



MARSHALL CITY COUNCIL AGENDA

MONDAY – 7:00 P.M.

June 5, 2017

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) INVOCATION – David Good, First 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. MAEDA Lease P. 4
City Council will consider the recommendation to authorize the City Clerk to sign the lease with MAEDA.
 - B. Water and Wastewater Chemicals Contract P. 9
City Council will consider the recommendation to approve the bid from Haviland Products from Grand Rapids, MI and award the five-year contract in the amount of \$45,354 annually. It is also recommended that the Phosphate contract be awarded to Elhorn from Mason, MI in the amount of \$11,124 annually.
 - C. Electric Cost of Service and Rate Design Study P. 11
City Council will consider the recommendation to approve the proposal from Courtney & Associates and issue a purchase order in the amount of \$30,000 for work to begin July 1, 2017.
 - D. Local Street Milling and Paving P. 18
City Council will consider the recommendation to approve the bid from Rieth & Riley of Kalamazoo, MI for Green Street between S. Kalamazoo to Dobbins Street and Montgomery Street between Cedar Street to Maple Street including new sidewalk from S. Marshall Avenue to Kids Kingdom in Ketchum Park, for the estimated amount of \$255,353.55 with a contingency amount of \$24,646.45 for a total of \$280,000.00.
 - E. Grand Street Park Shade Sails P. 20
City Council will consider the recommendation to approve the proposal from Miracle Midwest in the amount of \$32,550 for the purchase of shade sails for Grand Street Park.
 - F. Rescind Spencer Hangar Lease – Brooks Field P. 21
City Council will consider the recommendation to nullify the hangar lease executed on May 1, 2017 for a 60' x 64' area at Brooks Field with Mr. Brian Spencer.

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



G. DART Certified Signers P. 22

City Council will consider the recommendation to approve the resolution to allow the Transportation Manager and/or City Manager to sign off on agreements to allow for future funding of projects for the City of Marshall Dial-a-Ride.

H. Resolution to Allow Archery P. 24

City Council will consider the recommendation to adopt the resolution to authorize certified archery instructors employed by the City of Marshall to teach archery within the city limits.

I. Schedule Public Hearing – PA 425 Conditional Land Transfer with Marengo Township for 1005 East Michigan Avenue P. 47

City Council will consider the recommendation to establish a public hearing for June 19, 2017 to hear comment on a PA 425 Conditional Land Transfer with Marengo Township for 1005 East Michigan Avenue.

J. City Council Minutes P. 53

Work Session..... Monday, May 15, 2017

Regular Session..... Monday, May 15, 2017

K. City Bills P. 62

Regular Purchases..... \$ 384,106.99

Purchased Power..... \$ 632,571.44

Weekly Purchases – 5/12/17..... \$ 125,701.10

Weekly Purchases – 5/19/17..... \$ 10,096.37

Weekly Purchases – 5/26/17..... \$ 10,202.15

Total \$ 1,162,678.05

8) PRESENTATIONS AND RECOGNITIONS

A. Marshall Athletic Field

The Calhoun County Visitors Bureau will present a donation to the Marshall Recreation Department for the refitting of the Marshall Athletic Fields.

9) INFORMATIONAL ITEMS

A. Event Report – 2017 Chicken BBQ P. 69

B. Event Report – Skeleton Festival P. 70

10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Public Hearing – Zoning Amendment #RZ17.02 - 500 S. Kalamazoo Avenue P. 71

City Council will hear public comment on the request to rezone 500 S. Kalamazoo Avenue from I-1 (Research and Technical District) to B-4 (Regional Commercial District).

B. Public Hearing – Zoning Amendment #RZ17.04 - 417 Locust Street P. 75

City Council will hear public comment on the request to rezone 417 Locust Street from R-2 (Suburban Residential District) to MFRD (Multi-Family Residential District).



C. Public Hearing – Zoning Amendment #RZ17.03 – 1002 Mann Road

P. 79

City Council will hear public comment on the request to rezone 1002 Mann Road from R-2 (Suburban Residential District to MFRD (Multi-Family Residential District).

D. Public Hearing – Sign Ordinance

P. 86

City Council will hear public comment on the proposed changes to the Sign Ordinance

E. Public Hearing – Michigan Medical Marihuana Facilities Licensing Act Ordinance

P. 89

City Council will hear public comment on the proposed Michigan Medical Marihuana Facilities Licensing Act Ordinance.

11) OLD BUSINESS

12) REPORTS AND RECOMMENDATIONS

A. Transfer Property to the Local Development Financing Authority or the Economic Development Corporation

P. 105

City Council will consider the recommendation to adopt the resolution to transfer property within the Industrial Park to the Local Development Financing Authority or the Economic Development Corporation as appropriate.

13) APPOINTMENTS / ELECTIONS

14) PUBLIC COMMENT ON NON-AGENDA ITEMS

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

15) COUNCIL AND MANAGER COMMUNICATIONS

16) ADJOURNMENT

Respectfully submitted,

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

Tom Tarkiewicz
City Manager

June 5, 2017

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ADMINISTRATIVE REPORT
June 5, 2017 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council
FROM: Tom Tarkiewicz, City Manager
SUBJECT: Lease with MAEDA

BACKGROUND: Several years ago, the Marshall Area Economic Development Alliance (MAEDA) was created to provide staff services for the Local Development Financing Authority (LDFA), the Downtown Development Authority (DDA), and the Chamber of Commerce. MAEDA is funded from the City, LDFA, DDA, membership dues, and the Calhoun County Accommodations Tax.

A grant was received from the Cronin Foundation to fund the improvements at City Hall. The MAEDA Board has desired to have a lease for the space they use. The attached lease is for five years and solidifies a "hand shake" deal. No rent is being charged since MAEDA is funded by the City.

RECOMMENDATION: It is recommended that the City Council authorize the City Clerk to sign the lease with MAEDA.

FISCAL EFFECTS: None.

CITY GOAL CLASSIFICATION: GOAL AREA I. ECONOMIC DEVELOPMENT

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

Through the City's partnership with MAEDA, attract more business to Marshall.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tom Tarkiewicz", written in a cursive style.

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

BUILDING LEASE

This Lease has been entered into this ____ day of _____, 2017, between the CITY OF MARSHALL, a Michigan municipal corporation, with principal offices located at 323 West Michigan Avenue, Marshall, Michigan, 49068, ("Lessor") and the MARSHALL AREA ECONOMIC DEVELOPMENT ALLIANCE (MAEDA), a Michigan Nonprofit Corporation, with principal offices located at 323 West Michigan Avenue, Marshall, Michigan, 49068 ("Lessee").

MAEDA proposes to use a portion of the building located at 323 West Michigan Ave., Marshall, Michigan ("Premises") owned by the City of Marshall and currently used to provide economic development services to the participating partnering organizations of MAEDA. MAEDA has entered into a Management and Administrative Services Agreement, attached hereto and made a part hereof by reference ("Service Agreement") with the City of Marshall. The City of Marshall's lease of the Premises and its retained rights are consistent with the use of the Premises under the Service Agreement.

NOW, THEREFORE, in consideration of the services provided by MAEDA and mutual promises contained herein, receipt whereof is hereby severally acknowledged, MAEDA and City of Marshall hereby confirm the terms and conditions upon which they individually and collectively will use and occupy the Premises and their respective responsibilities for operation and maintenance of the Premises as follows:

1. Premises: The Lessor leases to the Lessee the real property located at 323 W. Michigan Avenue, Marshall, Michigan, which is commonly known as "The Chamber Building". A description attached hereto and made a part hereof by reference as Exhibit 1 & 2, which Exhibits clarifies those portions of the premises which are reserved for the exclusive use of the Lessee (Welcome Center, Offices and Second floor area), those areas which are shared (Conference Room, Kitchenette, and Storage), and which areas are reserved for the exclusive use of the Lessor (Radio Room).
2. Term: The term shall be five (5) years, commencing on the date of execution of this lease. The lease may be renewed or modified on the written consent of both parties.
3. Rent: In consideration of services provided to the public pursuant to the Service Agreement, the Lessee shall pay One and 00/100 Dollar (\$1.00) per year.
4. Signs: All signs placed on the premises shall be in keeping with the character and décor of the premises and shall comply with local zoning requirements.
5. Acceptance of Occupancy: The Lessee accepts the premises as they are.
6. Vacation of the Premises: The Lessee shall not vacate or abandon the premises during the term of this lease or any renewal. If the Lessee does abandon or vacate

the premises or is dispossessed by process of law or otherwise, any of the Lessee's personal property that is left on the premises more than thirty days shall be deemed abandoned by the Lessee and, at the option of the Lessor, may be used or disposed of as the Lessor shall determine in Its sole discretion.

7. Use: The premises are to be used and occupied by the Lessee for office purposes and associated uses. Under no circumstances shall the premises be used for retail sales or residential purposes. No activities shall be conducted on the premises that do not comply with all state and local laws and the Service Agreement.
8. Maintenance: The Lessor shall be responsible for maintaining the premises in good and safe condition, and compliance with all building codes and requirements.
9. Lessor's Responsibilities: Lessor's responsibilities shall include snow plowing and de-icing of driveway and sidewalks and parking lot and mowing. Lessor shall be responsible for the payment of all utilities to the premises.
10. Entry and Inspection: The Lessee shall permit the Lessor or the Lessor's agents to enter the premises to inspect and repair the premises.
11. Assignment & Subletting: The Lessee may not assign its interest in the Lease without prior written approval of the Lessor. The Lessee shall not sublease any portion of the premises without prior approval in writing from the Lessor. No sublease or any portion of the premises will serve to excuse the Lessee's performance under the terms of this agreement.
12. Fixtures on the Premises: All movable fixtures and movable equipment installed by the Lessee in connection with the operation it conducts on the premises shall remain the property of the Lessee and shall be removed when this lease expires, subject to the term of Paragraph 6, above.
13. The Lessee's Liability: Lessee's personal property, including moveable fixtures and equipment, shall be kept at Lessee's sole risk and Lessor shall not be responsible for any loss or damage to such personal property not occasioned by any act or negligence of Lessor or Lessor's agents.
14. Destruction of the Premises: If the premises are totally destroyed through no fault of the Lessee or if the premises cannot be repaired and restored within 180 days, either party may terminate this lease effective the date of destruction by giving the other party written notice of termination within 10 days after the determination that restoration cannot be accomplished. If such a notice is given within that time period, this lease shall terminate and rent shall be adjusted between the parties at the date of the destruction of the premises. If the premises are deemed to be restorable and the aforementioned notice is not given, the lease shall continue with rent adjustment for the period of days that Lessee's full use of the premises was limited by such repair and restoration.

15. **Indemnity and Insurance:** The Lessor and Lessee mutually agree to waive the rights of subrogation against the other for any liability, loss, damage, cost or expense (including attorney fees) based on any claim, demand, suit or action by any party with respect to any personal injury (including death) or property damages, from any cause, except for liability resulting from the negligence, intentional acts or gross negligence of the Lessee or Lessor or their employees, agents, invitees or business visitors.

In addition to the indemnity provisions above, the Lessor agrees to maintain adequate fire, casualty and general liability insurance on the leased premises, in the same manner and with the same limits and coverages as the Lessor may have agreed to carry on other portions of the Marshall Town Hall building in its exclusive control.

Lessee further agrees to carry adequate fire, casualty and general liability insurance, to cover the loss or damage to any of its own customers or visitors, as well as the personal property, business records, or such other contents as may be used by the Lessee in its operations.

16. **Default and Reentry:** If the Lessee fails to perform any obligation under this agreement within 30 days after receiving written notice of the default from the Lessor, the Lessor may terminate this lease, reenter the premises, and seek to re-let the premises on whatever terms the Lessor thinks advisable.
17. **Notices:** Any notices required under this lease shall be in writing and served in person or sent by registered or certified mail, return receipt requested, to the addresses of the parties stated in this lease or to such other addresses as the parties substitute by written notice. Notices shall be effective on the date of the first attempted delivery.
18. **Lessor's Personal Property:** Lessee shall upon the termination of this lease return to Lessor all of Lessor's personal property, which is located at the premises upon the commencement of this lease.
19. **Holding Over:** If the Lessee does not vacate the premises at the end of the term of this lease, and the parties do not enter into any renewal or subsequent lease agreement, the current terms and conditions of this lease shall extend on a month-to-month basis until a renewal is agreed upon or Lessee vacates.
20. **Entire Agreement:** This agreement contains the entire agreement of the parties with respect to its subject matter. This agreement may not be modified except by a written document signed by the parties.

21. Waiver: The failure of the Lessor to enforce any condition of this lease shall not be a waiver of its right to enforce every condition of this lease. No provision of this lease shall be deemed to have been waived unless the waiver is in writing.

22. Time is of the Essence: Time is of the essence in the performance of this lease.
IN WITNESS WHEREOF, the parties hereto have executed this Lease as of the date executed below.

Lessor
City of Marshall

Lessee
MAEDA

By: _____

By: _____

Its: City Clerk

Its:

Dated: _____, 2017

Dated: _____, 2017



ADMINISTRATIVE REPORT
June 5, 2017 - CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: Kristin Bauer, Director of Public Services
 Tom Tarkiewicz, City Manager
 Christy Ramey, Purchasing Agent

SUBJECT: Water and Wastewater Chemicals Contract

BACKGROUND: Both the Water and Wastewater facilities use various chemicals for daily operations. In an effort to maximize possible cost savings the water and wastewater staff requested bids for a 5 year contract to supply the required chemicals.

The bids received are as follows:

Company Name	CL2	Phosphate	Fluoride	Potassium	Sodium	Ferric	SO2
Univar; MI			\$93/drum 4(15gal) \$79/drum 8(15gal)		\$126.14/ 55 gal drum		
Chemrite				\$1.94/lbs			
JCI; MI	\$80/ cylinder						\$115/ cylinder
Alexander Chemical; IL	\$83/ cylinder		\$67/drum	\$189.08/ pail	\$95.70/ drum		\$103/ cylinder
PVS Tech, MI						\$510/ dry ton	
PVS Nolwood; MI			\$72/drum		\$93.5/ drum		
Shannon Chemical; PA		\$299.95/ drum		\$193.93/ pail			
Elhorn; MI		\$278.10/ drum	\$75/drum	\$230/pail	\$94.50/ drum		
Haviland; MI	\$84.5/ cylinder		\$65.00/ drum	\$165/pail	\$85/drum	\$478/ dry ton	\$93.75/ cylinder

RECOMMENDATION: It is recommended that City Council approve the bid from Haviland Products from Grand Rapids, Michigan; and award the five year contract in the amount of \$45,354 annually. (Amounts are based on historic annual usage.)

It is also recommended that the Phosphate contract be awarded to Elhorn from Mason, Michigan in the amount of \$11,124 annually.

FISCAL EFFECTS: Chemicals are purchased from line items 591-546-790 and 590-545-790; which are cumulatively budgeted at \$103,000 for FY2018 (other chemicals are purchased from these accounts outside of these contracts). The two new contracts realize a savings of 9% over the previous year.

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CITY GOAL CLASSIFICATION: GOAL AREA 4. INFRASTRUCTURE

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

ALTERNATIVES: As suggested by Council.

