKS		43.16
8044107590	STAPLES ADVANTAGE	PC CARD READER		7.99
8044008781	STAPLES ADVANTAGE	MR CLEAN MAGIC ERASER, HAND SOAP		51.35
BLR402757	STATE OF MICHIGAN	REINSPECTION AFTER REPAIRS		75.15
591-8166430	STATE OF MICHIGAN - MD	TRAFFIC SIGNAL ENERGY CHARGES 4TH QTR 20		97.13
11259129	STREICHER'S	CRIME SCENE EVIDENCE PACKAGING	2017.282	1,240.32
042717	TED'S APPLIANCE, LLC	REFRIGERATOR DOOR SEAL		51.00
107161	TRI AIR TESTING INC	AIR ANALYSIS REPORT		172.00
62756169	TRUGREEN	LAWN SERVICE - CITY HALL		159.65
3947	US LAWNZ OF KALAMAZOO	LAWN CARE 04/20/17 - 04/27/17	2017.278	1,381.00
210945	USA BLUEBOOK	LABORATORY DRYING OVEN	2017.243	1,866.36
8048091889	VWR INTERNATIONAL LLC	LAB OVEN REPAIR		55.81
I-0440797	WESCHLER INSTRUMENTS	SWITCHGEAR MOTOR		924.47
AMBROSE 2017	WMACP	AMBROSE, KRIS - RENEWAL		25.00
SCHWARTZ 2017	WMACP	SCHWARTZ, JAMES - RENEWAL		25.00
MCDONALD 2017	WMACP	MCDONALD, SCOTT - RENEWAL		25.00
RITSEMA 2017	WMACP	RITSEMA, ROBERT - RENEWAL		25.00
LANKERD 2017	WMACP	LANKERD, JOSH - RENEWAL		25.00
OTTJEPKA 2017	WMACP	OTTJEPKA, ADAM - RENEWAL		25.00
GRAND TOTAL:				266,752.94

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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUN
2550557181-0417	CHEMICAL BANK SOUTH	HSA ACCT #2550557181 TARKIEWICZ, THOMAS		585.00
2552019065-0417	CHEMICAL BANK SOUTH	HSA ACCT #2552019065 REEN, MICHAEL		195.00
2552024321-0417	CHEMICAL BANK SOUTH	HSA ACCT #2552024321 HERMAN JR, PAUL		292.50
2550998203-0417	CHEMICAL BANK SOUTH	HSA ACCT# 2550998203 FREDS, TOM		585.00
CHEMICAL BANK	CHEMICAL BANK SOUTH	HSA ACCT #2551002377 SCHWARTZ, JAMES		1,170.00
204030390800	CONSUMERS ENERGY	1030 1852 0884		347.10
203229469617	CONSUMERS ENERGY	1000 7224 3312		187.46
205543268709	CONSUMERS ENERGY	1000 0759 4680		132.86
203941400811	CONSUMERS ENERGY	1000 6710 1772		30.78
201983555964	CONSUMERS ENERGY	1030 0915 7670		30.57
203140456451	CONSUMERS ENERGY	1030 1352 1119		18.32
205098286232	CONSUMERS ENERGY	1030 1580 0248		247.01
203051465467	CONSUMERS ENERGY	1030 1852 1130		1,881.73
205276278094	CONSUMERS ENERGY	1000 0916 3971		401.02
205276278093	CONSUMERS ENERGY	1000 0916 3708		106.15
205276278091	CONSUMERS ENERGY	1000 0916 3203		113.28
205276278092	CONSUMERS ENERGY	1000 0916 3435		291.75
206611016334	CONSUMERS ENERGY	1000 0033 5602		1,817.02
042517	DEVENEY, JAMES R	INSPECTION COMMISSION		200.00
042517	GROSS, JOHN	INSPECTION COMMISSION		368.00
370918	LAKE MICHIGAN MAILERS	POSTAGE # ACCT #M323		500.00
1201920009	LEMON, TRACY	REFUND DUPLICATE PAYMENT		284.39
99007320387-0417	LOWE'S	ACCT #9900 732038 7		96.12
89	MAGIC MAIDS	APRIL CLEANING SERVICES		1,400.00
89A	MAGIC MAIDS	CLEAN APTS #118, 409, 402		300.00
6996-0417	MARSHALL COMMUNITY CU	6996 - BAUER		403.24
S4119628.001	MEDLER ELECTRIC COMPA	STERNBERG BALLAST	2017.277	1,518.75
M 03-17	MICHIGAN SOUTH CENTRA	MARCH NATURAL GAS		2,498.96
042517	NICHOLS, JEFFREY S	INSPECTION COMMISSION		510.00
04/27/2017	PRATER, MARTILLA & IS	UB refund for account: 2104100019		43.86
04/27/2017	SHORELINE POWER SERVI	UB refund for account: 3204280023		66.93
040517	SKILES, JON	TRAVEL EXPENSE REIMBURSEMENT		100.10
GRAND TOTAL:				16,722.92

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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUN
145970911-0417	A T & T	ACCT #145970911		75.00
3005840034	ARNOLD, DANIELLE	SECURITY DEPOSIT REFUND 1147 ARMS ST		100.00
043017	CALHOUN COUNTY TREASU	APRIL TRAILER FEES		80.00
050117	CITY OF MARSHALL	PETTY CASH REIMBURSEMENT		23.50
050517	CONNELLY, JOYCE	REFUND 2016 WINTER TAX INTEREST/PENALTY		60.57
042817	DOPP, WILLIAM	TRAVEL EXPENSE REIMBURSEMENT		121.71
050117	GREAT SCOTT CATERING	OAKLAWN CLASSIC VENDING CART - FARMERS		231.13
05/05/2017	LYVERE, DAVID & CASSL	UB refund for account: 3003310037		51.77
LAWNCARE	MAEDA	REIMBURSEMENT OF LAWNCARE FOR INDUSTRIA		1,100.00
050217	MCNEIL, LYNETTE	REFUND SECURITY DEPOSIT - CANCELED APPL		100.00
S4136052.002	MEDLER ELECTRIC COMPA	PVC TERMINAL ADAPTER		2.20
S4136052.001	MEDLER ELECTRIC COMPA	PVC PARTS & GLUE		365.35
249-005498546	REPUBLIC SERVICES #24	ACCT #3-0249-1022021		1,081.76
10058364-0417	WOW! BUSINESS	ACCT #010058364		32.97
13934621-0417	WOW! BUSINESS	ACCT #013934621		35.29
GRAND TOTAL:				3,461.25

**CITY OF MARSHALL
COUNTY OF CALHOUN, STATE OF MICHIGAN**

**A RESOLUTION TO EXPRESS CONGRATULATIONS
AND PUBLIC APPRECIATION TO ANDREW SEIFERT ON
THE OCCASION OF EARNING THE RANK OF EAGLE SCOUT
IN THE BOY SCOUTS OF AMERICA, AND FOR HIS
EAGLE SERVICE PROJECT OF SUPERVISING THE DESIGN,
CONSTRUCTION AND INSTALLATION OF THE PAVILION
AT THE TRAIL HEAD AT THE BROOKS NATURE AREA.**

WHEREAS, the City Council of the City of Marshall is aware that Andrew Seifert has earned the rank of Eagle Scout in the Boy Scouts of America by completing all requirements of that rank, and was elevated to the rank of Eagle Scout in a court of honor held on May 7, 2017; and

WHEREAS, Andrew Seifert has distinguished himself with earning the rank of Eagle Scout, which is earned by only four out of one hundred young men who join the Boy Scouts of America; and

WHEREAS, Andrew Seifert has also provided the community for his Eagle Service Project he supervised the design, construction and placement of the Pavilion at the trail head for Brooks Nature Area; and

WHEREAS, the Boy Scout Troop 337 of Marshall, MI, in particular, and Andrew Seifert most particularly, embody the spirit of Scouting in America.