Respectfully submitted,



Kristin Bauer
Director of Public Services



Christy Ramey
Purchasing Agent



Tom Tarkiewicz
City Manager



ADMINISTRATIVE REPORT
June 5, 2017 - CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: Jon B. Bartlett, Finance Director
Christy Ramey, Purchasing Agent
Tom Tarkiewicz, City Manager

SUBJECT: Electric Cost of Service and Rate Design Study

BACKGROUND: On April 24, 2017, the City of Marshall issued a Request for Proposal for an Electric Cost of Service and Rate Design Study that was due on May 24, 2017. The RFP was advertised and sent to various consultants pursuant to the City's purchasing policy. The City received one proposal on May 24, 2017, from Courtney & Associates located in Findlay, Ohio. The proposal received meets all the requirements of the RFP including the completion deadline for the study requested. John Courtney has completed multiple Cost of Service studies for the City in the past 24 years.

RECOMMENDATION: It is recommended City Council approves the proposal from Courtney & Associates and issue a purchase order in the amount of \$30,000, for work to begin July 1, 2017.

FISCAL EFFECTS: The FY 2018 Budget for the Electric Fund, included \$30,000 in 582-539-801.00, Professional Services, for this Cost of Service and Rate Design Study.

CITY GOAL CLASSIFICATION:

GOAL AREA 4. INFRASTRUCTURE

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

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Jon B. Bartlett
Finance Director

Christy Ramey
Purchasing Agent

Tom Tarkiewicz
City Manager

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COURTNEY & ASSOCIATES

Public Utility Consultants

1016 North Blanchard Street, Suite A
P.O. Box 676, Findlay, Michigan 45839
Tel (419) 425-2719
Fax (419) 425-2118

May 22, 2017

City of Marshall
323 West Michigan Avenue
Marshall, Michigan 49068

Subject: Proposal to Prepare an Electric Rate
and Functionalized Cost of Service
Study for the City of Marshall, Michigan

Dear Mr. Sheward:

In response to your request, we are pleased to submit this proposal to prepare an Electric Rate and Functionalized Cost of Service Study (Study) for the City of Marshall, Michigan (City). Set forth below is an outline of the scope of services to be provided in connection with the Study and our proposed fee for providing those services.

Purpose of Study

Essential to sound fiscal management of any municipal utility are the rates and charges for the services provided. Increasing power supply costs, expansion requirements, inflation, service demands and competition present increasing challenges and opportunities to municipal utilities in developing and administering fair and equitable utility rates.

The purpose of this Study will be to develop electric rates and charges which properly reflect the functionalized (unbundled) cost of providing service, taking into consideration any stranded or transitional costs which the City may incur as the electric industry moves towards competition at the retail level. Such rates are to be designed to provide adequate revenues that will enable the City's electric operations to continue to be maintained in excellent operating condition and provide adequate and reliable service, and maintain the City in a sound, stable fiscal position with fair and equitable rates to its customers.

Scope of Services

In summary, the Study will consist of achieving the following assignments:

1. Acquisition, review and verification of historical billing, operating and financial data for the electric department;
2. Preparation of a four year projection of electric revenue requirements and electric revenues at current rates;
3. Preparation of a functionalized cost-of-service analysis to identify, to the extent practical, the unbundled cost of serving each customer class;
4. Preparation of detailed electric rate schedules, including terms and conditions of service; and
5. Comparison of proposed rates to existing rates and rates of adjacent utilities.

The final results of the Study, along with our recommendations, will be summarized in a written report (Final Report) and presented to the City for consideration. In addition to the Final Report, the Study will also include development of several computer models for analyzing and projecting operating and financial data and for rate calculations. These computer models will be provided in spreadsheet format and can be utilized by the City's staff in future electric rate analyses.

As outlined below, we propose that the Study be performed in five (5) phases in order to facilitate involvement and input from the City's designated representatives with respect to our evaluations and recommendations. The proposed phases are categorized as follows:

- (1) Data Acquisition and Verification
- (2) Revenue Requirements
- (3) Cost of Service
- (4) Rate Design
- (5) Present Final Results

Data Acquisition and Verification

The purpose of this phase of the Study will be to acquire and verify the basic data necessary for the Study. In order to ensure the proper interpretation and incorporation of the basic data into our detailed analyses, we would perform the following tasks:

- (1) Identify basic data needs for the Study;
- (2) Review data needs and available data with staff; and
- (3) Perform certain analyses in order to verify the accuracy of the data acquired.

It should be noted that, when possible, our preference is to obtain the prior twelve (12) months billing data directly from the City's billing system. For purposes of this proposal, it is assumed that this data can be extracted from the billing system in a suitable format. The fee estimate contained in this proposal is based on that assumption. We anticipate this phase will be completed approximately two (2) weeks following your authorization to proceed.

Revenue Requirements

This phase will include a review of the historical revenue requirements for the electric department. Based on that review, as well as a review of the City's budget and input from the City's staff and other source documents relating to future operating, debt service obligations and capital improvement needs, we will prepare a four (4) year projection of future revenue requirements. This projection will establish the anticipated expenses as well as the target revenues to be provided by future rates. It will also provide a recommendation regarding the appropriate level of cash reserves to be maintained in the Electric Fund. We anticipate completing this phase and reviewing the results with the City staff approximately two (2) weeks following completion of the Data Acquisition and Verification phase.

Cost of Service

This phase will consist of the preparation of a functionalized class cost-of-service analysis to determine, to the extent practicable, the unbundled cost of serving each of the various customer classes. This analysis will involve an allocation of the functionalized expenses to the various customer classes and will identify any stranded or transitional costs which the City may incur as a result of the movement toward retail competition.

Consideration will be given to the cost of meeting peak rates of usage as well as average rates of usage. In particular, we will review the City's power supply arrangements to determine the proper method of allocating power supply related costs. We anticipate that power supply costs will represent more than two-thirds of the City's projected revenue requirements and, as such, will have a significant impact on the cost of service results.

The cost-of-service results will be compared to the revenue distribution at current rates in order to determine the distribution of future revenue adjustments. We anticipate that the cost-of-service results would be reviewed with the City staff approximately two (2) weeks following completion of the Revenue Requirements phase.

Rate Design

The purpose of this phase of the Study is to evaluate and develop pricing methods and structures which will result in equitable rates and ensure that:

- (1) Recognition is given to the functionalized cost of providing service to the various customer classes and customers within each class;
- (2) Rates and charges are competitive with those of other area utilities; and
- (3) Proper price signals are sent to consumers.

This phase will include the following tasks:

- Develop and evaluate rates which reflect the unbundled cost of providing service (power supply, transmission and distribution) and the voluntary Green Program required in MI PA 341 & 342.
- Compare the proposed rates to existing rates and, where applicable, to those charged by adjacent utilities.
- Present the results together with the recommendations for review and comments by the City staff.

In this phase, we anticipate utilizing twelve (12) months of actual billing data to calculate revenues under present and proposed rates on a customer class basis. To the extent that sufficient data is available, alternative rate forms such as time-of-use, interruptible, institutional and governmental rates, and their applicability, will also be considered.

The benefits and merits as well as the disadvantages and impact of these rate design alternatives will be evaluated and discussed with the City staff. We anticipate the Rate Design phase will be completed and presented to the City staff approximately two (2) weeks following completion of the Cost of Service phase.

Present Final Results

The final results of the Study, incorporating comments and input from the City staff, will be presented to the City Council. We will provide copies of the computer models developed for the Study which can be used to analyze operating and financial data. These models will be provided in spreadsheet format and will include historical and projected sales/revenues, power supply requirements/costs, revenue requirements, operating results and the cost of service model. These models can be updated periodically to assess the need for future rate adjustments.

We anticipate presenting the final results of the Study approximately three (3) months following authorization to proceed. This estimate assumes timely response to requests for data and receipt of comments from the City staff.

Qualifications and Experience

Courtney & Associates is a public utility consulting firm which specializes in providing professional services to publicly owned utilities in the areas of planning, operation and management, financing, rates and feasibility analyses. Courtney & Associates has prepared numerous electric rate and cost of service analyses similar to that proposed herein. Enclosed is a copy of our firms Statement of Qualifications, which includes the resumes of key personnel that would be assigned to the project, as well as a List of References for Electric Rate Studies. Please feel free to contact any of our clients regarding our services.

Compensation

We propose that the services set forth above be provided on a time and expense basis for a not-to-exceed fee of \$30,000. Invoices would be rendered at the end of each month for time expended at standard billing rates, plus all out-of-pocket expenses associated with providing the services. Our fee includes five (5) trips to Marshall. Should additional or services be requested, those services would be provided on a time and expense basis billed at our standard billing rates. Provided below is a table summarizing our estimated hours and hourly rates, as well as our estimated expenses.

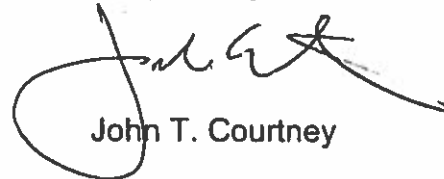
May 22, 2017

ESTIMATE OF TIME AND EXPENSES

<u>Description</u>	<u>Hourly Rate</u>	<u>Estimated Hours</u>	<u>Projected Cost</u>
Professional Services	150	100	\$ 15,000
Technical Services	100	100	10,000
Administrative Services	50	50	2,500
Sub-Total (Labor)		<u>250</u>	<u>\$ 27,500</u>
Travel and Expenses			2,500
Total Labor and Expenses			<u>\$ 30,000</u>

We appreciate the opportunity to assist the City of Marshall in this important matter and we are available to discuss this proposal with you or to provide any supplementary information you may require.

Respectfully submitted,



John T. Courtney

Enclosures



ADMINISTRATIVE REPORT
June 5, 2017 - CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

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

SUBJECT: Local Street Milling and Paving

BACKGROUND: Bids were requested for the Milling and Resurfacing of two blocks of Green Street (Kalamazoo to Sycamore, Linden to Cherry) and the pulverizing, shaping and re-paving of Montgomery Street from Cedar to Maple. The following bids we received on March 13, 2017 were:

Contractor	Green Street	Montgomery Street & Sidewalk	Contract Total
Rieth & Riley Kalamazoo, MI	\$56,915.00	\$87,965.00	\$144,880.00
Lakeland Asphalt Battle Creek, MI	\$52,439.50	\$95,025.10	\$147,464.60
Thompson Construction Coldwater, MI	\$49,532.50	\$106,375.00	\$155,907.50
Michigan Paving Kalamazoo, MI	\$51,767.00	\$103,969.00	\$161,736.00
Quality Asphalt Homer, MI	\$63,584.65	\$129,971.00	\$193,555.65
Asphalt Solutions Marshall, MI	\$73,419.00	\$148,887.50	\$222,306.50

The original bid requested pricing for only two (2) blocks of Green Street. Due to the favorable bids received and following discussions with the low bidder it was determined that the milling and resurfacing of the entire length of Green Street would be economically feasible and produce a better end product for the city. The additional blocks on Green Street would increase the estimated project total by \$110,473.55 for a total project cost of \$167,388.55 for Green Street from Kalamazoo to Dobbins.

RECOMMENDATION: It is recommended that City Council approves the bids and additional work from Rieth & Riley of Kalamazoo, MI for Green Street between S. Kalamazoo Street to Dobbins Street and Montgomery Street between Cedar Street to Maple Street including a new 5'-0" wide sidewalk from S. Marshall Ave to Kids Kingdom in Ketchum Park, for the estimated amount of \$255,353.55 with a contingency amount of \$24,646.45 for a total of \$280,000.

323 W. Michigan Ave.
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 p 269.781.5183
 f 269.781.3835
 cityofmarshall.com

FISCAL EFFECTS: To authorize a contract in the amount of \$255,353.55 with a contingency amount \$24,646.45 for a total of \$280,000.00 expensed from the Capital Outlay budget line item, 203-900-970.00. Funds for these Local Street projects were budgeted in FY17-18. Funds for work on the additional blocks of Green Street, \$110,473.55, will come from the existing Local MVH fund balance.

CITY GOAL CLASSIFICATION: GOAL AREA 4. INFRASTRUCTURE

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

ALTERNATIVES: As suggested by Council.

Respectfully submitted,



Kristin Bauer
Director of Public Services



Tom Tarkiewicz
City Manager



ADMINISTRATIVE REPORT
June 5, 2017 - CITY COUNCIL MEETING

TO: Honorable Mayor and City Council
FROM: Elizabeth Renaud, Transportation Manager
Christy Ramey, Purchasing Agent
Tom Tarkiewicz, City Manager
SUBJECT: Grand Street Park Shade Sails

BACKGROUND: Through generous community donations that were matched by the Michigan Economic Development Corporation and the Michigan State Housing Development Authority, the Grand Street Park project hit its crowdfunding goal in late March of 2017. Design plans were finalized and formals bids were solicited for construction.

During the preliminary budgeting process, \$25,000 was the estimated cost for the shade sail structures based off a few informal quotes from architectural firms and shade sail manufacturers. Request for proposals were sent out for the design and construction of the shade sail structure.

One proposal was received from Miracle Midwest; located in Holly, Michigan. The proposal is turn-key from design, materials, and installation in an amount of \$32,550.00.

RECOMMENDATION: It is recommended City Council approves the proposal from Miracle Midwest and issue a purchase order in the amount of \$32,550.

FISCAL EFFECTS: Secured funds for the project will be used. The cost of the mural has come in under-budget to help offset the additional cost of the shade sails.

CITY GOAL CLASSIFICATION: GOAL AREA 2: QUALITY OF LIFE

Goal Statement: To achieve and sustain a concentrated effort to promote a vibrant community atmosphere in the Marshall area.

GOAL AREA 4. INFRASTRUCTURE

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

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Elizabeth Renaud
Transportation Manager

Christy Ramey
Purchasing Agent

Tom Tarkiewicz
City Manager

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ADMINISTRATIVE REPORT
June 5, 2017 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council

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

SUBJECT: Rescind Spencer Hangar Lease – Brooks Field

BACKGROUND: The City, through City Council action on May 1, 2017, approved a Lease allowing Brian Spencer to build a 60'x64' personal hangar at the Brooks Field site.

On May 24, 2017 we have received an email from Mr. Spencer that due to some unexpected circumstances he is no longer planning to build this hangar and wishes to have this lease rescinded.

RECOMMENDATION: Nullify the Hangar Lease executed on May 1, 2017 for a 60'x64' area on the Brooks Field Site with Mr. Brian Spencer.

FISCAL EFFECTS: No additional revenue in the amount of \$3,840/year.

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 "Kristin Bauer".

Kristin Bauer
Director of Public Services

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

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

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ADMINISTRATIVE REPORT
June 5, 2017 - CITY COUNCIL MEETING

TO: Honorable Mayor Reed and City Council Members

FROM: Elizabeth Renaud, Transportation Manager
Jon Bartlett, Finance Director
Tom Tarkiewicz, City Manager

SUBJECT: DART Certified Signers

BACKGROUND: On September 6, 2016, the City Council adopted a resolution assigning the Assistant City Manager / Director of Community Services as the Certified Signature to accept Master Agreement 2017-0091 and all subsequent agreements issued for Dial-A-Ride that fall under the purview of that Master Agreement. Due to recent personnel responsibility changes, the certified signature duty has been reassigned.