NOW, THEREFORE LET IT BE RESOLVED that the City Council of the City of Marshall hereby recognizes and congratulates Andrew Seifert on his significant life achievement, to thank him for his time and effort spent to better himself and those with whom he is acquainted and wishes him well on all of his future endeavors.

BE IT FURTHER RESOLVED that the City Council of the City of Marshall encourages its citizens to consider Andrew Seifert as an example of one of Marshall's finest community-minded and goal-oriented young men.

Date

Jack Reed, Mayor

**CITY OF MARSHALL
COUNTY OF CALHOUN, STATE OF MICHIGAN**

**A RESOLUTION TO EXPRESS CONGRATULATIONS
AND PUBLIC APPRECIATION TO CALVIN SMITH ON THE
OCCASION OF EARNING THE RANK OF EAGLE SCOUT
IN THE BOY SCOUTS OF AMERICA, AND FOR HIS
EAGLE SERVICE PROJECT OF SUPERVISING THE DESIGN AND
CONSTRUCTION OF THE RETAINING WALL AND PLANTING
BED AT THE WILDER CREEK CONSERVATION CLUB.**

WHEREAS, the City Council of the City of Marshall is aware that Calvin Smith has earned the rank of Eagle Scout in the Boy Scouts of America by completing all requirements of that rank, and was elevated to the rank of Eagle Scout in a court of honor held on May 7, 2017; and

WHEREAS, Calvin Smith has distinguished himself with earning the rank of Eagle Scout, which is earned by only four out of one hundred young men who join the Boy Scouts of America; and

WHEREAS, Calvin Smith has also provided the community for his Eagle Service Project he supervised the design and construction of the Retaining Wall and Planting Bed at the Wilder Creek Conservation Club; and

WHEREAS, the Boy Scout Troop 337 of Marshall, MI, in particular, and Calvin Smith most particularly, embody the spirit of Scouting in America.

NOW, THEREFORE LET IT BE RESOLVED that the City Council of the City of Marshall hereby recognizes and congratulates Calvin Smith on his significant life achievement, to thank him for his time and effort spent to better himself and those with whom he is acquainted and wishes him well on all of his future endeavors.

BE IT FURTHER RESOLVED that the City Council of the City of Marshall encourages its citizens to consider Calvin Smith as an example of one of Marshall's finest community-minded and goal-oriented young men.

Date

Jack Reed, Mayor

**CITY OF MARSHALL
COUNTY OF CALHOUN, STATE OF MICHIGAN**

**A RESOLUTION TO EXPRESS CONGRATULATIONS
AND PUBLIC APPRECIATION TO MATTHEW SEIFERT ON
THE OCCASION OF EARNING THE RANK OF EAGLE SCOUT
IN THE BOY SCOUTS OF AMERICA, AND FOR HIS
EAGLE SERVICE PROJECT OF SUPERVISING THE DESIGN
AND RESTORATION OF THE PERGOLA AND HAND PUMP
FOR THE WELL HOUSE AT THE WILDER CREEK
CONSERVATION CLUB.**

WHEREAS, the City Council of the City of Marshall is aware that Matthew Seifert has earned the rank of Eagle Scout in the Boy Scouts of America by completing all requirements of that rank, and was elevated to the rank of Eagle Scout in a court of honor held on May 7, 2017; and

WHEREAS, Matthew Seifert has distinguished himself with earning the rank of Eagle Scout, which is earned by only four out of one hundred young men who join the Boy Scouts of America; and

WHEREAS, Matthew Seifert has also provided the community for his Eagle Service Project he supervised the design and restoration of the Pergola and hand pump for the well house at the Wilder Creek Conservation Club; and

WHEREAS, the Boy Scout Troop 337 of Marshall, MI, in particular, and Matthew Seifert most particularly, embody the spirit of Scouting in America.

NOW, THEREFORE LET IT BE RESOLVED that the City Council of the City of Marshall hereby recognizes and congratulates Matthew Seifert on his significant life achievement, to thank him for his time and effort spent to better himself and those with whom he is acquainted and wishes him well on all of his future endeavors.

BE IT FURTHER RESOLVED that the City Council of the City of Marshall encourages its citizens to consider Matthew Seifert as an example of one of Marshall's finest community-minded and goal-oriented young men.

Date

Jack Reed, Mayor

EVENT REPORT

EVENT: 3rd Annual Ride of Silence

EVENT LOCATION: Downtown Marshall-Fountain Circle

SPONSOR: Diane Peters-Ride of Silence

EVENT DATE: Wednesday, May 17, 2017

EVENT TIMEFRAME: 6:30p – 8:30p

MDOT PERMIT REQUIRED: No

MDOT PERMIT GRANTED: N/A

ROAD CLOSURE DETAIL: None

ROAD CLOSURE TIMEFRAME: N/A

EVENT CLOSURE DETAIL: None.

DETOUR DETAIL: None

EVENT DETAIL: Participants of the Ride of Silence will gather and register at the Fountain Circle beginning at 6:15p. They will then begin their silent ride at 7p. The ride will consist of an 8 mile loop throughout the City of Marshall. This event is to recognize those that have been injured or killed while riding their bikes. To bring awareness that cyclist share the road and are present at any time. Helmets are required to participate. The event organizer is requesting emergency personnel to escort the riders on their route. **This will be completed with on duty staff.**

RIDE OF SILENCE ROUTE:

1. East on Michigan Avenue
2. South on Gordon
3. West on Green
4. North on Kalamazoo (then 3/4 around the fountain)
5. West on Michigan Avenue
6. North on West Drive
7. East on Verona
8. North on Sherman Drive
9. East on Wright Lane
10. North on Linden
11. South on Kalamazoo
12. East on Prospect
13. South on Division
14. East on Mansion
15. North on East Drive
16. West on North Drive
17. South on Brewer to end at the grassy area at Chemical Bank at the fountain circle.