On May 1, 2017, the City Council adopted a resolution assigning the Transportation Manager and the City Manager as the Certified Signatures to accept all subsequent agreements issued for Dial-a-Ride that fall under the purview of this Master Agreement. After consulting with our MDOT Project Coordinator, staff discovered that there was an additional signature resolution that needed to be adopted in regards to Project Authorizations.

RECOMMENDATION: Staff recommends that Council adopt the attached resolution to allow the Transportation Manager and/or City Manager to sign off on agreements to allow for future funding of projects for the City of Marshall Dial-a-Ride.

FISCAL EFFECTS: None at this time. Failure to assign a certified signer could jeopardize future state and federal funding opportunities for Dial-A-Ride.

CITY GOAL CLASSIFICATION: GOAL AREA III. INFRASTRUCTURE

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

ALTERNATIVES: As suggested by Council.

Respectfully Submitted,

Tom Tarkiewicz
City Manager

Jon Bartlett
Finance Director

Elizabeth Renaud
Transportation Manager

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

**CERTIFIED SIGNATURE RESOLUTION FOR
MDOT MASTER AGREEMENT**

Whereas, the City of Marshall has the authority to contract with the Michigan Department of Transportation for state and/or federal financial assistance for passenger transportation related services under ACT 51; and

Whereas, the City of Marshall annually approves a Master Agreement with the Michigan Department of Transportation which requires an authorized signature;

Now, Therefore, be it resolved that the Transportation Manager and/or the City Manager of the City of Marshall, be authorized and directed to execute said agreement (and any revisions or amendments) for and on behalf of the City of Marshall.

PROJECT AUTHORIZATION RESOLUTION

Whereas, this resolution shall also approve execution of Project Authorizations for any programs designated by the City of Marshall and/or Project Authorizations for any amount determined by the City of Marshall with the Michigan Department of Transportation which are issued under Master Agreement Number 2017-0091,

Now, Therefore, be it resolved that the Transportation Manager and/or the City Manager of the City of Marshall, are authorized to enter into and execute on behalf of the City of Marshall all such project authorizations with the Michigan Department of Transportation for passenger transportation related services for the Agreement period.

CERTIFICATE

The undersigned duly qualified Clerk of the City of Marshall certifies the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Marshall City Council held on June 5th, 2017.

Signature

Printed Name

Title

Date



ADMINISTRATIVE REPORT
June 5, 2017 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members

FROM: Justin Miller, Recreation Superintendent
Jacqueline Slaby, Director of Community Services
Tom Tarkiewicz, City Manager

SUBJECT: Resolution to Allow Archery in the Parks by the Recreation Department

BACKGROUND: Staff of the Recreation Department recently went through accredited training for archery using a grant funded by USA Archery, Easton Archery, and mParks. These City employees, who are also certified in program safety, were successfully certified to teach archery lessons as USA Archery Level Two Instructors. The first demonstration of the department's new archery program is set for June 10th at the Fish N' Float, hosted by the Recreation Department at Stuart's Landing. The Recreation Department would also like to use City-owned parks and other areas within city limits in the future for continued archery programs.

Currently, Ordinance § 91.05 (B) Weapons and Firearms any person, other than a law enforcement officer from using a bow and arrow "on land operated under the jurisdiction of the City of Marshall." Broadly construed, this ordinance could prohibit the Recreation Department from operating an archery program, even on land owned by others, since the property would arguably be "under the jurisdiction" of the City while the class was in session, even if the City was not the property owner. To avoid this anomaly, the Ordinance does permit the City Council to provide an advanced authorization for the use of certain weapons, including a bow and arrow that would otherwise be unlawful to use.

The resolution is supported by the City Administration and has been reviewed by the City Attorney. Both support the adoption of the Resolution. Permitting the use of a bow and arrow in this specific instance is precisely the sort of purpose intended by the exception in the Ordinance that provides for a City Council waiver.

Ordinance § 91.05 states: WEAPONS AND FIREARMS.

(A) It shall be unlawful for any person, except authorized peace officers, to discharge on any land operated under the jurisdiction of City of Marshall, any gun including shotgun, rifle, pistol, revolver, air or BB gun unless specifically authorized by the City Council or unless discharged in the lawful defense of oneself or another.

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(B) It shall be unlawful for any person, except authorized peace officers, to possess, display, or use on any land operated under the jurisdiction of City of Marshall, any sling shot, **bow and arrow**, switchblade knife with spring loaded blade, throwing knife, tomahawk, or throwing axe, **unless specifically authorized by the City Council.**

(Ord. 07-02, passed 5-7-2007; Am. Ord. 2013-06, passed - -2013; Am. Ord. 2013-13, passed 12-3-2013)

RECOMMENDATION: It is recommended that City Council adopt the attached resolution to authorize certified archery instructors employed by the City of Marshall to teach archery within city limits.

FISCAL EFFECTS: Revenue for the General Fund would be generated by these archery lessons.

CITY GOAL CLASSIFICATION: GOAL AREA I. ECONOMIC DEVELOPMENT
Goal Statement: Sustain and intensify the economic vitality of the Marshall area.
Objectives: Improve the City of Marshall financial operations, providing financial security and stability into the future.

GOAL AREA II. NEIGHBORHOODS
Goal Statement: To continue promoting a safe and unified community.
Objectives: Enhance the City of Marshall's park features.


GOAL AREA IV. COMMUNITY LIFE
Goal Statement: To achieve and sustain a concentrated effort to promote a vibrant community atmosphere in the Marshall area.
Objectives: Increase the safety of the City of Marshall Parks and Recreation areas.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,



Justin Miller
Recreation Superintendent



Jacqueline Slaby
Director of
Community Services



Tom Tarkiewicz,
City Manager

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

WHEREAS, the City Council for the City of Marshall does hereby authorize the Marshall Recreation Department to operate an archery instructional program, provided that (1) the program uses USA Archery certified instructors, (2) the instructional area is designed and operated according to safety standards established by USA Archery and the Arrow Sport Archery Safety Program, and (3) each participant in the program signs an appropriate participation waiver; and

NOW, THEREFORE BE IT RESOLVED, that during classes, and while under the direct supervision of an instructor, each participant in the program is specifically authorized to, possess, display, and use on land operated under the jurisdiction of City of Marshall, a bow and arrow, as permitted by Marshall City Ordinance Section 91.05 (B).

BE IT FURTHER RESOLVED, that instructors in the archery program are also authorized to, possess, display, and use on land operated under the jurisdiction of City of Marshall, a bow and arrow, as permitted by Marshall City Ordinance Section 91.05 (B).

This Resolution is declared to be effective immediately upon approval of City Council.

Approved and signed this _____ day of _____, 2017.

Jack Reed, MAYOR

Trisha Nelson, CITY CLERK

IS ARCHERY A SAFE SPORT? YES!

WHAT RESEARCH REVEALS ABOUT THE SAFETY OF ARCHERY

Archery has been part of countless introductory programs including physical education in schools, summer camps, Scouts, 4-H Clubs and community recreational programs, to name a few. Throughout its long history in recreational sports, archery ranks as one of the safest activities offered in any organized group setting. Especially impressive is the fact that archery maintains a consistently high safety record despite the fact that participants range from grade-school children to senior citizens, many of whom have never before picked up a bow and arrow.

Archery has become increasingly popular in recent years as schools and recreational programs strive to find activities that appeal to families, both genders, and all age groups in a variety of group settings. Educators, group leaders and recreation instructors find archery is safe and easily learned. Beginners become proficient with minimal assistance, and they improve their skills quickly with practice.

As more administrators at schools, camps, clubs and recreational programs consider adding an archery program, safety questions often arise. This report addresses those concerns, and also compares archery's safety record with the safety record of many recreational activities that regularly draw more experienced participants.

"We implemented archery in schools across Kentucky in 2002, and because we emphasized safety with our students, conducted training for all teachers, and adhered to standard procedures, we have had a remarkable safety record. Vigilant school districts are always concerned about liability issues, especially with sports and recreational activities, and archery consistently proves itself one of the safest sports taught in our public schools' physical education programs."

Commissioner Gene Wilhoit
Kentucky Department of Education



SPORTS PARTICIPATION AND INJURY RATES

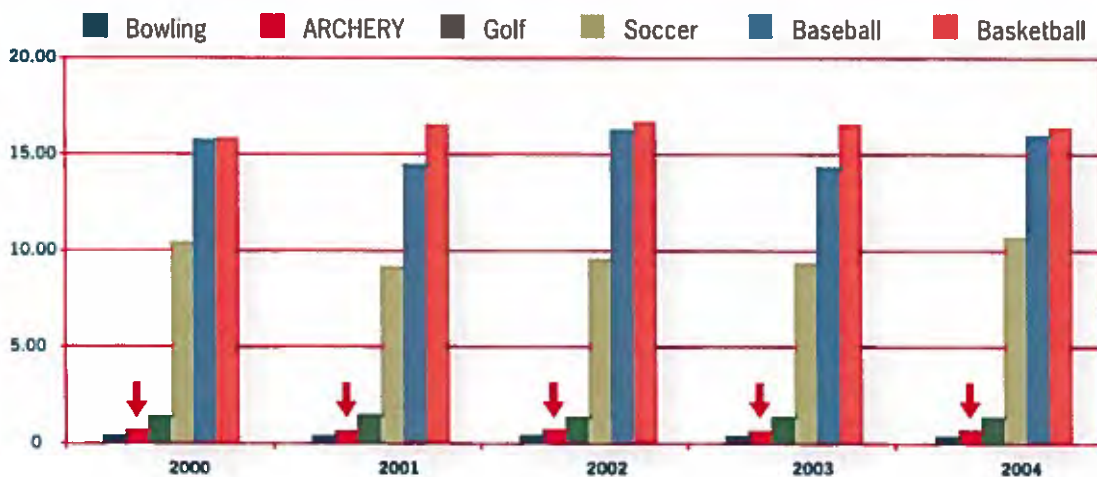
COMPARISON OF SPORTS PARTICIPATION AND INJURY RATES

The U.S. Consumer Product Safety Commission (CPSC) operates the National Electronic Injury Surveillance System (NEISS)¹, which is a database used to track hospital injuries for more than 15,000 kinds of consumer products used in sports and recreational activities in and around homes and schools. Data from the NEISS are a critical resource for consumer groups, manufacturing and industry organizations, the media, educators, researchers and attorneys. The data are also used by the Centers for Disease Control and Prevention which is one of the 13 major operating components of the Department of Health and Human Services, the principal agency in the United States government for protecting the health and safety of Americans. Organizations like the National Safety Council, a nonprofit, nongovernmental, international service organization also use the data from NEISS to compile its annual Injury Facts publication².

We queried the NEISS database to determine the safety of archery compared to other sports. We compared this information to the data on participation obtained from SGMA International (SGMA)³, a global trade association of manufacturers, retailers and marketers in the sports products industry. The SGMA provides estimates of the number of participants in a number of sports and recreational activities, including archery, through an annual survey conducted for them by American Sports Data, Inc. Since SGMA only tracks participation for ages 6 and above, we queried the NEISS database for safety data for several sports beginning at age 6.

These data indicate that archery is one of the safest sports, with an injury rate of less than one incident per 1,000 participants, in 2004 (Table 1). Recreational activities like golf and fishing have an injury rate of up to 1.5 to 2 times the rate for archery (Figure 1). Common sports like soccer, baseball and basketball have injury rates 15 to 25 times that of archery (Figure 1). Because the National Safety Council cautions about calculating injury rates from these data, we presented the raw injury and participation numbers in the Sports Participation and Injury Table (Table 1) so you can judge for yourself.

Figure 1. Injury rates per 1000 participants in youth sports from 2000 through 2004.



SPORTS PARTICIPATION AND INJURY RATES

"Archery is probably the safest thing we've done in our phys-ed classes. Not one person has been sent to the office for an injury. For most activities, we send down at least one student a day for a turned ankle, jammed finger or an elbow to the face. With archery, no one has ever been hurt. When you're playing football or basketball, and dealing with large and small kids or eighth-graders playing with sixth-graders, kids get hurt when running over each other. Archery is an individual sport, so you don't worry about someone's aggressive behavior."

Joey Chilton, Wellness Instructor
East Hickman Middle School, Lyles, Tennessee

Table 1. Injury data for participants in youth sports in 2004.

	Actual Number of Cases ^a	Estimated Number of Cases ^b	Estimated Number of Participants ^c	Injury Rate per 1000 Participants ^d
Football	11,863	393,088	16,436,000	23.92
Basketball	15,963	557,815	34,223,000	16.30
Baseball	4,050	154,873	9,694,000	15.98
Wrestling	837	32,691	2,303,000	14.19
Soccer	4,819	171,276	15,900,000	10.77
Ice Hockey	548	20,211	1,998,000	10.12
Softball	2,634	112,656	16,324,000	6.90
Cheerleading	763	28,107	4,131,000	6.80
Gymnastics	967	30,820	5,273,000	5.84
Horseback Riding	1,670	74,842	14,695,000	5.09
Volleyball	1,350	55,824	22,216,000	2.51
Inline Skating	991	37,284	17,348,000	2.15
Ice Skating	570	19,589	14,692,000	1.33
Golf	770	33,100	25,723,000	1.29
Fishing	1,164	60,977	47,906,000	1.27
Tennis	508	21,219	18,346,000	1.16
ARCHERY	82	4,373	6,756,000	0.65
Bowling	382	16,405	53,603,000	0.31
Badminton	42	1,843	6,432,000	0.29
Table Tennis	37	1,347	14,286,000	0.09

^a These data are from the National Electronic Injury Surveillance System and represents the hospitals which actually record the information.

^b These data are from National Electronic Injury Surveillance System and represents estimated nationwide injuries based on samples.

^c These data are from the Sporting Goods Manufacturers Association International for ages 6 and older who have participated at least once per year.

^d This rate was calculated by dividing the number of estimated cases by the number of participants and multiplied by 1000. The National Safety Council discourages this calculation because the frequency and duration of participation of each sport is not known.

INSURANCE INDUSTRY SAFETY RATINGS

SAFETY RATINGS FROM THE INSURANCE INDUSTRY

The safe record of archery is also recognized by the insurance industry. Based on evidence from injury reports, the standard general liability coverage maintained by most organizations has been determined sufficient for archery. In these situations, no additional policy amendments are needed when adding an archery program.

Insurance broker Francis L. Dean & Associates⁴ rates archery in the same class as badminton, bowling, cross country, fencing, golf, handball, rowing, tennis and track when calculating policy premiums. Among the sports that require the highest insurance premiums for coverage by Francis L. Dean & Associates are basketball, cheerleading and volleyball.

Archery Shooting Procedure

Beginning archers are taught to respond to whistle commands, much like other sporting activities. Participants are trained to move between stages in shooting by one, two or three whistle commands. In most situations, participants are placed into small groups to share equipment and so each individual can enjoy shooting safely.

Because of the highly organized and sequential nature of archery, the participants are never running, jumping, engaging in physical contact or trying to coordinate their physical activities as a team. Individuals, regardless of physical capabilities, sex, and age all participate on the same playing field and all respond to the same commands.

Archery teachers/instructors should be certified. For information on certification go to www.archerysearch.com or call 866-266-2776. Certification programs are scheduled to be sure every instructor is prepared to teach archery in schools, camps, recreation programs and other organization or group activities.

The progression in archery is to:

1



Start at the waiting line

4



Each step of the shooting sequence is triggered by a command from the instructor.