COUNCIL NOTIFICATION DATE: May15, 2017



ADMINISTRATIVE REPORT
May 15, 2017 – CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

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

SUBJECT: Budget Public Hearing & Resolution to Adopt City of Marshall Budget and Related Property Tax Millage Rates for Fiscal Year 2018.

BACKGROUND: The budget public hearing was scheduled by Council on May 1, 2017. Attached for your review and action is the resolution for the FY 2018 Budget that totals \$35,983,320 in expenditures and is in compliance with the City Charter. This budget resolution reflects the proposed budget delivered to you at the April 10, 2017, budget work session as discussed and has been updated per Council's recommendations.

RECOMMENDATION: After hearing public comments, it is recommended that the Council adopt the attached resolution to approve the City of Marshall budget and related property tax millage rates for Fiscal Year 2018.

FISCAL EFFECTS: Establish the budget for the General Fund, Special Revenue funds, Enterprise funds, and Internal Service funds in the amounts set forth in the attached resolution:

CITY GOAL CLASSIFICATION:

GOAL AREA 1 – ECONOMIC DEVELOPMENT

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

GOAL AREA 4 – INFRASTRUCTURE

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

Respectfully Submitted,

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

Jon B. Bartlett
Finance Director

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

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

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cityofmarshall.com

CITY OF MARSHALL, MICHIGAN
RESOLUTION #2017-

THE CITY OF MARSHALL
GENERAL APPROPRIATION ACT AND TAX LEVY RESOLUTION
July 1, 2017 – June 30, 2018

THE CITY OF MARSHALL RESOLVES that the expenditures for the fiscal year, commencing July 1, 2017, and ending June 30, 2018, are hereby appropriated on a departmental and fund total basis as follows:

GENERAL FUND REVENUES

Taxes	\$3,576,491
Licenses and Permits	92,000
Intergovernmental Revenues	816,136
Charges for Services	97,852
Fines and Forfeits	50,300
Interest	10,000
Miscellaneous	214,872
Transfers In	1,556,080
Marshall Reg. Law Enforce.	333,920
Recreation	421,541
Farmer's Market	27,625
Compost	3,750
Airport	<u>147,282</u>
Total Revenues	\$7,347,849

GENERAL FUND EXPENDITURES

City Council	\$3,507
City Manager	166,944
Assessor	159,439
Attorney	50,000
Human Resources	82,654
Clerk	94,966
Finance/Treasurer	496,382
City Hall	71,024
Chapel	900
Other City Property	29,300
Cemetery	179,292
Non-Departmental	583,500
Police	1,773,209
Crossing Guards	11,791
Dispatch	112,500
Fire	1,130,039
Inspection	142,181
Planning/Zoning	82,827
Streets	789,040

Engineering	36,310
PSB Operations	129,431
Parks	84,829
Capital Improvements	91,030
Transfers Out	112,636
Marshall Reg. Law Enforce.	306,112
Recreation	423,109
Farmer's Market	20,599
Compost	31,937
Airport	<u>147,282</u>
Total Expenditures	\$7,342,770

Overall General Fund (including MRLEC, Recreation, Farmer's Market, Compost, and Airport) reserves shall be increased by \$5,079 based on the FY 2018 revenues and expenditures for the General Fund budget.

The City Council does hereby levy a tax of 17.1629 mills for the period of July 1, 2017, through June 30, 2018 on all real and non-exempt personal taxable property in the City of Marshall, according to the valuation of the same. This tax is levied for the purpose of defraying the general expense and liability of the City of Marshall and is levied pursuant to Section 8.01, Article 8 of the Charter of the City of Marshall.

The City Council does hereby levy a tax of .5000 mills for the period of July 1, 2017, through June 30, 2018, on all real and non-exempt personal taxable property in the City of Marshall, according to the valuation of the same. This tax is levied for the purpose of defraying the expense of operating the Leaf, Brush and Trash Removal Services of the City of Marshall as authorized by a vote of the citizens on November 6, 2012 (renewal vote on this millage was on November 2016 and was passed).

The City Council does hereby levy a tax of .9393 mills for the period of July 1, 2017, through June 30, 2018, on all real and non-exempt personal taxable property in the City of Marshall, according to the valuation of the same. This tax is levied to operate the Dial-A-Ride Transportation System in the City of Marshall as authorized by a vote of the citizens on August 5, 1975.

The City Council does hereby levy a tax of .9393 mills for the period of July 1, 2017, through June 30, 2018, on all real and non-exempt personal taxable property in the City of Marshall, according to the valuation of the same. This tax is levied for the purpose of defraying the expense of operating the Recreation Department of the City of Marshall as authorized by a vote of the citizens on April 4, 1959.

The City Council does hereby levy a tax of 1.6129 mills for the period of July 1, 2017, through June 30, 2018, on all real and non-exempt personal taxable property in the City of Marshall, according to the valuation of the

same in a district known as the Downtown Development District. This tax is levied for the purpose of defraying the costs of the Downtown Development Authority.

	<u>PROPOSED</u> <u>FY 2018</u>	<u>ACTUAL</u> <u>FY 2017</u>	<u>DIFFERENCE</u>
General Operating	17.1629	17.1629	0.0000
Leaf, Brush and Trash Removal Services	.5000	.5000	0.0000
Recreation	.9393	.9393	0.0000
Dial-A-Ride	.9393	.4840	0.4553
Downtown Development Authority	1.6129	1.6129	0.0000
TOTAL	<u>21.1544</u>	<u>20.6991</u>	<u>0.4553</u>

The City Manager is authorized to make budgetary transfers within the appropriation centers established through this budget, and that all transfers between departments or funds may be made by the City Manager in an amount not to exceed \$20,000 per year without prior Council approval pursuant to Section 19.2 of the provisions of the Michigan Uniform Accounting and Budgeting Act.

The City Council establishes the budget for the period of July 1, 2017, through June 30, 2018 for the following funds in the amounts set forth below:

ALL FUNDS REVENUES

General Fund	\$7,347,849
MVH-Major & Trunkline	570,536
MVH-Local	435,435
Leaf, Brush and Trash Removal	96,084
Local Development Finance	389,695
Downtown Development	179,774
Marshall House	970,500
Fiber to the Premise	348,400
Electric	12,480,500
Dial-a-Ride	668,285
Wastewater	1,961,120
Water	1,844,580
Data Processing	172,621
Motor Pool	<u>711,296</u>
Total Revenues	\$28,176,675

ALL FUNDS EXPENDITURES

General Fund	\$7,342,770
MVH-Major & Trunkline	748,553
MVH-Local	484,466
Leaf, Brush and Trash Removal	95,995
Local Development Finance	375,345
Downtown Development	171,724
Marshall House	1,399,222
Fiber to the Premise	2,389,819
Electric	14,282,985
Dial-a-Ride	685,388
Wastewater	2,314,071
Water	4,466,493
Data Processing	181,807
Motor Pool	<u>1,044,682</u>
Total Expenditures	\$35,983,320

Total fund reserves (not including the capitalization of assets) shall be decreased by \$7,806,645 based on the FY 2018 revenues and expenditures for All Funds. Fund reserves will decrease by \$1,459,343 if all capital outlay is capitalized in the enterprise and internal services funds.