2



Proceed upon hearing two whistles to the shooting line

5



When each archer has shot their arrows and the range is clear, three whistles allow the archers to set their equipment aside.

3



One whistle is blown to indicate that shooting can begin in a sequence of steps.

6



After three whistles, the archers proceed to the target line, and score their arrows.

"The archery training our teachers received was so complete and well done that they were confident in their ability to teach it to students. Much of that's because of the emphasis on safety. Each student can be easily monitored to determine their effort, skills, technique and safe conduct. Teachers can address each student and provide individual feedback. The safety whistle codes make sense to students, and the good equipment and standardized training encourage safe participation."

Julia Jilek, Administrator

White Bear Lake Learning Center, White Bear Lake, Minnesota

INSURANCE INDUSTRY SAFETY RATINGS

Sportscover⁵, an international insurance company that specializes in coverage for sporting activities, has developed a youth injury calculator that factors in age, sex, and fitness level for many sports. This calculator uses participation and injury data to estimate the potential probability of injury for individuals in specified age, sex and fitness categories. Sportscover is one of the world's leading sports insurance underwriters with over one million active sporting clients including players, administrators, coaches and officials.

For all ages, both sexes and for both unfit and fit participants, injury rates for archery were second only to fishing among 14 sporting activities (Table 2). The injury rates estimated for girls were about 80 percent of the rates for boys for all sports and across all age groupings. In addition, injury rates for unfit participants were about twice the injury rates for fit participants. Injury rates for archery averaged 5 to 20 times lower than for all other sporting activities including badminton, tennis, soccer and golf.

Table 2. Sportscover's estimated 2004 sports participation injury rates per 1,000 participants. The values shown are for unfit individuals. Youths rated as fit are injured half as often as unfit participants and that trend holds for all ages and sports.

	Unfit					
	0-10 Years Old		11-16 Years Old		17-20 Years Old	
					Female	Male
Ice Hockey					99.00	99.00
Football					80.24	99.00
Baseball					40.80	51.00
Golf					35.36	44.20
Inline Skating					27.20	34.00
Soccer					27.20	34.00
Tennis					24.48	30.60
Softball					23.12	28.90
Volleyball					21.76	27.20
Basketball					20.40	25.50
Badminton					16.32	20.40

"Every kid learns something in archery, because those who dominate everyday physical education activities do not always dominate archery. Other kids get to feel what it's like to be the best at something, to feel like a superstar. It also teaches them about safety, and how unsafe habits can injure themselves or those around them. When this idea was first pitched to me I was a big skeptic. But after doing it for a year and taking a group to a contest, I'm a big fan."

Drew Heuertz, PE/Health Teacher

East Jessamine Middle School, Nicholasville, Kentucky

ARROWSPORT

SPORTS INJURIES FOR SENIOR CITIZENS

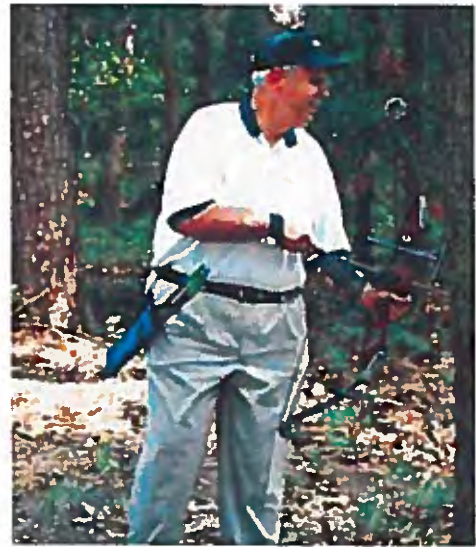
SPORTS INJURIES FOR SENIOR CITIZENS

Archery's safety record also stands out when analyzing sports-related injuries of senior citizens. In 1996, the U.S. Consumer Product Safety Commission⁶ released a report on sports-related injuries for people ages 65 and older. The report lists the 13 sports and activities with the highest number of reported injuries, and **archery did not make the list.**

Table 3. Estimated sports-related injuries to persons 65 years or older for 1996. The list includes sports with 500 or more reported cases. **NOTE: ARCHERY WAS NOT LISTED.**

Bicycling	
Exercise Activity/Weightlifting	
Golf & Golf Carts	
Snow Skiing	
Fishing	
Tennis	
Swimming/Diving	
Bowling	
Skating	
Baseball/Softball	
All Terrain Vehicles	
Horseback Riding	
Basketball	
TOTAL ^a	

^a The total includes all sports for which injuries were reported, including those with less than 500 cases which were not included in the list.



"Target archery is one of the safest sports for kids because the discipline involved teaches participants to be safe while having fun. My international experience with Olympic youth development programs has convinced me that certifying instructors – just like any other major recreational sport – is the key to everyone enjoying an archery shooting experience. We were so impressed with the discipline and responsibility taught as a part of archery that my entire family has been involved in the Chicagoland Junior Olympic Program for many years."

Mark Miller, Past President

USA Archery/International Archery Junior Development Chair, Naperville, Illinois

"Once people see how our archery class is conducted, they see it's very safe. Unlike most sports, archery offers a controlled environment. In comparison, when you put a ball in the air and get kids running, jumping and spinning around, almost anything can happen. You expect injuries, whether it's turned ankles, twisted knees or torn ligaments. It doesn't matter if you're talking about softball, badminton, football or basketball. Archery allows us to teach kids a safe, lifetime skill they can practice almost anywhere."

Dave Bagley, School Superintendent

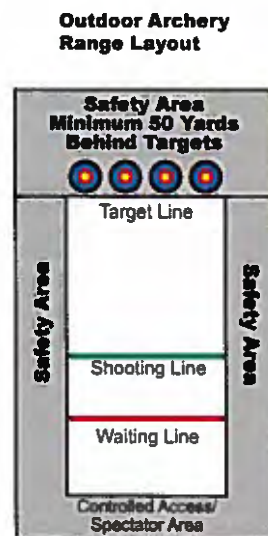
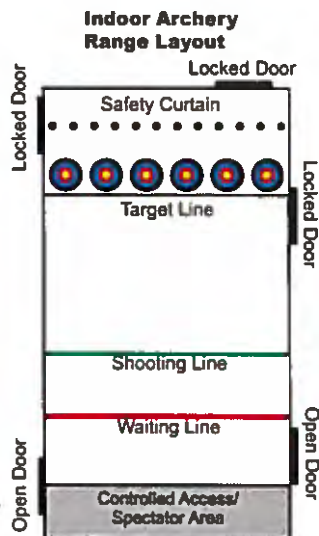
Antwerp Schools, Paulding County, Ohio

ARCHERY RANGE LAYOUT

Archery Range Layout

Archery is safe because, as a shooting sport, the field of play – or range – is designed with safety in mind.

- For indoor ranges, arrow safety curtains are hung no further than 3 feet behind the archery targets across the full length of the target line. No one is allowed behind the safety curtain while shooting is in progress. All doors in the general shooting area are closed and warning signs are posted outside the doors where archery practice is in progress. Doors behind the target line are locked or temporary barriers are used as a warning signal.
- For outdoor ranges, all shooting occurs away from any area where people might be. Signs and safety tape lines are used to keep people at a safe distance from the archers.
- A shooting line is established at least 10 to 20 feet in front of the targets. On outdoor ranges, archers may be as much as 15 to 20 yards in front of the targets. Archers are spaced about 6 feet apart on a shooting line when they are shooting.
- A waiting line is used for those archers waiting their turn to shoot. The waiting line is at least 10 feet behind the shooting line. The waiting line is usually where the equipment is held or set in safe, non-shooting positions. All archers stand along and behind this line while not shooting.
- A target line is set 3 feet from the front of the targets and is the distance from which archers score their arrows.



"The greatest safety consideration is setting up a safe range. By dividing the space into 'shooting' and 'non-shooting' areas, only instructors and student-archers get close to the firing line. No one can wander close to the shooters to distract them and create a potential safety problem. We make sure all entrances and exits behind the shooting line are closed and secured."

Schlyer Jones, Public Relations Coordinator
Board of Education, McCreary County, Ohio

HOW TO START A SAFE ARCHERY PROGRAM

HOW TO START A SAFE ARCHERY PROGRAM

For information about archery programs, go to **ARCHERYSEARCH.COM**

ArcherySearch.com will help you:

- locate your closest retailer
- locate the local range
- locate the closest club
- find the nearest certified instructor

ArcherySearch.com will also link you to sites that will guide you through starting an archery program or help you become a certified instructor.

**To obtain this publication
or for questions contact:**

ArrowSport
304 Brown Street E
PO Box 258
Comfrey, MN 56019
(866) 266-2776
www.arrowsport.org



REFERENCES

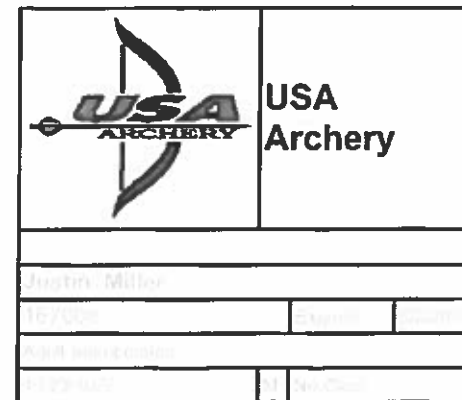
1. **National Electronic Surveillance System**
US Consumer Product Safety Commission, Washington, D.C. 20207-0001
(301) 504-7923, www.cpsc.gov/library/neiss.html
2. **National Safety Council**
1121 Spring Lake Drive, Itasca, IL 60143-3201
(630) 285-1121, www.nsc.org
3. **SGMA International**
1150 17th Street North #850, Washington, D.C. 20036
(202) 775-1762, www.sgma.com
4. **Francis L. Dean & Associates**
1776 South Naperville Road, Bldg-B, P.O. Box 4200, Wheaton, IL 60189
(800) 745-2409, www.fdean.com
Ratings for youth sports are at www.fdean.com/youth_sports_teams_insurance_rates.html
5. **Sportscover**
52-62 Stud Road, Bayswater, 3153 Melbourne, Australia
61 3 9721 4700 www.sportscover.com
The injury calculator is at www.sportscover.com/calculator.html.
6. **U.S. Consumer Product Safety Commission**
Sports Related Injuries to Persons 65 Years of Age and Older. April 1998.
By: Rutherford, George W., Jr. and Schroeder, Thomas J. 14pp.

Membership Confirmation

Member Information

Member ID: 167808
Member: Justin Miller
 14463 A Drive North
 Ceresco, MI 49033
Email: jutmill@gmail.com
Cell Phone: 517-403-1362
Membership Type: Adult Membership
State Assn: Michigan-Society for Archery in Michigan, Inc.
Club: - No Club Affiliation -
Registration Date: 5/2/2017
Expiration Date: 5/2/2018
Membership Status: Current

Membership Card



Transaction Information:

Billing Info: Justin Miller
 323 W. Michigan Ave
 Marshall, MI 49068
 United States

Date: 5/2/2017
Order ID: 156943
Card Type: Visa
Credit Card No.: XXXX XXXX XXXX 9156
Transaction ID: AQ0NE72F138C
Authorization No.: 002039

Item	Quantity	Price	Amount
Adult Membership - (Justin Miller)	1	\$60.00	\$60.00
		Tax:	\$0.00
		Shipping:	\$0.00
		Total:	\$60.00

© 2017 USA Archery

Waiver and Release

**USA ARCHERY
MEMBERSHIP TERMS AND CONDITIONS**

By applying for my (and/or my minor child's) membership and the privilege of participation in any activity ("Activity") with the National Archery Association of the United States (also known as "USA Archery"), I agree to be subject to, bound by, and observe all applicable provisions of the Bylaws, rules, codes, regulations, policies and procedures, and any other applicable governing documents of USA Archery, including the Code of Conduct and Ethics of USA Archery which can be found at www.usarchery.org, and any amendments thereto. In addition:

1. I UNDERSTAND that dangers may be caused by me (or my minor child's) own actions or inactions, and by the actions or inactions of others, while participating in the Activity. I understand the nature USA Archery's activities and acknowledge my (or my minor child's) experience and capabilities in the sport, and believe I (or my minor child) am qualified to participate in such Activity. I further acknowledge that I am aware that the Activity will be conducted in facilities open to the public during the Activity. I further agree and warrant that if, at any time, I (or my minor child) believe conditions to be unsafe, I (or my minor child) will immediately discontinue further participation in the Activity.
2. I FULLY UNDERSTAND that: (a) USA Archery activities involve risks and dangers of SERIOUS BODILY INJURY, INCLUDING PERMANENT DISABILITY, PARALYSIS AND DEATH ("Risks"); (b) the Risks in which such activities take place may involve the NEGLIGENCE OF THE "RELEASEES" NAMED BELOW; and (c) there may be other risks and social and economic losses not known to me (or my minor child) or not readily foreseeable at this time. I FULLY ACCEPT AND ASSUME ALL SUCH RISKS AND ALL RESPONSIBILITY FOR LOSSES, DAMAGES, INJURIES, AND COSTS incurred as a result of my or (my minor child's) participation in the Activity.
3. I HEREBY RELEASE, DISCHARGE, AND CONVALENT NOT TO SUE, AND AGREE TO HOLD HARMLESS USA Archery and its administrators, directors, officers, volunteers, employees, agents, any organizer of any Activity, other participants, any sponsors, advertisers, and, if applicable, owner and lessors of premises on which any activity takes place (each considered one of the "Releasees" herein) from all liabilities, claims, demands, losses, or damages on account of or caused or alleged to be caused in whole or in part by the negligence of the "Releasees" or otherwise, including negligent rescue operations. I AGREE that if, despite this Release, I, or anyone on my behalf, make a claim against one of the Releasees named above, I WILL INDEMNIFY, SAVE AND HOLD HARMLESS EACH OF THE RELEASEES FROM ANY LITIGATION EXPENSES, ATTORNEY FEES, LOSS, LIABILITY, DAMAGE, OR COST ANY MAY INCURRE AS THE RESULT OF ANY SUCH CLAIM. I HAVE READ THIS AGREEMENT, FULLY UNDERSTAND ITS TERMS, UNDERSTAND THAT I HAVE GIVEN UP SUBSTANTIAL RIGHTS BY AGREEING TO THIS RELEASE AND HAVE AGREED TO IT FREELY AND WITHOUT ANY INDUCEMENT OR ASSURANCE OF ANY NATURE INTENDING IT TO BE A COMPLETE AND UNCONDITIONAL RELEASE OF ALL LIABILITY TO THE GREATEST EXTENT ALLOWED TO THE LAW. I AGREE THAT IF ANY PORTION OF THIS RELEASE IS HELD TO BE INVALID, THE BALANCE, NOTWITHSTANDING, SHALL CONTINUE IN FULL FORCE AND EFFECT.

I Agree *

Waiver Received Date:5/2/2017

Waiver Received By: Miller

© 2017 USA Archery

This certificate is presented to

Justin Miller

For successfully completing the course of study and demonstrating the skills necessary to perform the duties of a



USA Archery

Level 2 Instructor

Issued: 4/28/2017 - Expires: 4/28/2020

Denise Parker, CEO, USA Archery

Bruce Cull, President, NFAA

Michael Tyrell, President, Archery Shooters Association

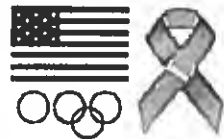


This certificate is presented to

Justin Miller

For successfully completing the course of study and demonstrating the skills necessary to obtain a

*Make the Commitment
Stop Abuse in Sport*



USA Archery

SafeSport Certificate

Issued: 5/4/2017



Denise Parker, CEO, USA Archery





IS ARCHERY A SAFE SPORT? YES!

WHAT RESEARCH REVEALS ABOUT THE SAFETY OF ARCHERY

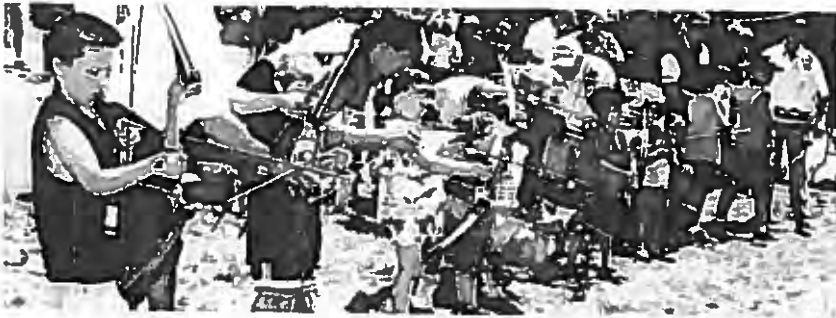
Archery has been part of countless introductory programs including physical education in schools, summer camps, Scouts, 4-H Clubs and community recreational programs, to name a few. Throughout its long history in recreational sports, archery ranks as one of the safest activities offered in any organized group setting. Especially impressive is the fact that archery maintains a consistently high safety record despite the fact that participants range from grade-school children to senior citizens, many of whom have never before picked up a bow and arrow.

Archery has become increasingly popular in recent years as schools and recreational programs strive to find activities that appeal to families, both genders, and all age groups in a variety of group settings. Educators, group leaders and recreation instructors find archery is safe and easily learned. Beginners become proficient with minimal assistance, and they improve their skills quickly with practice.

As more administrators at schools, camps, clubs and recreational programs consider adding an archery program, safety questions often arise. This report addresses those concerns and also compares archery's safety record with the safety record of many recreational activities that regularly draw more experienced participants.



Commissioner Gene Wilhoit
Kentucky Department of Education



SPORTS PARTICIPATION AND INJURY RATES

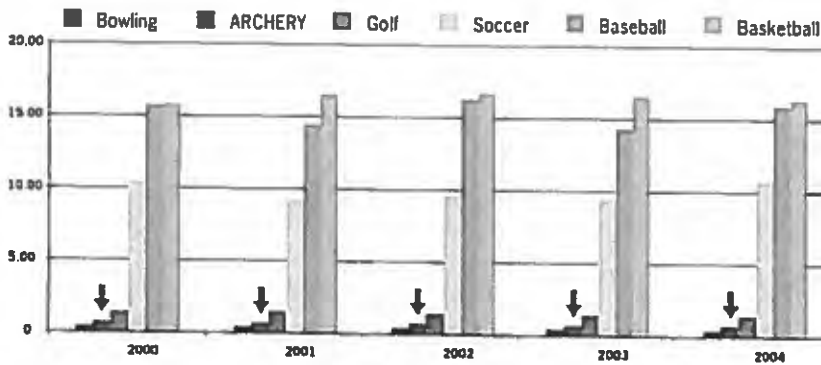
COMPARISON OF SPORTS PARTICIPATION AND INJURY RATES

The U.S. Consumer Product Safety Commission (CPSC) operates the National Electronic Injury Surveillance System (NEISS)¹ which is a database used to track hospital injuries for more than 15,000 kinds of consumer products used in sports and recreational activities in and around homes and schools. Data from the NEISS are a critical resource for consumer groups, manufacturing and industry organizations, the media, educators, researchers and attorneys. The data are also used by the Centers for Disease Control and Prevention which is one of the 13 major operating components of the Department of Health and Human Services, the principal agency in the United States government for protecting the health and safety of Americans. Organizations like the National Safety Council, a nonprofit, nongovernmental, international service organization also use the data from NEISS to compile its annual Injury Facts publication².

We queried the NEISS database to determine the safety of archery compared to other sports. We compared this information to the data on participation obtained from SGMA International (SGMA)³, a global trade association of manufacturers, retailers and marketers in the sports products industry. The SGMA provides estimates of the number of participants in a number of sports and recreational activities, including archery, through an annual survey conducted for them by American Sports Data, Inc. Since SGMA only tracks participation for ages 6 and above, we queried the NEISS database for safety data for several sports beginning at age 6.

These data indicate that archery is one of the safest sports, with an injury rate of less than one incident per 1,000 participants. In 2004 (Table 1) recreational activities like golf and fishing have an injury rate of up to 1.5 to 2 times the rate for archery (Figure 1). Common sports like soccer, baseball and basketball have injury rates 15 to 25 times that of archery (Figure 1). Because the National Safety Council cautions about calculating injury rates from these data, we presented the raw injury and participation numbers in the Sports Participation and Injury Table (Table 1) so you can judge for yourself.

Figure 1. Injury rates per 1000 participants in youth sports from 2000 through 2004



INSIGHT

SPORTS PARTICIPATION AND INJURY RATES

Joey Chilton, Wellness Instructor
East Hickman Middle School, Lyles, Tennessee

Table 1. Injury data for participants in youth sports in 2004.

	Actual Number of Cases ^a	Estimated Number of Cases ^b	Estimated Number of Participants ^c	Injury Rate per 1000 Participants ^d
Football	11,863	393,088	16,438,000	23.92
Basketball	15,963	557,815	34,223,000	18.30
Baseball	4,050	154,873	9,694,000	15.98
Wrestling	837	32,691	2,303,000	14.19
Seccar	4,819	171,276	15,900,000	10.77
Ice Hockey	548	20,211	1,998,000	10.12
Softball	2,634	112,656	16,324,000	6.90
Cheerleading	763	28,107	4,131,000	6.80
Gymnastics	967	30,820	5,273,000	5.84
Horseback Riding	1,670	74,842	14,695,000	5.09
Volleyball	1,350	55,824	22,216,000	2.51
Inline Skating	891	37,284	17,348,000	2.15
Ice Skating	570	19,589	14,692,000	1.33
Golf	770	33,100	25,723,000	1.29
Fishing	1,164	60,977	47,906,000	1.27
Tennis	508	21,219	18,346,000	1.16
ARCHERY	82	4,373	6,756,000	0.65
Bowling	382	16,405	63,603,000	0.31
Badminton	42	1,843	6,432,000	0.29
Table Tennis	37	1,347	14,286,000	0.09

^a These data are from the National Electronic Injury Surveillance System and represents the hospitals which actually record the information

^b These data are from National Electronic Injury Surveillance System and represents estimated nationwide injuries based on samples

^c These data are from the Sporting Goods Manufacturers Association International for ages 6 and older who have participated at least once per year

^d This rate was calculated by dividing the number of estimated cases by the number of participants and multiplied by 1000. The National Safety Council discourages this calculation because the frequency and duration of participation of each sport is not known

ARROWSPORT

INSURANCE INDUSTRY SAFETY RATINGS

SAFETY RATINGS FROM THE INSURANCE INDUSTRY

The safe record of archery is also recognized by the insurance industry. Based on evidence from injury reports, the standard general liability coverage maintained by most organizations has been determined sufficient for archery. In these situations, no additional policy amendments are needed when adding an archery program.

Insurance broker Francis L. Dean & Associates' rates archery in the same class as badminton, bowling, cross country, fencing, golf, handball, rowing, tennis and track when calculating policy premiums. Among the sports that require the highest insurance premiums for coverage by Francis L. Dean & Associates are basketball, cheerleading and volleyball.

Archery Shooting Procedure

Beginning archers are taught to respond to whistle commands, much like other sporting activities. Participants are trained to move between stages in shooting by one, two or three whistle commands. In most situations, participants are placed into small groups to share equipment and so each individual can enjoy shooting safely.

Because of the highly organized and sequential nature of archery, the participants are never running, jumping, engaging in physical contact or trying to coordinate their physical activities as a team. Individuals, regardless of physical capabilities, sex, and age all participate on the same playing field and all respond to the same commands.

Archery teachers/instructors should be certified. For information on certification go to www.archerysearch.com or call 866-266-2776. Certification programs are scheduled to be sure every instructor is prepared to teach archery in schools, camps, recreation programs and other organization or group activities.

The progression in archery is to:



1 Start at the waiting line



2 Proceed upon hearing two whistles to the shooting line



3 One whistle is blown to indicate that shooting can begin in a sequence of steps



4 Each step of the shooting sequence is triggered by a command from the instructor



5 When each archer has shot their arrows and the range is clear, three whistles allow the archers to set their equipment aside



6 After three whistles, the archers proceed to the target line and score their arrows

Julia Jilek, Administrator
White Bear Lake Learning Center, White Bear Lake, Minnesota

INSURANCE INDUSTRY SAFETY RATINGS

Sportscover⁵, an international insurance company that specializes in coverage for sporting activities, has developed a youth injury calculator that factors in age, sex, and fitness level for many sports. This calculator uses participation and injury data to estimate the potential probability of injury for individuals in specified age, sex and fitness categories. Sportscover is one of the world's leading sports insurance underwriters with over one million active sporting clients including players, administrators, coaches and officials.

For all ages, both sexes and for both unfit and fit participants, injury rates for archery were second only to fishing among 14 sporting activities (Table 2). The injury rates estimated for girls were about 80 percent of the rates for boys for all sports and across all age groupings. In addition, injury rates for unfit participants were about twice the injury rates for fit participants. Injury rates for archery averaged 5 to 20 times lower than for all other sporting activities including badminton, tennis, soccer and golf.

Table 2. Sportscover's estimated 2004 sports participation injury rates per 1,000 participants. The values shown are for unfit individuals. Youths rated as fit are injured half as often as unfit participants and that trend holds for all ages and sports.

	Unfit					
	0-10 Years Old		11-16 Years Old		17-20 Years Old	
					Female	Male
Ice Hockey					99.00	99.00
Football					80.24	98.00
Baseball					40.80	51.00
Golf					35.36	44.20
Inline Skating					27.20	34.00
Soccer					27.20	34.00
Tennis					24.48	30.50
Softball					23.12	28.90
Volleyball					21.76	27.20
Basketball					20.40	25.50
Badminton					18.32	20.40

Drew Heuertz, PE/Health Teacher
East Jessamine Middle School, Nicholasville, Kentucky

ARROWSPORT

SPORTS INJURIES FOR SENIOR CITIZENS

SPORTS INJURIES FOR SENIOR CITIZENS

Archery's safety record also stands out when analyzing sports-related injuries of senior citizens. In 1996, the U.S. Consumer Product Safety Commission* released a report on sports-related injuries for people ages 65 and older. The report lists the 13 sports and activities with the highest number of reported injuries, and archery did not make the list.

Table 3. Estimated sports related injuries to persons 65 years or older for 1996. The list includes sports with 500 or more reported cases. NOTE: ARCHERY WAS NOT LISTED.

Bicycling	
Exercise Activity/Weightlifting	
Golf & Golf Carts	
Snow Skiing	
Fishing	
Tennis	
Swimming/Diving	
Bowling	
Skating	
Baseball/Softball	
All Terrain Vehicles	
Horseback Riding	
Basketball	
TOTAL*	



* The total includes all sports for which injuries were reported, including those with less than 500 cases which were not included in the list.

Mark Miller, Past President
USA Archery/International Archery Junior Development Chair, Naperville, Illinois

Dave Bagley, School Superintendent
Antwerp Schools, Paulding County, Ohio

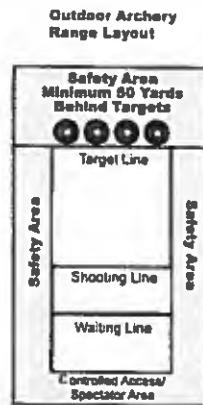
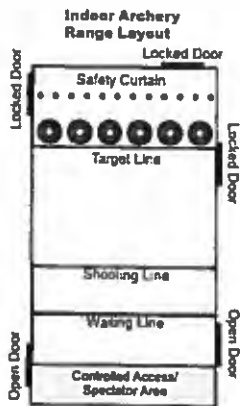
INSIGHT

ARCHERY RANGE LAYOUT

Archery Range Layout

Archery is safe because, as a shooting sport, the field of play – or range – is designed with safety in mind

- For indoor ranges, arrow safety curtains are hung no further than 3 feet behind the archery targets across the full length of the target line. No one is allowed behind the safety curtain while shooting is in progress. All doors in the general shooting area are closed and warning signs are posted outside the doors where archery practice is in progress. Doors behind the target line are locked or temporary barriers are used as a warning signal.
- For outdoor ranges, all shooting occurs away from any area where people might be. Signs and safety tape lines are used to keep people at a safe distance from the archers.
- A shooting line is established at least 10 to 20 feet in front of the targets. On outdoor ranges, archers may be as much as 15 to 20 yards in front of the targets. Archers are spaced about 6 feet apart on a shooting line when they are shooting.
- A waiting line is used for those archers waiting their turn to shoot. The waiting line is at least 10 feet behind the shooting line. The waiting line is usually where the equipment is held or set in safe, non-shooting positions. All archers stand along and behind this line while not shooting.
- A target line is set 3 feet from the front of the targets and is the distance from which archers score their arrows.



Schyler Jones, Public Relations Coordinator
Board of Education McCreary County, Ohio

ARROWSPORT

HOW TO START A SAFE ARCHERY PROGRAM

HOW TO START A SAFE ARCHERY PROGRAM

For information about archery programs, go to ARCHERYSEARCH.COM

ArcherySearch.com will help you

- locate your closest retailer
- locate the local range
- locate the closest club
- find the nearest certified instructor

ArcherySearch.com will also link you to sites that will guide you through starting an archery program or help you become a certified instructor.

To obtain this publication
or for questions contact:

ArrowSport
304 Brown Street E
PO Box 258
Comfrey, MN 56019
(866) 266-2776
www.arrowsport.org

REFERENCES

1. National Electronic Surveillance System
US Consumer Product Safety Commission, Washington, D.C. 20207-0001
(301) 504-7923, www.cpsc.gov/library/neiss.html
2. National Safety Council
1121 Spring Lake Drive, Itasca, IL 60143-3201
(630) 285-1121, www.nsc.org
3. SGMA International
1150 17th Street North #850, Washington, D.C. 20036
(202) 775-1762, www.sgma.com
4. Francis L. Dean & Associates
1776 South Naperville Road Bldg. B, PO. Box 4200, Wheaton, IL 60189
(800) 745-2409, www.fdean.com
Ratings for youth sports are at www.fdean.com/youth_sports_teams_insurance_rates.html
5. Sportscover
52-62 Stud Road, Bayswater, 3153 Melbourne, Australia
61 3 9721 4700 www.sportscover.com
The injury calculator is at www.sportscover.com/calculator.html
6. U.S. Consumer Product Safety Commission
Sports Related Injuries to Persons 65 Years of Age and Older, April 1998
By: Rutherford, George W., Jr. and Schroeder, Thomas J. 14pp

INSIGHT



ADMINISTRATIVE REPORT
June 5, 2017 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council

FROM: Tom Tarkiewicz, City Manager

SUBJECT: PA 425 Conditional Land Transfer with Marengo Township for 1005 East Michigan Avenue

BACKGROUND: The City and Marengo Township has received a request from Eileen Burns, owner of The Hi Lite Cruz In restaurant at 1005 East Michigan Avenue. The restaurant has recently had a septic system failure and desires City sanitary sewer service.