The City Council of the City of Marshall did give notice of the time and place when a public hearing on adoption of the budget would be held in accordance with Public Act 43 of 1963, proof of publication of the Notice of Public Hearing is now on file, and which Public Hearing was duly held pursuant to said notice and in conformity therewith. A copy of the budget proposal was on file with the City Clerk and available for public inspection for at least one week prior to adoption of the budget; and

Further, the City Council of the City of Marshall did give notice of the time and place when a public hearing would be held in conformity with the provisions of Public Act 5 of 1982 authorizing a tax rate in excess of the present authorized tax rate for General Operating, Recreation, Leaf & Brush, Dial-A-Ride and Downtown Development Authority tax levies, proof of publication of Notice of Public Hearing is now on file, and which Public Hearing was duly held pursuant to said notice and in conformity therewith; and

This Resolution shall take effect July 1, 2017.

Dated: May 15, 2017

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 a Resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on May 15, 2017, and that said meeting was conducted and that the minutes of said meeting were kept and will be or have been made available.

Trisha Nelson, City Clerk



ADMINISTRATIVE REPORT
May 15, 2017 - CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

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

SUBJECT: Annual Compensation of Administrative Officials,
Department Heads, and Salaried Personnel

BACKGROUND: The charter of the City of Marshall, Section 2.27, Annual Compensation states "The city council shall set the salaries of all administrative officials, department heads and salaried personnel by June 30 of every year, except as provided by State law. Such salaries shall be included in the annual budget..."

Attached is a listing, by job title, of the proposed wages for the administrative officials, department heads and salaried personnel. A 0% wage increase is being proposed for all but one position. The Treasurer has been in his position for over a year and is taking on the additional duty of supervising staff.

These proposed wages are contained within the FY 2018 proposed budget for the City of Marshall. As indicated by Charter, the wages must be formally approved by Council.

RECOMMENDATION: Approve the proposed FY 2018 wages for the administrative officials, department heads and salaried personnel as presented.

FISCAL EFFECTS: The wages as shown on the attached listing, are included in the FY 2018 proposed budget.

ALTERNATIVES: As suggested by City Council.

CITY GOAL CLASSIFICATION: Not Applicable

Respectfully submitted,

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

Tom Tarkiewicz
City Manager

A handwritten signature in black ink, appearing to read "Tracy L. Hall".

Tracy L. Hall
HR Coordinator

323 W. Michigan Ave.

Marshall, MI 49068

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Non-union Wages

effective
7/1/2017

	Pay Grade	Position	17-18 Wage
1	10	Clerk	45,497.920
2	10	HR Coordinator	47,440.640
3	11	Transit Manager	44,000.000
4	11	Treasurer	49,500.000
5	11	Marshall House Administrator	49,741.120
6	12	FiberNet Customer Service & Marketing Mgr	50,000.000
7	12	Recreation Administrator	53,040.000
8	12	Assessor	56,733.000
9	13	FiberNet Technical Manager	55,000.000
10	13	DPW Superintendent	59,895.680
11	13	Waste Water Superintendent	60,488.480
12	13	Water Superintendent	61,081.280
13	14	Director of Community Services	57,000.000
14	14	Deputy Police Chief	72,515.040
15	15	Finance Director	69,971.200
16	15	Director of Public Services	77,839.840
17	16	Director of Public Safety	84,897.280
18	16	Director of Electric Utilities	95,000.000
19		City Manager	115,844.410



ADMINISTRATIVE REPORT
May 15, 2017 - CITY COUNCIL MEETING

TO: Honorable Mayor and City Council
FROM: Tom Tarkiewicz, City Manager
Tracy Hall, HR Coordinator
SUBJECT: Personnel Policy Manual amendments

BACKGROUND: The Personnel Policy Manual is a document that addresses the personnel needs of the City. Changes to the manual are dealt with in Section 1.05 "These policies are subject to change upon approval by City Council." The current manual has been amended several times since its adoption by Council in 2013.

Staff has reviewed the current document and has suggested the changes shown on the attached document. Many of the changes are cost saving measures reflected in the FY 2018 proposed budget.

RECOMMENDATION: Approve the attached changes to the Personnel Policy Manual.

FISCAL EFFECTS: Changes are reflected in the FY18 proposed budget.

ALTERNATIVES: As suggested by City Council.

CITY GOAL CLASSIFICATION: Not Applicable

Respectfully submitted,

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

Tom Tarkiewicz
City Manager

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

Tracy L. Hall
HR Coordinator

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Proposed Changes to the City of Marshall Personnel Manual

~~Red-strikeout~~ is to be removed. **Yellow highlight** is to be added

2.02 - ACCEPTABLE BEHAVIOR

All employees are expected to conduct themselves in a manner that is conducive to the efficient operation of the City. Such conduct includes but is not limited to:

3. complying with all city ~~regulations-~~**policies**

2.03 - UNACCEPTABLE BEHAVIOR

The following is a list of unacceptable conducts for employees. Certain departments may develop additional work rules which are specific to those department's needs and which have been verified as consistent with these guidelines and approved by the City Manager. It should be understood that the following are guidelines only. The City may discipline and/or terminate an employee at its discretion consistent with Section 4.

16. ~~misuse,~~ abuse or damage resulting from the misuse of City property

2.05 - WORKPLACE VIOLENCE

"Possession" shall include but not be limited to the presence of a weapon on the employee, in the employee's personal vehicle, lunch box, purse, briefcase, locker, tool kit, bag, ~~purse,~~ or desk.

"Workplace" shall include the following locations and the contiguous, City owned parking areas:

- Brooks Airport
- City Hall
- Marshall Fire Department**
- Marshall House Apartments
- Marshall Regional Law Enforcement Center**
- Municipal Garage
- Power Plant
- Public Services Building
- Waste Water Plant
- Water Plant

4.05 - PROCEDURES FOR FILLING VACANCIES

11. The Department of Human Resources will retain employment applications and resumes for ~~45 days~~ **one year** from the date received by the City of Marshall.

4.07 - EVALUATION PROCEDURE

A formal written evaluation will be completed prior to the conclusion of the employee's probationary period and annually thereafter between ~~February 1 and March 15~~ **February 15 and May 1**. Upon completion of the evaluation, the supervisor shall review it in a personal interview with the employee to discuss areas of needed improvement and/or commendable performance. Results of the annual evaluation will influence the employee's performance based pay wage.

4.09 - RETIREMENT

2. Employees who intend to retire are requested to put their intent in writing 90 days prior to the effective date and submit same to their Department Head. A retiring employee who is immediately eligible to begin receiving the MERS pension payment is also entitled to:
 - a. payment for accumulated and unused vacation time
 - b. payment for accumulated and unused personal days
 - ~~c. longevity pay on a prorated basis~~
 - d. payment for 25% of accumulated and unused sick leave
 - e. medical insurance per Appendix C.

4.10 - RESIGNATION

1. Employees who intend to resign are requested to put their intent in writing 2 weeks prior to the effective date and submit same to the appropriate Director. An employee who resigns with proper notice is entitled to:
 - a. payment of any accumulated and unused vacation time
 - b. payment of any accumulated and unused personal days
 - ~~c. if eligible, longevity pay on a prorated basis~~
 - d. after 10 years of employment, payment of any accumulated and unused sick leave will be paid as described in section 5.01.

4.12 - DEFINITIONS

1. A **FULL-TIME EMPLOYEE** is an employee who, following the probationary period, is regularly scheduled by the City to work an average of 40 or more hours per week. All full-time employees are entitled to benefits as outlined in Sections 5 and 6 of this manual.
2. A **PART-TIME EMPLOYEE** is an employee who is regularly scheduled to work less than 40 hours each week. Part-time employees do not receive benefits. Exception: part-time employees who work an average of 30 hour or more per week shall be offered health insurance through the City of Marshall group plan.
3. A **TEMPORARY EMPLOYEE** is an employee who is hired for a specific period of time, less than nine (9) consecutive months in a twelve (12) month period, and is assigned duties on either a part-time or full time basis. A temporary employee may be requested to be on-call outside of their normal nine (9) month period but shall not work more than 1,560 hours total per twelve (12) month measurement period. Temporary employees do not receive benefits.
4. An **ON-CALL EMPLOYEE** is an employee that does not have any regular scheduled work hours, but is available to work during special events including but not limited to storm clean-up, snow plowing, special events, etc.

4.14 - HARASSMENT POLICY

Harassment includes:

1. Sexual Harassment - actions which sexually harass another employee by:
 - a. making unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature a condition of the employee's continued employment; or

4.17 - WAGE AND SALARY POLICIES

1. Non-union employees are compensated based on the City of Marshall's performance based pay system. Each position is point-factored for placement within the pay grade system. Non-union employees are evaluated between ~~February 1 and March 15~~ February 15 and May 1. Evaluations are used to determine the wage effective July 1. There are no assurances that any employees will receive wage increases from year to year.
2. PART-TIME positions (positions regularly scheduled to work less than 40 hours each week) will be point-factored for comparison to the pay grade system. The hourly compensation for PART-TIME positions will be related to the pay grade system.

The hiring department is asked to meet with the Human Resources Department to point-factor a PART-TIME position and to determine the starting wage.

START	starting wage of relative pay grade minus 50¢
3-month evaluation	starting wage plus 25¢ if warranted per evaluation
6-month evaluation	3-month wage plus 25¢ if warranted per evaluation
July 1	each July 1 thereafter a part-time employee may be given a wage increase if warranted per evaluation with the amount to be determined through the City's budget process

5.05 - LEAVE OF ABSENCE WITHOUT PAY

- During his/her leave of absence, the employee ~~may arrange for continuation of~~ shall be required to pay 100% of the prorated premium for health, dental, optical and life insurance ~~at the employee's expense~~.

5.08 - VACATION

Each regular full time employee shall be entitled to paid vacation after completing 12 consecutive months of employment with the City of Marshall. New, full time probationary employees receive 10 days (80 hours) leave time to be used in not less than 1 hour increments with prior approval of the supervisor. Any such time not used during the probationary year shall be ~~forfeited~~ added to the employee's sick bank on the anniversary date of hire.

5.09 - HOLIDAYS

In addition, all non-union employees shall receive a designated holiday as determined by the City Manager:

2013	Friday	July 5
2014	Friday	December 26
2015	Friday	January 2
2016	Tuesday	July 5
2017	Monday	July 3
2018	Monday	December 31
2019	Friday	July 5
2020	Thursday	December 31
2021	Friday	July 2
2022	Tuesday	July 5
2023	Monday	July 3
2024	Friday	July 5

2025	Friday	December 26
2026	Friday	January 2

6.01 - LONGEVITY PLAN

~~Full time employees, hired prior to September 1, 2013, who have completed a minimum of 5 years of continuous service with the City of Marshall and who are working full time as of December 1 of any year shall receive longevity pay. Longevity payments are made annually in December or as specified in the appropriate collective bargaining agreement. An employee who is eligible for longevity pay and voluntarily leaves the employment of the City of Marshall shall receive longevity pay on a prorated basis.~~

~~Effective December 1, 2003 longevity payments shall be paid as follows:~~

5 years service	\$500.00
6 years service	\$600.00
7 years service	\$700.00
8 years service	\$800.00
9 years service	\$900.00
10 years service	\$1,000.00
11 years service	\$1,100.00
12 years service	\$1,200.00
13 years service	\$1,300.00
14 years service	\$1,400.00
15 years service	\$1,500.00

~~The longevity payment caps at \$1500.00 upon fifteen (15) years of continuous service. An employee whose December, 2002 longevity payment was greater than \$1500.00 shall continue to receive the December, 2002 amount for as long as said employee remains eligible for a longevity payment.~~

~~Full time employees hired on or after September 1, 2013 will not be eligible to receive longevity payments.~~

6.02 - MEDICAL INSURANCE

The City of Marshall currently provides family health, medical and hospitalization insurance. A complete explanation of coverage is available through the Department of Human Resources.

- ~~1. For any dependent covered as an FC Rider prior to July 1, 2010, the employee and employer shall each contribute 50% of the premium cost for the FC Rider to be deducted from the employee's pay each pay period for as long as the FC Rider is in effect. Any FC Rider coverage that begins on or after July 1, 2010 the employee shall contribute, by payroll deduction, 100% of the premium cost for the FC Rider.~~
2. Employees hired prior to April 1, 2012 pay ~~ten percent (10%)~~ **twelve percent (12%)** of the health insurance premium charged to the City. Employees hired on or after April 1, 2012 pay ~~twenty percent (20%)~~ **twenty-two percent (22%)** of the health insurance premium charged to the City. Such payments will be made by

payroll deduction. Employees may make such payment through the City's premium only plan.

~~3. Effective July 1, 2016 the employee co-pay for the preferred Rx prescription program shall be \$10.00 per generic prescription, \$40.00 per brand name formulary prescription, and \$80.00 per brand name non-formulary prescription.~~

6.04 - OPTICAL INSURANCE

~~Effective July 1, 2007,~~ The City of Marshall provides VSP optical insurance through Blue Cross Blue Shield of Michigan. A complete explanation of coverage is available through the Department of Human Resources.

Employees hired prior to April 1, 2012 pay twelve percent (12%) of the health insurance premium charged to the City. Employees hired on or after April 1, 2012 pay twenty-two percent (22%) of the health insurance premium charged to the City. Such payments will be made by payroll deduction. Employees may make such payment through the City's premium only plan.