The connection to the City sanitary sewer requires that the property come into the City. The City and Marengo Township will need to hold a public hearing on the proposed PA 425 Conditional Land Transfer and adopt the attached resolution. Marengo Township cooperated with the City in 2004 when the Loves Travel Stop needed utilities through a PA 425. The Township will be given annually three mills of tax revenue.

RECOMMENDATION: It is recommended that the City Council establish a public hearing for June 19, 2017 to hear comments on a PA 425 Conditional Land Transfer with Marengo Township for 1005 East Michigan Avenue.

CITY GOAL CLASSIFICATION:

GOAL AREA I. ECONOMIC DEVELOPMENT

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

FISCAL EFFECTS: Possible fee generation for permitting.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tom Tarkiewicz", is written over a light-colored background.

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

RECEIVED

MAY 31 2017

To Whom This Concerns,

CITY OF MARSHALL

I Am Eileen Burns, Owner of The Hi Lite Cruz In Restaurant in Marshall Mich. I am Writing to Request a PA425 land Transfer so as to Hook Up to the Existing Sewer Line. I was Advised By Alec E. the Waste Water Supervisor to Write a Letter so We Can Hook Up Asap.. As our Drywell is Failing Slowly .. And Wish to Accomplish This Asap.. Thanks for Your Consideration.

Regards,



Eileen Burns

**The Hi Lite Cruz In
1005 E. Michigan Ave.
Marshall, Mi. 49068**

269-209-7775

269-962-6661

**CITY OF MARSHALL - TOWNSHIP OF MARENGO
CONTRACT FOR CONDITIONAL TRANSFER OF PROPERTY
(The Hi Lite Cruz In)**

The Agreement made on the ___ day of _____, 2017 between the City of Marshall, a Michigan municipal corporation, 323 West Michigan Avenue, Marshall, Michigan 49068 (the "CITY") and the Township of Marengo, a Township duly organized under the laws of the State of Michigan, and existing in Calhoun County, Michigan, having offices at 13995 23 Mile Rd., Albion, Michigan 49224 (the "TOWNSHIP").

WHEREAS, the provision of municipal services by the CITY to the Property described below would further the economic well-being of both the CITY and the TOWNSHIP and increase the probability of additional development of the Property; and

WHEREAS, the only feasible way to provide municipal services to the Property appears to be through an agreement between the TOWNSHIP and the CITY whereby the Property will come under the jurisdiction of the CITY; and

WHEREAS, the TOWNSHIP and the CITY wish to cooperate to encourage economic development for the area of the Property, enhance the financial stability for both the TOWNSHIP and CITY and further the public safety and welfare of the residents of the CITY and TOWNSHIP; and

WHEREAS, the parties have each conducted a public hearing to receive input on the proposed transfer of Property;

NOW THEREFORE, by authority of Act 425 of the Public Acts of 1984 and in consideration of the premises, covenants and conditions hereinafter set forth, the parties agree as follows:

1. The TOWNSHIP consents to the transfer to the CITY of a certain parcel of real estate and improvements thereon located in Marengo Township, Calhoun County, Michigan, and described on the **Exhibit A** attached hereto (the "Property").

2. The CITY agrees to accept the transfer of the Property as described, for all purposes allowed under Public Act 425 of 1984, as amended; and to make available municipal services to the Property.

3. The transfer of the Property contemplated by this Agreement shall occur at midnight on July 1, 2017. This Agreement shall remain in full force and effect for a period of approximately forty nine (49) and 1/2 years and from the date of transfer and shall terminate on December 30, 2066.

4. Following transfer, and during the term of this Agreement, the CITY shall have full jurisdiction over the Property; subject to the following limitations:

A. The CITY recognizes the need to afford reasonable protection to the adjacent and contiguous property remaining in the TOWNSHIP. Therefore, to achieve that end, the TOWNSHIP Board shall have the power to veto decisions made by the CITY at all levels relating to zoning changes and variances affecting any parcel of the transferred Property which

is adjacent and contiguous to property remaining in the TOWNSHIP. The CITY shall notify the TOWNSHIP in writing at least 30 days in advance of any hearing regarding any proposed zoning changes and variances affecting any parcel of the transferred Property which is adjacent and contiguous to property remaining in the TOWNSHIP. After a decision is made to change zoning or to change variances, CITY shall notify TOWNSHIP in writing with the specific details of the proposed changes. TOWNSHIP shall have 60 days after notification to either veto or approve said zoning changes and variances.

5. The CITY and the TOWNSHIP agree that the CITY shall have the authority to assess and collect ad valorem taxes, real and personal, on the Property and any improvements thereon during 2018 and for the remainder of the term of this Agreement. The TOWNSHIP shall have the authority to assess and collect ad valorem taxes, real and personal, on the Property and any improvements thereon during calendar year 2017.

The CITY and TOWNSHIP further agree that, commencing in calendar year 2018 and continuing through 2066, all such taxes that the CITY collects for its own general operating fund purposes only, and which are attributable to the Property shall be shared between the CITY and the TOWNSHIP as follows:

A. The TOWNSHIP shall receive the equivalent of 3 mil(s) of the CITY's property tax operating levy, on the taxable value of the Property for the taxable year as established by the CITY, subject to any subsequent adjustments resulting from tax appeals. The CITY shall transmit the TOWNSHIP's share of such revenues annually on or before thirty (30) days after receipt of same.

6. Except as provided in Paragraph 7, upon expiration of this Agreement, if the Property is contiguous with the CITY, jurisdiction of the Property shall pass to the CITY and the TOWNSHIP will have no further rights or interest in the Property. Except as provided in Paragraph 7, upon expiration of this Agreement, if the Property is not contiguous with the CITY, the TOWNSHIP and the CITY agree to renew this Agreement for an additional 50 years with the same terms as provided herein. For purposes of this Agreement, the term "contiguous with the CITY" shall mean that any portion of any boundary of the Property shall be immediately adjacent to property that is within the City Limits of the City of Marshall. The existence of a roadway or railway right-of-way, stream or river or other similar features between the boundary of the Property and the City Limits of the CITY shall not make the Property outside of the definition of "contiguous with the CITY".

7. In the event the CITY shall not share tax revenues from the Property as provided in Paragraph 5 or shall breach any other provision of this Agreement, the TOWNSHIP shall be entitled to terminate this Agreement, whereupon jurisdiction of the Property shall revert to the TOWNSHIP.

8. Insofar as and to the extent that any paragraph or part of this Agreement may be contrary to the public policy or law, then such paragraph or part thereof, except Paragraphs 1 through 3 or any part thereof, shall be deemed severed and stricken from this contract and all remaining paragraphs and parts thereof of this contract shall be fully enforceable.

9. Within fifteen (15) days of execution of this contract, the City Clerk shall file a duplicate original of this contract with the Calhoun County Clerk, the Michigan Secretary of State and the Calhoun County Register of Deeds.

WITNESSES:

CITY OF MARSHALL

BY: _____
Trisha Nelson
Its: Clerk

BY: _____
Thomas Tarkiewicz
Its: City Manager

WITNESSES:

MARENGO TOWNSHIP

BY: _____
Duane Shrontz
Its: Supervisor

BY: _____
Doreen VanSickle
Its: Clerk

EXHIBIT A

LEGAL DESCRIPTION FOR (Hi-Lite Cruz-In Diner) TAX PARCEL #15-308-015-00

ADDRESS (as listed on deed): 1005 & 1005 1/2 East Michigan Ave.

OWNER: Eileen Burns

Land situated in the Township of Marengo, County of Calhoun, State of Michigan, described as follows:

Beginning at a Consumers Power Company 2 inch iron pipe monument marking the intersection of the Southeasterly line of the Marshall to Duck Lake Highway with Northerly line of the Consumers Power Company 33 foot width right-of-way adjoining the Northerly line of the US-12 Highway; thence North 48 degrees 50 minutes East, magnetic, along Southeasterly line of said Marshall to Duck Lake Highway, 212.00 feet to a 1-inch iron pipe; thence South 28 degrees 54 minutes East, 90.08 feet to a 1-1/4 inch iron pipe on the Northerly line of the said Consumers Power Company right-of-way; thence South 73 degrees 22 minutes West, along the right-of-way line, 212.00 feet to point of beginning and all lying on the Southeast 1/4 of the Southwest 1/4 of Section 19 and the Northeast 1/4 of the Northwest 1/4 of Section 30, Town 2 South, Range 5 West, Marengo Township, Calhoun County, Michigan.

ALSO, a strip of land in the North 1/2 of the Northwest 1/4 of Section 30, Town 2 South, Range 5 West, beginning on the Southeasterly line of Duck Lake Road, (formerly Rice Creek Road) at a point 2 rods Northerly (measured at right angles) from the Northerly line of Territorial Road; running thence Northeasterly parallel with the Northerly line of said Territorial Road and 2 rods distant therefrom, 212 feet; thence South 28 degrees 54 minutes East to the Northerly line of said Territorial Road; thence Southwesterly along the Northerly line of said Territorial Road to the center of said Duck Lake Road; thence Northeasterly along said centerline to a point 2 rods Northerly (measured at right angles) from the Northerly line of said Territorial Road; thence Northerly parallel with the Northerly line of said Territorial Road to the place of beginning.

Tax Parcel Number: 13-16-308-015-00

Marshall City Council, Work Session
Monday, May 15, 2017
Unofficial

IN A WORK SESSION held Monday, May 15, 2017 at 6:00 P.M. in the Training Room of Town Hall, 323 West Michigan Avenue, Marshall, MI, the Marshall City Council was called to order.

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

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

Absent: Council Members McNeil and Schurig.

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

Adjourned at 6:50 PM.

Jack Reed, Mayor

Trisha Nelson, Clerk

CALL TO ORDER

IN REGULAR SESSION Monday, May 15, 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, Metzger, Mayor Reed, and Williams.

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: Council Members McNeil and Schurig.

Moved Williams, supported Costa, to excuse Council Members McNeil and Schurig. On a voice vote – **MOTION CARRIED.**

INVOCATION/PLEDGE OF ALLEGIANCE

Brandon Crawford of Grace Baptist Church gave the invocation and Mayor Reed led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Metzger, supported Caron, to approve the agenda with the addition of item 8B. Marshall Carriage Company and 12D. Transfer of Property to EDC or LDFA. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

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

- A. Authorize the City Clerk to submit a grant application to the Secretary of State for the purchase of a new voting system;
- B. 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 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 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 a public hearing for Monday, June 5, 2017 to hear public comment on the recommended changes to the Sign Ordinance;
 - F. 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. 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. Adopt the resolution regarding repurchase of substation facilities from MSCPA;
 - I. Minutes of the City Council Regular Session held on Monday, May 1, 2017;
 - J. Approve city bills in the amount of \$ 286,937.11.

On a roll call vote – ayes: Caron, Costa, Metzger, Mayor Reed, and Williams; nays: none. **MOTION CARRIED.**

PRESENTATIONS AND RECOGNITION

A. Eagle Scout Awards:

Mayor Reed acknowledged Calvin Smith on the occasion of earning Eagle Scout rank in the Boy Scouts of America.

B. Marshall Carriage Company:

Dennis McKeen spoke regarding his recent purchase of the Marshall Carriage Company and the exciting new things planned for the business this year.

INFORMATIONAL ITEMS

A. Event Report – 3rd Annual Ride of Silence:

Chief Schwartz provided an event report for the Ride of Silence.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Fiscal Year 2018 Budget Adoption:

City Manager Tarkiewicz provided background regarding the budget process and outlined some details of the FY 2018 Budget.

Mayor Reed opened the public hearing to hear comment regarding the FY 2018 Budget.

Dave Phaner of 354 N. Marshall Avenue has been following the budget process closely and feels that there may be a need to raise taxes in order to help with a solution. The City of Marshall needs full-time Police and Fire Departments.

Hearing no further comment, the hearing was closed.

Moved Williams, supported Metzger, to approve the Fiscal Year 2018 budget and related property tax millage rates. On a roll call vote – ayes: Costa, Metzger, Mayor Reed, Williams, and Caron; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN
RESOLUTION #2017-10

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:

<u>GENERAL FUND REVENUES</u>	
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

<u>GENERAL FUND EXPENDITURES</u>	
City Council	\$3,507
City Manager	166,944

Marshall City Council, Regular Session
Monday, May 15, 2017
Unofficial

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.

	PROPOSED FY 2018	ACTUAL FY 2017	DIFFERENCE
General	17.1629	17.1629	0.0000
Operating 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	21.1544	20.6991	0.4553

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

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

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

Moved Metzger, supported Williams, to approve the proposed FY2018 wages for the Administrative Officials, Department Heads, and Salaried personnel as presented. On a roll call vote – ayes: Williams, Caron, Costa, Metzger, and Mayor Reed; nays: none. MOTION CARRIED.

B. Personnel Policy Manual Amendments:

Moved Williams, supported Metzger, to approve the proposed changes to the Personnel Policy Manual with the correction of leaving the word "written" in section 7.02: Disciplinary Action. On a voice vote – MOTION CARRIED.

C. Schedule Public Hearing – Medical Marihuana:

Moved Metzger, supported Caron, to schedule a public hearing for Monday, June 5, 2017 to hear public comment on a proposed Michigan Medical Marihuana Facilities Licensing Act Ordinance. On a voice vote – MOTION CARRIED.

D. Transfer of Property to EDC or LDFA:

Moved Costa, supported Williams, to accept the first reading of the resolution to transfer property to the Economic Development Corporation or Local Development Finance Authority and to hold the second reading of the resolution on June 5, 2017. On a voice vote – MOTION CARRIED.

APPOINTMENTS/ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

COUNCIL AND MANAGER COMMUNICATIONS

ADJOURNMENT

The meeting was adjourned at 8:15 p.m.