6.18 - UNIFORMS

Uniforms may be furnished to the Public Safety Director, Deputy Police Chief, ~~Senior Mechanic, and Mechanic, IPP Coordinator, Building Inspector, Engineer, Department of Public Works Supervisor and the Superintendents of the Department of Public Services.~~ If the employee's position requires steel toed footwear the City of Marshall will contribute annually the amount as specified by the Finance Director. All footwear purchases must be approved in advance by the appropriate supervisor.

7.02 - DISCIPLINARY ACTION

No employee may be terminated without the ~~written~~ approval of the City Manager.



ADMINISTRATIVE REPORT
May 15, 2017 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council
FROM: Tom Tarkiewicz, City Manager
SUBJECT: Michigan Medical Marihuana Facilities Licensing Act Ordinance

BACKGROUND: The Michigan Medical Marihuana Act was passed by the voters in 2008. Public Act 281 of 2016, the Michigan Medical Marihuana Facilities Licensing Act (MMMFLA), was effective December of 2016. This Act allows five types of facilities:

- Grower
- Processor
- Secure Transporter
- Provisioning Center
- Safety Compliance Facility

The Public Act allows for local governmental units to determine which or any of the facilities it would want in their jurisdiction. If a community determines it may want a facility, they must adopt an ordinance.

City Attorney Jim Dyer has drafted an ordinance that would permit four of the five type of facilities. The attached ordinance does not permit a Provisioning Center (Retail sales store). Attached is a letter from the City Attorney which discusses the ordinance.

RECOMMENDATION: If the Council desires to have a MMMFLA ordinance, it is recommended that the Council establish a public hearing for June 5, 2017 to hear public comment and possible adoption.

FISCAL EFFECTS: Possible fee generation for permitting.

ALTERNATIVES: As suggested by the Council.

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Respectfully submitted,

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

Tom Tarkiewicz
City Manager



JOHNSON ROSATI SCHULTZ JOPPICH PC
822 Centennial Way, Suite 270 ~ Lansing, Michigan 48917
Phone: 517.886.3800 | Fax: 517.886.9154

James L. Dyer
jdyer@jrsjlaw.com

www.jrsjlaw.com

May 11, 2017

Hon. Jack Reed
Mayor
City of Marshall
315 W. Michigan Avenue
Marshall, MI 49068

Dear Mayor Reed and Council:

Attached is an initial draft of an ordinance that would permit four of the five categories of licenses soon to be available under the newly enacted Michigan Medical Marihuana Facilities Licensing Act (MMMFLA), signed into law by Governor Snyder on September 16, 2016.

The MMMFLA clarifies many of the issues left unresolved by the citizen initiated Michigan Medical Marihuana Act (MMA). I am also providing a very good analysis of how both the MMA and MMMFLA interact with the Michigan Zoning Enabling Act. I believe this interaction present a serious potential future problem. It is true that the MMMFLA does not require any action by a municipality. It is also true that inaction would mean that none of the uses permitted by the MMMFLA would be available in Marshall.

However, I do not advise that course of action. The Michigan Zoning Enabling Act has a provision that characterizes municipal action that has the effect to totally prohibiting a permitted use of property as "exclusionary zoning." Such a characterization can cause the invalidation of all or part of a zoning ordinance. In short, doing nothing could result in a Court determining that all of the license categories permitted by the MMMFLA must be allowed.

I emphasize that this is a draft ordinance, and there is room for additional or different provisions concerning the operational or security requirements for grower/processor operations. The ordinance also permits safety, transport and testing facilities, which are less likely to have secondary impact on the Marshall region. A discussion of regulations concerning these uses is certainly in order.

Mayor Jack Reed
May 11, 2017
Page 2

I will be available to discuss this draft in detail, at the City Council meeting on May 15, 2017. Of course, if you have any questions prior to the meeting, please contact me directly.

Very truly yours,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.

A handwritten signature in black ink, appearing to read "James L. Dyer", with a stylized flourish at the end.

James L. Dyer

JLD:
cc:

ICLE 2017 Land Use Update Medical Marihuana Material

I. Summary

§1.1 Whether representing governmental entities or landowners, it is important to keep apprised of the latest statutes and cases in the area of land use. Zoning and land use covers a broad range of issues, including numerous state and federal constitutional claims. In this update we address municipal autonomy, medical marijuana, sign regulation, and the Religious Land Use and Institutionalized Persons Act (RLUIPA).

II. Municipal Autonomy

§1.2 There are many powers expressly delegated by the Michigan Legislature to local governments. Issues regarding those delegations may arise based on an interpretation of the delegation, considering that both express and implied powers may be exercised. In addition, the issue of state preemption of local regulation may surface in limited cases, e.g., the degree of preemption intended under the Michigan Medical Marihuana Act, MCL 333.26421 et seq. See *ter Beek v City of Wyoming*, 495 Mich 1, 846 NW2d 531 (2014). It was pointed out in *Mich Const 1963 art 4, §22* and *art 4, §34*, that the extent of municipal autonomy is still being developed in caselaw in light of certain amendments made to the Michigan Constitution. A most recent example of this caselaw is found in *Associated Builders & Contractors v City of Lansing*, 499 Mich 177, 187, 880 NW2d 765 (2016). In this case, the Michigan Supreme Court took the opportunity to overrule earlier caselaw in light of the new Constitutional provisions. The court's analysis led to the conclusion that "[u]nder our current Constitution, there is simply no room for doubt about the expanded scope of authority of Michigan's cities and villages." *Id.*

A pending case in the Michigan Court of Appeals may turn out to be an additional clarification of the scope of authority of Michigan's cities and villages. *City of Southfield v Jordan Dev Co*, No 154278, ___ Mich App ___, 884 NW2d 297 (2016), tests whether state law grants the Michigan Supervisor of Wells preemptive authority to authorize oil drilling in a residential zoning district without regard to the city's interpretation of its zoning ordinance. This case may ultimately assist in our understanding on how the exercise of zoning under the Michigan Zoning Enabling Act (MZEA), MCL 125.3101 et seq., intersects with the directive of *Mich Const 1963 art 4, §52* (conservation and protection of natural resources), and whether and how a city zoning ordinance operates in conjunction with Part 615 of the Natural Resources Environmental Protection Act (NREPA), MCL 324.61501 et seq. There can be no doubt that NREPA is intended to carry out the directive of *Mich Const 1963 art 4, §52*, for specified police power purposes. However, the Michigan Supreme Court has recognized that, by delegating the zoning authority to local governments in MZEA, "the Legislature was complying with this constitutional mandate [*Mich Const 1963 art 4, §52*,] to protect the environment ... from impairment or destruction." *Hess v West Bloomfield Township*, 439 Mich 550, 565, 486 NW2d 628 (1992). Moreover, the regulatory objectives of the MZEA are broad and encompass many important interests not protected under NREPA. The courts must ultimately determine whether both NREPA and the MZEA must be considered as parallel instruments of guidance within this context.

III. Medical Marijuana

A. Overview

§1.3 Use of medicinal marijuana in Michigan has been an issue since the adoption by ballot initiative of the Michigan Medical Marihuana Act (MMMA), MCL 333.26421 et seq. (The act uses this spelling of marijuana, as does the new licensing act.) Pursuant to the MMMA, patients and qualifying caregivers are provided a defense to criminal or civil penalties or administrative disciplinary actions as long as they possess a valid license for medicinal marijuana. However, marijuana continues to be classified as a Schedule 1 drug under the Michigan Public Health Code, and its possession, manufacture, and delivery remain offenses under Michigan law. MCL 333.7212(1)(c), .7401(2)(d), .7403(2)(d). Federal law, the Controlled Substances Act (CSA), 21 USC 801 et seq., currently provides that the possession or distribution of marijuana is a crime. However, the current Department of Justice (DOJ) has chosen to not aggressively prosecute under the statute. The CSA classifies marijuana as a Schedule I controlled substance, 21 USC 812(c)(12), and thus largely prohibits its manufacture, distribution, or possession.

Court opinions regarding the MMMA clarified that only those persons who were qualified patients and their connected registered caregivers, who met the requirements of the act, could exchange or use marijuana. A third party or person providing or selling marijuana to a licensed patient, who is not that person's caregiver, does not have protection from prosecution under the MMMA. *State v McQueen*, 493 Mich 135, 828 NW2d 644 (2013). As a result, even a transfer between patients without payment is prohibited. Thus, so-called marijuana dispensaries are illegal, although many communities have chosen not to take enforcement action.

Additionally, the Michigan Supreme Court has held that a local zoning ordinance that prohibited medical marijuana uses because they are illegal under the CSA is preempted by the MMMA. *ter Beek v City of Wyoming*, 495 Mich 1, 846 NW2d 531 (2014). The court held that the federal CSA does not preempt MCL 333.26424(a) of the MMMA, but MCL 333.26424(a) preempts the ordinance because the ordinance directly conflicts with the MMMA.

On September 22, 2016, Governor Snyder signed three new bills regulating medical marijuana in Michigan. The significant statute for land use purposes is 2016 PA 281 (PA 281), the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

B. What Is Covered

§1.4 PA 281 authorizes five kinds of marijuana facilities: (1) growers (500–1,500 plants), (2) processors, (3) secure transporters, (4) provisioning centers (commonly known as "dispensaries"), and (5) safety compliance facilities.

PA 281 sets forth a comprehensive licensing procedure for these facilities. The Michigan Department of Licensing and Regulatory Affairs (LARA) will establish the licensing system. The Medical Marihuana Licensing Board (Board) is created and has jurisdiction over all five types of facilities. Although the statute is effective on December 20, 2016, no applicant can make an application for a license to the Board until December 2017 to allow LARA to create the appropriate regulatory framework.

C. Key Points of PA 281

§1.5 Local Regulation. For any applicant to receive a state license, the local municipality must have adopted an ordinance to authorize one or more of the five types of marijuana facilities and may limit the number of each type of facility. No municipality is required to adopt such an ordinance. If a municipality does not want any of these facilities, it may simply decline to adopt any ordinance. A municipality need not allow all kinds of facilities. A prerequisite for the issuance of a state license is approval by the local municipality. If the municipality does wish to adopt an ordinance, the only limitation is that it cannot impose regulations regarding the purity or pricing of marijuana or interfere or conflict with the state licensing regulations.

Taxes and Fees. PA 281 imposes a 3 percent excise tax on the retail sale by licensed "provisioning centers." Of this, 25 percent is to be returned to the municipality in which a marijuana facility is located, 30 percent to the county in which a marijuana facility is located, and an additional 5 percent to counties in which a facility is located specifically to support the county sheriff.

Based on an analysis of the effects in Colorado, the Senate Fiscal Agency (SFA) estimates that the 3 percent excise tax will generate about \$24 million, which would provide about \$5.3 million annually to municipalities in Michigan, shared in proportion to the number facilities they have within their jurisdiction. Presumably, the Michigan sales tax will also apply to retail sales of marijuana. The SFA estimates that the sales tax could raise as much as \$50 million annually.

Additionally, municipalities that choose to regulate one or more of these facilities are also authorized to charge up to a \$5,000 annual license fee per facility to cover costs of regulation.

The City of Marshall, Michigan Ordains:

Legislative Findings

The City of Marshall, through its elected City Council, recognizes that the state of Michigan has permitted by legislative action, the medical use of Marihuana, in the Michigan Medical Marihuana Act (the MMMA, being MCL 333.26421 et seq.) and provided for the licensing and regulation of medical marihuana growers, processors, provisioning centers, secure transporters, and safety compliance facilities, in the Michigan Medical Marihuana Facilities Licensing Act (the MMMFLA, being , MCL 333.27101 et seq.)

It is further recognized that the MMFLA provides that a municipal ordinance is a pre-requisite for State approval of any State license issued under the MMFLA.

It is further recognized that, at the time of the enactment of this ordinance, Marihuana remains subject to criminal penalties under both federal and state law, though there is a growing trend toward legalization.

It is further recognized that while federal and state regulation of Marihuana may be pervasive, and local regulation of Marihuana subject to a claim of preemption, the MMMFLA expressly permits local control or regulation of certain aspects of the operation of a Medical Marihuana facility, but only if the City enacts an ordinance permitting some, or all, of the facilities also regulated by the MMMFLA.

It is further recognized that <<reserved for future council input following the public hearing >>.

Purposes and Intent

The City of Marshall adopts this ordinance:

- (1) To implement the provisions of the MMMFLA (Public Act 281 of 2016; MCL333.27101, et. seq.) with respect to local zoning and land use.
- (2) To establish a new section in the City of Marshall code pertaining to the permitted distribution of medical marihuana consistent with state law. Nothing in this Chapter purports to permit activities that are otherwise illegal under state or local law.
- (3) To prevent the diversion of medical marihuana for unlawful use and protect the safety and welfare of the community.
- (4) To provide for and limit, the location, type and number of facilities licensed under the MMMFLA within the City limits, without totally prohibiting the types of land uses otherwise permitted by the MMMFLA.

Definitions

The following phrases, when used in this Chapter, shall be construed as defined in the MMMFLA, as amended. These definitions are for guidance only, and the actual definition in the MMMFLA :

“Grower” means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

“Marihuana” means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

“Marihuana-infused product” means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than

smoke inhalation. Marihuana-infused product shall not be considered a food for purposes of the food law, 2000 PA 92, MCL 289.1101 to 289.8111.

"Processor" means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.