Jack Reed, Mayor

Trisha Nelson, City Clerk

APPROVAL LIST FOR CITY OF MARSHALL
 EXP CHECK RUN DATES 06/08/2017 - 06/30/2017
 UNJOURNALIZED
 OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
9944380680	AIRGAS USA LLC	CYLINDER RENTAL		108.15
2097	ALL RELIABLE SERVICES	(2017 ELECTRIC LINE CLEARANCE; PER CONTRA 2017.283		3,955.20
2083	ALL RELIABLE SERVICES	(2017 ELECTRIC LINE CLEARANCE; PER CONTRA 2017.283		3,460.95
2113	ALL RELIABLE SERVICES	(2017 ELECTRIC LINE CLEARANCE; PER CONTRA 2017.283		3,662.01
87633	ALL-TRONICS INC	PROGRAMMED SYSTEM CHANGES		282.00
15-521541	ARROW UNIFORM	CUST #010198-01		27.47
15-527886	ARROW UNIFORM	CUST #010198-01		27.47
15-527891	ARROW UNIFORM	CUST #010198-04		55.42
15-521546	ARROW UNIFORM	CUST #010198-04		55.42
15-521549	ARROW UNIFORM	CUST #010198-05		30.02
15-521548	ARROW UNIFORM	CUST #010198-06		41.43
15-527894	ARROW UNIFORM	CUST #010198-05		30.02
15-527893	ARROW UNIFORM	CUST #010198-06		41.43
15-521544	ARROW UNIFORM	CUST #010198-02		77.25
15-527889	ARROW UNIFORM	CUST #010198-02		54.25
15-527892	ARROW UNIFORM	CUST #010198-03		153.28
15-521547	ARROW UNIFORM	CUST #010198-03		153.28
249344	ASPEN WIRELESS	EQUIPMENT FOR FIBERNET HEADEND	2017.286	68,290.00
CREDIT	AUTO VALUE MARSHALL	INVCs WERE VOIDED OR WERE PAID IN CASH P		(1,631.25)
225-413078	AUTO VALUE MARSHALL	MAX POWER CAR WA		6.59
225-412207	AUTO VALUE MARSHALL	OIL FILTER		31.76
225-412872	AUTO VALUE MARSHALL	AIR FILTER CREDIT		(87.01)
225-409837	AUTO VALUE MARSHALL	LED SST LAMP		60.46
225-409629	AUTO VALUE MARSHALL	HOOP II XP4		92.99
225-409329	AUTO VALUE MARSHALL	T-BOLT CLAMP		9.87
225-408836	AUTO VALUE MARSHALL	PQ SEMI MET PADS		55.79
225-409648	AUTO VALUE MARSHALL	MICRO-V BELTS		30.89
225-410227	AUTO VALUE MARSHALL	MINI LAMP		3.86
225-412577	AUTO VALUE MARSHALL	L&G BATT 350CCA		54.99
225-412523	AUTO VALUE MARSHALL	SEMI FLAT BLACK		13.18
225-412499	AUTO VALUE MARSHALL	STEEL WELD EPOXY		2.79
225-411871	AUTO VALUE MARSHALL	WIRE ACCESSORIES		6.38
225-412100	AUTO VALUE MARSHALL	OIL FILTER, 5W30, SUPER HP030		94.84
225-412178	AUTO VALUE MARSHALL	CONTOUR OE		30.98
225-412177	AUTO VALUE MARSHALL	5W30, OIL FILTER		63.89
225-412242	AUTO VALUE MARSHALL	OIL FILTER, 5W30		63.89
225-412345	AUTO VALUE MARSHALL	DUAL BEAM HEADLIGHT		10.29
225-412438	AUTO VALUE MARSHALL	SEVERE DUTY PADS		46.99
112042	B S & A SOFTWARE	TAX, DEL PP, ASSESSING, MISC REC, INVENT		3,860.00
2739018	BESCO WATER TREATMENT	50LB DURA CUBE DEL		60.25
2737207	BESCO WATER TREATMENT	50LB DURA CUBE DEL		72.05
89269	BOSHEARS FORD SALES IN	2009 FORD BUS		167.96
89467	BOSHEARS FORD SALES IN	BODY DAMAGE REPAIR 2016 IMPALA #118	2017.297	2,069.05
700003456-0517	BRONSON HEALTHCARE GRO	SLABY		55.00
900004646	BSN SPORTS	STRIPING PAINT, PITCHERS PLATE		277.86
69562	BUDGET DRAIN CLEANING	ROOF VENTS CLEANED OUT		425.00
69536	BUDGET DRAIN CLEANING	JETTED MAIN LINE FROM CLEANOUT IN HALLWA		190.00
100397	CARR BROTHERS & SONS	2NS WASHED SAND		163.60
100621	CARR BROTHERS & SONS	SCREEN TOPSOIL		296.10
3454	CB HALL ELECTRIC COMPA	COMPOST CENTER SERVICES		1,220.00
3455	CB HALL ELECTRIC COMPA	WATER DEPT RELAY		215.00
417048A	CENTRAL PARTS WAREHOU	SICCHARLYN 2.8 CU IN 1/4 G/N 7/8-14 O/R		278.49
3482	COMPREHENSIVE EMISSION	TESTING OF 3 GENERATORS- 1 TRAVEL TRIP -2017.177		10,800.00
5048	CONSTANTINE TURF FARM	TURF		200.00
41011-3	CRANE LAND SURVEYING,	BOUNDARY SURVEY-PRATT AVENUE - CHANGE OR		750.00
41100	CRANE LAND SURVEYING,	BOUNDARY SURVEY WITH SKETCH		750.00
93874	CRT, INC	SWITCH 5PORT GIGABIT UNMANAGED, CABLE CA		129.00
93854	CRT, INC	HUB 4PORT USB3		70.00
53449182	CRYSTAL FLASH MARSHALL	PREM NL E10		1,333.52
53330631	CRYSTAL FLASH MARSHALL	DYED DIESEL FUEL		748.63
141481	D & D MAINTENANCE SUPP	CLEANING SERVICES AT PUBLIC SERVICES BUI 2017.057		1,664.00
141480	D & D MAINTENANCE SUPP	DPW JANITORIAL SERVICES - MAY		173.33
141482	D & D MAINTENANCE SUPP	PARKS - JANITORIAL SERVICE - MAY		355.00
506199	DARLING ACE HARDWARE	RUBBER PADS FOR CHAIR LEGS		11.96
505555	DARLING ACE HARDWARE	DRILL BITS		29.24
505402	DARLING ACE HARDWARE	SPRAY PAINT		14.36
506272	DARLING ACE HARDWARE	CEMETERY FLOWERS FOR 2017 AS QUOTED	2017.269	1,400.05
506163	DARLING ACE HARDWARE	TUBE HEAT SHRINK		5.98
506000	DARLING ACE HARDWARE	GRASS SEED		64.99
506367	DARLING ACE HARDWARE	2017 DOWNTOWN PLANTER SPRING/SUMMER FLOW 2017.274		960.00
505990	DARLING ACE HARDWARE	EPA DIESEL CAN		21.99
506355	DARLING ACE HARDWARE	GREAT STUFF POND & STONE, CHLOR TABS		204.96
506258	DARLING ACE HARDWARE	5 LB SUPERCUT LINE		52.95
506783	DARLING ACE HARDWARE	PLUMBING SUPPLIES		0.96
506719	DARLING ACE HARDWARE	NUTS, BOLTS, FASTENERS		0.54
58079	DETROIT SALT COMPANY	ROAD SALT	2017.296	9,256.67
INV32588	DORNBOS SIGN INC	BROOKS NATURE SIGN		215.40
4900538	ERADICO PEST SERVICES,	PEST CONTROL AT MH		65.00
MIBAT245242	FASTENAL COMPANY	SUPPLIES		87.75

APPROVAL LIST FOR CITY OF MARSHALL
 EXP CHECK RUN DATES 06/08/2017 - 06/30/2017
 UNJOURNALIZED
 OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
18010	FERGUSON WATERWORKS	#3 ARMS ST HYDRANT		340.00
218048	FIRE EXTINGUISHER SERV	ANNUAL EXT SERVICE - AIRPORT		9.00
218307	FIRE EXTINGUISHER SERV	EXTINGUISHER SRVCS @ CITY GARAGE		93.50
218303	FIRE EXTINGUISHER SERV	CITY GARAGE		120.00
218192	FIRE EXTINGUISHER SERV	MARSHALL COMMUNITY FOUNDATION		46.00
1044160	FIRST ADVANTAGE	APRIL SERVICES		55.00
17-04201	GARAGE DOORS UNLIMITED	TEAR DROP PROX TAGS		198.86
17-02242	GARAGE DOORS UNLIMITED	619 HOMER RD		99.00
111022317	GLOBAL EQUIPMENT COMP	AHAND MODEL TALLY COUNTER		17.25
20170272	GRP ENGINEERING INC	ENGINEER LEVEL 2 - ELECTRICAL		281.86
18651896	GUARDIAN ALARM	CITY HALL, MRLEC SERVICES 05/08/17--05/0		2,207.40
5387	HAVENAAR'S GREENHOUSE	WEEKENDER PRE-FINISHED PLANTERS		795.50
665782	HD SUPPLY POWER SOLUTI	CHECK #665782 RECEIVED 05/15/17		400.00
78513	HERMANS MARSHALL HARDW	ZIP TIES, FENCE POSTS		17.97
79498	HERMANS MARSHALL HARDW	YARD BAGS		19.58
78521	HERMANS MARSHALL HARDW	WHEEL		69.99
78528	HERMANS MARSHALL HARDW	TAPCON		6.49
78526	HERMANS MARSHALL HARDW	20V LITHIUM DEWALT, DRILL		200.00
78548	HERMANS MARSHALL HARDW	STRAPS, TAPE		15.97
78510	HERMANS MARSHALL HARDW	CLAMP, HANGER, SILICONE, HH GRDS, NUTS		37.77
78592	HERMANS MARSHALL HARDW	CLAMP, 50 CORD		60.28
79212	HERMANS MARSHALL HARDW	STEEL WOOL, SUPER GLUE, 2 GALLON ?		24.27
17186	HUNTER PRELL COMPANY	CITY HALL REPAIR & RPLC LEAKING PIPES		1,035.00
17245	HUNTER PRELL COMPANY	RECONSTRUCTION OF ARMS STREET	2017.249	82,828.58
42657-IN	HYDROCORP	CROSS CONNECTION CONTROL PROGRAM		395.00
051617	ISAAC & SONS	FLOODED HALLWAY		495.00
1587	J & K PLUMBING SUPPLY	O-RING		2.25
1582	J & K PLUMBING SUPPLY	COUP PVC 1"		0.56
7083	JACKSON PUBLISHING CO	SENIOR PREFERENCES 2017 SW MICHIGAN		25.00
125	JOHN D BRUNDAGE & JOHN	ORDINANCE PROSECUTION		9,669.00
1068818	JOHNSON, ROSATI, SCHUL	GENERAL MATTERS		1,575.00
59	JUSTICE FENCE	RIVERWALK SUPPLIES		388.50
55	JUSTICE FENCE	ELECTRONIC GATE AND FENCE FOR COMPOST CE	2017.295	7,165.00
31251	LAKELAND ASPHALT CORPO	BITUMINOUS AGGREGATES		179.40
31273	LAKELAND ASPHALT CORPO	BITUMINOUS AGGREGATES		339.56
31286	LAKELAND ASPHALT CORPO	BITUMINOUS AGGREGATES		117.00
31183	LAKELAND ASPHALT CORPO	BITUMINOUS AGGREGATES		473.72
31206	LAKELAND ASPHALT CORPO	BITUMINOUS AGGREGATES		274.04
31199	LAKELAND ASPHALT CORPO	BITUMINOUS AGGREGATES		220.48
31221	LAKELAND ASPHALT CORPO	BITUMINOUS AGGREGATES		324.48
31315	LAKELAND ASPHALT CORPO	BITUMINOUS AGGREGATES		108.68
111649	LARRY'S FLOOR COVERING	UNIT 208 KITCHEN FLOORING	2017.288	629.00
111650	LARRY'S FLOOR COVERING	UNIT #208 BATHROOM FLOORING	2017.288	482.60
111768	LARRY'S FLOOR COVERING	UNIT 208 FLOORING	2017.288	1,588.34
1043740	LEGG LUMBER	BLACKTOP PATCH CREDIT, GRAVEL MIX		(15.00)
12633, 12645, 12666	LEWEY'S SHOE REPAIR	JOHNSON, HAZEL, STRAND - BOOT ALLOWANCES		530.00
12	M.C. SMITH ASSOCIATES	ELEVATOR MODERNIZATION	2016.200	675.00
5960C11831	MARSHALL MEDICAL ASSOC	FINNEY, REEN		77.00
MAR3516	MARSHALL TIRE CITY	DART 11		657.60
MAR3506	MARSHALL TIRE CITY	2016 FORD EXPLORER		269.98
MAR3492	MARSHALL TIRE CITY	2015 FORD EXPLORER		1,079.92
MAR3626	MARSHALL TIRE CITY	2010 CHEVY DART13 REPAIRS		1,911.60
7908	MARSHALL WELDING & FAB	RPLC VAC TUBE ON VACTOR TRUCK		1,161.50
X105005816:01	MIDWEST TRANSIT EQUIP	DOOR TRIM		449.86
X105005916:01	MIDWEST TRANSIT EQUIP	SWITCH		66.40
8389204	MML WORKERS' COMP FUND	POLICY # 5550390-17		74,944.00
7200	MODERNISTIC	WATER EXTRACTION APTS #303 & #304		130.00
91664957	MSC INDUSTRIAL SUPPLY	HARD HAT SWEATBANDS		37.80
93930397	MSC INDUSTRIAL SUPPLY	SAFETY VEST - DELAPAS		35.32
474541	NAPA OF MARSHALL	SOCKETS		8.44
604295	NYE UNIFORM COMPANY	GORETEX JACKET		378.47
604286	NYE UNIFORM COMPANY	CARGO PANT		107.45
604302	NYE UNIFORM COMPANY	CARGO PANT		98.50
604303	NYE UNIFORM COMPANY	CARGO PANT		98.50
604296	NYE UNIFORM COMPANY	DUTY BELT		49.50
2017-22	OERTHERS	50# ALL-PURPOSE GRASS, MILORGANITE		238.79
2017-16	OERTHERS	DOG FOOD - BINGO		105.78
850514	OFFICE 360	SOAP		59.15
840245	OFFICE 360	COLORED PAPER		32.17
851145	OFFICE 360	RPT COVER		132.55
841637	OFFICE 360	ENVS, MARKERS, PENS, STENO BOOK, LTR POU		101.28
1733	PALM TEES	YOUTH SOFTBALL & BASEBALL T-SHIRTS		1,184.00
56144973	POWER LINE SUPPLY	SCREW LAG		127.50
56142825	POWER LINE SUPPLY	ANTI-SWAY BRACKETS		1,105.11
56144972	POWER LINE SUPPLY	ELECTRIC METERS - FOCUS 2S OUR STOCK M6	2017.287	3,322.22
56142816	POWER LINE SUPPLY	CLAMP GROUND ROD		131.75
56144640	POWER LINE SUPPLY	1000' HENDRICKS #4 SOLID COPPER TAP WIRE	2017.237	2,380.00
285771	PRINTLINK	LANKRD - BUSINESS CARDS		46.70
11705073222	REALPAGE INC	ANNUAL FEES LEASING AND RENTS/ EXPANDED	2017.301	2,576.65

06/01/2017 01:34 PM
User: ctanner
DB: Marshall

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 06/08/2017 - 06/30/2017
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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
INV820468	RESIDEX	MARKING CHALK		525.00
17-0311	SERVICEMASTER OF KALAM.	PREP FOR BED BUG TREATMENT		480.00
112610	SHAHER REDI-MIX INC	LIMESTONE		758.10
248475	SLC METER LLC	VALVE BOX RISERS, RPLCMNT INSERT		1,304.52
22241	STANDARD PRINTING & OF	DELIVERY FOR UTILITY BILLS		7.00
200203	STANLEY LAWN & GARDEN	AIR FILTERS, .095 5LBS BLK DMND LN		68.37
1190135	STANTEC CONSULTING MIC	DISPOSITION STUDY FOR FERRIN DAM- COST P 2017.186		21,051.80
8044330148	STAPLES ADVANTAGE	HAND SOAP, MARKERS, BATTERIES, STICKIES,		135.39
3330365232A	STAPLES ADVANTAGE	CREDIT TAKEN TWICE IN ERROR		18.30
052217	STEPHEN T DEAN	BRICK REPAIR AT GRAND STREET PARK MURAL 2017.265		3,860.00
4349	THATCHER AUTO ELECTRIC	STARTER		110.00
530350817	UTILITIES INSTRUMENTAT	SERVICES RE UPGRADE RELAYING AT PEARL ST 2016.306		19,916.00
586440	WESCO	UTILITY POLES		9,657.81
45363	WEST MICHIGAN LAWN SER	'SPRINKLER SYSTEM STARTUP AT MH		303.47
GRAND TOTAL:				384,106.99