"Co-location" means the aggregation of multiple types of licenses, or additional licenses of the same type, permitted under the MMMFLA and located on one, or more, lot of record owned by an existing MMMFLA licensee, approved for operation in the City of Marshall.

"Stacking" means where an existing MMMFLA licensee, approved for operation in the City of Marshall, by written agreement, leases to or operates for another MMMFLA licensee, approved for operation in the City of Marshall.

"Volatile Substances Processing Room" means a Class 1, Division 1 room, as defined by the National Fire Protection Act, or such other fire, mechanical or electrical code adopted or in use by the City of Marshall, concerning the use of gas or other volatile substances in an extraction process.

"Security Plan" means a plan for preventing unauthorized access to, or theft or pilferage from, an MMMFLA licensed facility, approved for operation in the City of Marshall. The plan shall be subject to review and reasonable approval by City staff, but shall include at a minimum the following components: (1) an eight (8) foot tall perimeter fence; (2) an exterior lighting system; (3) a building security system; (4) an on-site security guard program; (5) an off-site official contact list; (6) established hours of operation; (7) appropriate signage; (8) a plan for facility inspection by the City of Marshall, which shall include no less than an annual comprehensive fire and security inspection; and, (9) such other conditions as may be suitable for the particular license, or facility to be operated by the MMMFLA licensee.

"Safety compliance facility" means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

"Secure transporter" means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

"State operating license" or, unless the context requires a different meaning, "license" means a license that is issued under this act that allows the licensee to operate as 1 of the following, specified in the license:

- (i) A grower.
- (ii) A processor.
- (iii) A secure transporter.
- ~~(iv) A provisioning center.~~
- (iv) A safety compliance facility.

"Zoning Ordinance" means the City of Marshall Zoning Ordinance, adopted September 16, 2016, as amended.

Special Use Permits

All categories of Medical Marijuana facilities will be required to obtain a Special Use Permit within the proper zoning district for each business, as provided by and subject to the requirements of the Zoning Ordinance.

Grower

The location at which a grower cultivates medical marijuana is a permitted use in the following zoning districts; I-1, and I-2, with a Special Use permit, as provided by and subject to the requirements of the Zoning Ordinance.. The municipality will allow up to one entity to operate as a state approved and licensed grower. The city will restrict locations and entity but shall not restrict number of licenses managed by that entity.

The grower must also meet the following requirements:

- (1) The facility must not be within a 1500-foot radius of a school, as measured from edge of the parameter.
- (2) If a school opens after the date that a grower applies for licensure from the state, or a school that is permanently closed on the date the dispensary application to the state is submitted the restriction shall not apply for the purposes of this subsection.
- (3) The odor must be managed at the site and by the installation of an operable filtration to ventilation and exhaust equipment and odors must otherwise be effectively confined to the interior of the building or dwelling from which the odor is generated.
- (4) The facility must not be within 5,280 – foot of another grow or processing facility.
- (5) For a facility using artificial light for night time growing period, a plan to contain demonstrating that the owner can contain all artificial light to the interior space of the facility.
- (6) An approved Security Plan.
- (7) Co-location and Stacking of this license shall permitted, up to, but not beyond , any applicable lot coverage limitations set forth in the City Marshall Zoning Code.

Processor

The location at which a processor extracts resin from the marijuana or creates a marijuana-infused product is a permitted use in the following zoning districts; I-1, and I-2 with a Special Use Permit, , as provided by and subject to the requirements of the Zoning Ordinance.. The city will allow one entity to operate as a state approved and licensed processors. The city will restrict locations and entity but shall not restrict number of licenses managed by that entity.

A processor must meet the following requirements:

- (1) The odor must be managed by the installation of an operable filtration to ventilation and exhaust equipment and odors must otherwise be effectively confined to the interior of the building or dwelling from which the odor is generated.
- (2) No marijuana shall be manufactured or processed in any manner that would create excessive noise beyond the interior of the structure if adjoining tenants may be disturbed by said noise.
- (3) The facility must not be within 5,280 – foot of another grow or processing facility.
- (5) An approved Security Plan.

(6) Co-location and Stacking of this license shall be permitted, up to, but not beyond, any applicable lot coverage limitations set forth in the City Marshall Zoning Code.

Secure Transporter

The location at which a secure transporter stores marijuana and transports marijuana from is a permitted use in the following zoning districts I-1 and I-2, with a Special Use Permit, as provided by and subject to the requirements of the Zoning Ordinance. The city will allow up to two (2) state approved and licensed secure transporters.

A transporter must meet the following requirements:

- (1) An approved Security Plan.
- (2) Co-location of this license shall be permitted, up to, but not beyond, any applicable lot coverage limitations set forth in the City Marshall Zoning Code.

Safety Compliance Facility

The location at which a safety compliance facility tests medical marijuana and marijuana in-fused products is a permitted use in the following zoning districts; I-1, and I-2, with a Special Use Permit, as provided by and subject to the requirements of the Zoning Ordinance. The city will allow up to two state approved and licensed safety compliance facilities. A Safety Compliance must meet the following requirements:

- (1) An approved Security Plan.
- (2) Co-location of this license shall be permitted, up to, but not beyond, any applicable lot coverage limitations set forth in the City Marshall Zoning Code.

Municipality Compliance with State Board

1. The city shall provide the following information to the state Medical Marijuana licensing board within 30 days after the city receives notification from the applicant that he or she has applied for a license under Public Act 281.
 - a. A copy of the local ordinance that authorizes the Medical Marijuana Facility.
 - b. A copy of any zoning regulations that apply to the proposed Medical Marijuana Facility within the city.
 - c. A description of any violation of the local ordinance or zoning regulations included under subdivision (a) or (b) committed by the applicant, but only if those violations relate to activities licensed under this act or the Michigan Medical Marijuana Act.
2. The board may consider this information submitted in subsection (1) however, the failure of the city to provide the information to the board shall not be used against the applicant.
3. A municipal ordinance may establish an annual, nonrefundable fee of not more than \$5000 to defray the administrative and enforcement costs of associated with the operation of a Marijuana facility in the municipality.
4. Information a municipality obtains from an applicant related to licensure under this section is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

Future Legislation or Initiative to Allow Adult Use of Marihuana

In the event that future laws deem Adult Use of Marihuana to be legal in the state of Michigan, the city hereby preserves the ability to allow additional Marihuana Facilities in accordance with law and market demand.

Severability

If any section, sub-section, paragraph, sentence, or word of this Chapter is deemed to be invalid, the invalidity of such provision shall not affect the validity of any other sections, sub-sections, paragraphs, sentences, or words of this Chapter, or the application thereof; and to that end, the sections, sub-sections, paragraphs, sentences, and words of this Chapter shall be deemed severable.

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.

This Ordinance is declared to be effective immediately upon publication.

Adopted and signed this _____ day of _____, 2017.

Jack Reed, MAYOR

Trisha Nelson, City Clerk

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

Trisha Nelson, City Clerk