MICHIGAN SOUTH CENTRAL POWER AGENCY

720 HERRING ROAD • LITCHFIELD, MICHIGAN 49252
 PHONE (517) 542-2346 • FAX (517) 542-3049
 www.mscca.net

ORIGINAL INVOICE

MARSHALL CITY ELECTRIC DEPARTMENT
 323 WEST MICHIGAN AVENUE
 MARSHALL, MICHIGAN 49068
 Attn: Mr Tom Tarkiewicz

Invoice Date 16-May-17
 Due Date 31-May-17
 Service From 01-Apr-17
 To 30-Apr-17

Peak Demand	16,024 kw			
Total Energy Received	8,272,237 kWh			
Hydro Generation	173,229 kWh			
Net Billing kWh's	8,099,008 kWh			
			Debt Service Costs and Capacity Credits	
<u>Area</u>	<u>Entitlement %</u>	<u>Operating and Maintenance Costs</u>	<u>Debt Service Costs and Capacity Credits</u>	<u>Total</u>
SUBSTATION LOAD COST		249,790 65		249,790 65
MARKET RESOURCE VALUE		(183,847 09)		(183,847 09)
PROJECT I-ENDICOTT	24 0%	52,366 31	-	52,366 31
PROJECT IV	0 0%	-	-	-
PRAIRIE STATE	16 7%	53,779 44	33,862 35	87,641 79
MENOMINEE HYDRO	24 0%	28,823 54	-	28,823 54
OCONTO FALLS HYDRO	24 0%	26,059 11	-	26,059 11
AFEC	16 5%	118,218 91	9,528 92	127,747 83
AMP HYDRO 1	20 9%	(26,326 88)	105,971 38	79,644 50
AMP HYDRO 2 GREENUP	18 4%	(1,415 18)	5,648 55	4,233 37
AMP HYDRO 2 MELDAILL	18 4%	(4,671 28)	18,728 24	14,056 95
AMP SOLAR	0 0%	-	-	-
AMP CONTRACTS	0 0%	-	-	-
AMPGS	0 0%	-	-	-
TRANSMISSION	14 1%	66,160 70		66,160 70
MISO	16 7%	43,497 62		43,497 62
SUBSTATION	34 4%	-		-
ADMINISTRATION	16 4%	36,396 15		36,396 15
MEMBER	100 0%	4,748 11		4,748 11
MEMBER HYDRO	49 8%	-		-
CAPACITY		-		-
RATE STABILIZATION		-		-
TOTAL COST	\$	463,580 11	173,739 44	637,319 55
	\$/kWh	0 05724	0 02145	0 07869
CREDITS	\$	(4,748 11)	-	(4,748 11)
	\$/kWh	(0 00059)	0 00000	(0 00059)
NET COST	\$	458,832 00	173,739 44	632,571 44
	\$/kWh	0 05665	0 02145	0 07810
			Pay this amount	\$ 632,571.44

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

APPROVAL LIST FOR CITY OF MARSHALL
 EXP CHECK RUN DATES 05/12/2017 - 05/12/2017
 UNJOURNALIZED
 OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
269781981505-17	A T & T	269 781-9815 267 0		3,771.64
269781444705-17	A T & T	269 781-4447 749 4		250.51
269781907005-17	A T & T	269 781-9070 573 1		76.19
269789901105-17	A T & T	269 789-9011 599 1		91.47
154651	AD-VISOR & CHRONICLE	APRIL ADS		1,187.59
05/11/2017	ASHBA, TRESSSA	UB refund for account: 2900190035		50.14
05/11/2017	ASSEMBLY OF GOD	UB refund for account: 1602520000		127.49
05/11/2017	BOYCE, JACOB	UB refund for account: 3200540022		45.03
050817	COLE, DEBRA	CDL TEST REIMBURSEMENT		80.00
13	CRONIN BUILDING DEVEL	MEDC CONSTRUCTION FUNDS FOR CRONIN BUIL	2016.139	99,314.09
051017	DEAN, NATALIE	PLANNING & ZONING SRVCS 04/27/17--05/10		1,177.30
041317	FRIEND, LEE	TRAVEL EXPENSE REIMBURSEMENT		10.37
05/11/2017	GARVIN, ALICE	UB refund for account: 2900440028		84.39
05/11/2017	GOLDMAN, JEREMY	UB refund for account: 2900760045		88.13
050417	HERMAN, PAUL	CDL TESTING REIMBURSEMENT		30.00
05/11/2017	HERRICK, BRIANNA & BR	UB refund for account: 1501400007		34.59
05/11/2017	HUROSKY, NORMAN	UB refund for account: 2900050030		19.63
05/11/2017	JEFFERY, SARA & MITCH	UB refund for account: 901340008		120.99
3507-0417	MARSHALL COMMUNITY CU	3507 - MCDONALD		244.08
1004-0417	MARSHALL COMMUNITY CU	1004 - SCHWARTZ		9.41
4868-0417	MARSHALL COMMUNITY CU	4868 - RICE		276.87
M 04-17	MICHIGAN SOUTH CENTRA	NATURAL GAS PURCHASES		2,414.36
040717	MOORE, GARRETT	TRAVEL EXPENSE REIMBURSEMENT		43.11
05/02/17	NELSON, JOAN	DEPOSIT REFUND		288.00
040517	PHILPOTT, ANTHONY	TRAVEL EXPENSE REIMBURSEMENT		104.24
MSC-214047-CDF 6	REVITALIZE LLC	MEDC ADMINISTRATION FEES FOR CRONIN DEV		6,720.00
051017	RYAN, JOHN	COMPENSATION FOR TREES CUT FOR ELECT LI		50.00
05/11/2017	STONE, BILLY JOE	UB refund for account: 1901800000		103.56
042017	SUNDBERG, KIP	SCHOOL LUNCH		11.25
603530120506183905	TRACTOR SUPPLY CREDIT	ACCT #6035 3012 0506 1839		188.89
05/11/2017	TRAHAN, PATRICIA	UB refund for account: 3005340006		76.52
9784958813	VERIZON WIRELESS	ACCT #987146080-00001		795.12
49767163	WEX BANK	ACCT #0470-00-462076-1		7,214.21
05/11/2017	WHEELER, ALLEN	UB refund for account: 2000720009		65.00
10040269-0417	WOW! BUSINESS	ACCT #010040269		509.00
042617	ZEBOLSKY, JOEL	TRAVEL EXPENSE REIMBURSEMENT		10.43
041817	ZEBOLSKY, JOEL	SCHOOL LUNCH		17.50
GRAND TOTAL:				125,701.10

05/19/2017 09:16 AM
 User: ctanner
 DB: Marshall

APPROVAL LIST FOR CITY OF MARSHALL
 EXP CHECK RUN DATES 05/19/2017 - 05/19/2017
 UNJOURNALIZED
 OPEN

Page: 1/1

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
21406436RE	AMERICAN MESSAGING	ON CALL PAGER		9.62
05/17/2017	ANDERSON, KARLA & DOU	UB refund for account: 702230006		28.02
287238047810X05111	AT&T MOBILITY	ACCT #287238047810		71.31
051117	CAIN-DEROUIN, JULIE	TRAINING - PRE EXEMPTIONS		10.00
050217	CALHOUN COUNTY CLERK-	05/02/17 SPECIAL ELECTION		1,484.34
315111717130991	CAPITAL ONE COMMERCIA	ACCT #6004-3004-9900-5848		121.34
05/17/2017	CAPP INVESTMENT LLC	UB refund for account: 2001550034		92.02
2551012285-0517	CHEMICAL BANK SOUTH	HSA ACCT #2551012285 VOSBURG, CHERYL		585.00
05/12/2017	DUNHAM, CAROLYN	ENERGY OPTIMIZATION - LED BULBS		10.00
7018274-0517	EARTHLINK BUSINESS	ACCT #0007018274		68.91
05/12/17	FARMER, STEVE	ENERGY OPTIMIZATION - FURNACE		135.00
051217	IVEY, TERRY	ENERGY OPTIMIZATION - A/C		150.00
051217	JASIENSKI, FRANK	ENERGY OPTIMIZATION - FURNACE		125.00
99007320387-0517	LOWE'S	ACCT #9900 732038 7		65.40
82130231059095-051	LOWES BUSINESS ACCOUN	ACCT #821 3023 105909 5		548.16
7617-0517	MARSHALL COMMUNITY CU	7617 - RAMEY		47.99
9421-0517	MARSHALL COMMUNITY CU	9421 - SEARS		28.77
3431-0517	MARSHALL COMMUNITY CU	3431 - CITY OF MARSHALL		175.54
7681-0517	MARSHALL COMMUNITY CU	7681 - TARKIEWICZ		249.56
S4146356.001	MEDLER ELECTRIC COMPA	PVC COUPLING		48.09
790004405582930705	NEOFUNDS BY NEOPOST	7900 0440 5582 9307		3,000.00
051017	SEARS, THERESA	TRAVEL EXPENSE REIMBURSEMENT		133.45
10040764-0517	WOW! INTERNET-CABLE-P	ACCT #010040764		1,359.82
804881	XEROX FINANCIAL SERVI	COPIER LEASE PAYMENT		1,549.04
GRAND TOTAL:				10,096.37

APPROVAL LIST FOR CITY OF MARSHALL
 EXP CHECK RUN DATES 05/21/2017 - 05/26/2017
 UNJOURNALIZED
 OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
051917	CAIN-DEROUIN, JULIE	CALHOUN COUNTY ASSESSOR MEETING REFRESH		22.58
687	CITY OF MARSHALL	BANNER INSTALLATION		400.00
202517548975	CONSUMERS ENERGY	1000 0759 4680		48.88
205187356547	CONSUMERS ENERGY	1000 6710 1772		16.67
202161584106	CONSUMERS ENERGY	1030 0915 7670		22.86
202784509006	CONSUMERS ENERGY	1030 1352 1119		15.43
205810271229	CONSUMERS ENERGY	1030 1580 0248		96.84
206611055521	CONSUMERS ENERGY	1030 1852 0884		347.94
206611055524	CONSUMERS ENERGY	1030 1852 1130		1,671.17
203941445199	CONSUMERS ENERGY	1000 0916 3971		234.77
203941445198	CONSUMERS ENERGY	1000 0916 3708		35.86
203941445196	CONSUMERS ENERGY	1000 0916 3203		36.50
203941445197	CONSUMERS ENERGY	1000 0916 3435		143.02
205810270815	CONSUMERS ENERGY	1000 7224 3312		116.99
051817	DELAPAS, JOE	SERVICE PARTS		17.95
1469316	GRIFFIN PEST SOLUTION	1201 ARMS ST		42.00
05/25/2017	HENKER, MICHELE	UB refund for account: 1800460011		132.73
05/25/2017	KOVACH, JAMES	UB refund for account: 3005960031		839.70
90	MAGIC MAIDS	MAY CLEANING SERVICES		1,400.00
4868-0517	MARSHALL COMMUNITY CU	4868 - RICE		1,364.03
9156-0517	MARSHALL COMMUNITY CU	9156 - MILLER		855.18
3507-0517	MARSHALL COMMUNITY CU	3507 - MCDONALD		509.91
6996-0517	MARSHALL COMMUNITY CU	6996 - BAUER		1,250.00
052417	MARSHALL TOWNSHIP	VARIANCE APPLICATION FEE - COLLIER FENC		475.00
050917	TROY DEKRYGER	TRAVEL EXPENSE REIMBURSEMENT		15.00
14226414-0417	WOW! BUSINESS	ACCT #014226414		91.14
GRAND TOTAL:				10,202.15

EVENT REPORT

EVENT: 2017 Holiday Chicken BBQ

EVENT LOCATION: Kalamazoo at Michigan Ave

SPONSOR: Oaklawn Hospital & Marshall Chamber

EVENT DATE: Monday, July 4, 2017

EVENT TIMEFRAME: 9:00a – 2:00p

MDOT PERMIT REQUIRED: Yes

MDOT PERMIT GRANTED: Approved

ROAD CLOSURE DETAIL: The roadway will be barricaded off on Michigan Ave. between Grand St. and Sycamore St and on Kalamazoo between Mansion Street and Green Street.

ROAD CLOSURE TIMEFRAME: 9:00a - 2:00p

EVENT CLOSURE DETAIL: The roadway will be closed so that bicycle riders and pedestrians will be able to ride and walk without traffic hazards. The event will have emergency vehicles at the event.

DETOUR DETAIL: Traffic will be detoured to the adjacent local streets..

EVENT DETAIL:

The Chicken BBQ and the Pet, Bike and Wagon Parade are a common place in Marshall every year on the 4th of July. The road will be closed at 9:00am for set up. 10:am the children will parade around the fountain with their pets, decorated bikes and wagons while being judged for prizes. 10:45am the flag raising ceremony begins followed by the Rotary Band playing at 11:00am. Chicken dinners will be served throughout the event.

COUNCIL NOTIFICATION DATE: June 05, 2017.

EVENT REPORT

EVENT: Skeleton Festival

EVENT LOCATION: Throughout Downtown Marshall, including Carver, Peace and Grand Street Parks

SPONSOR: Marshall Area Economic Development Alliance (MAEDA)

EVENT DATES: September 16, 2017 through October 31, 2017

EVENT TIME FRAME: N/A

MDOT PERMIT REQUIRED: No

MDOT PERMIT GRANTED: N/A

ROAD CLOSURE DETAIL: N/A

ROAD CLOSURE TIMEFRAME: N/A

EVENT CLOSURE DETAIL: N/A

DETOUR DETAIL: N/A

EVENT DETAIL:

This event will consist of 30, 5-foot tall latex skeletons in a variety of whimsical poses. These skeletons will be positioned throughout downtown during the Festival dates. MAEDA has requested permission to also place skeletons within Carver, Peace and Grand Street parks. Permission has been granted for use of these parks for this purpose during the festival timeframe. This permission will not restrict any other typical usage of these park areas.

The festival coordinators, MAEDA, have requested permission to possibly place a banner over Michigan Ave. prior to and during the event. They understand that they must cover the \$400 fee for placement of the banner should they choose to have one placed over Michigan Ave.

Northville, Michigan held a similar festival and attracted hundreds of tourists to their downtown, MAEDA hopes a similar event here will attract tourists and thus patrons to the Marshall Area.

COUNCIL NOTIFICATION DATE: June 5, 2017



ADMINISTRATIVE REPORT
JUNE 5, 2017 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members

FROM: Jacqueline Slaby, Director of Community Services
Tom Tarkiewicz, City Manager

SUBJECT: 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 Unit 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.
2. Property can be reasonably used as zoned, but not for his intended use. The building may not be good for industrial.

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

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3. The proposed use is consistent with surrounding land use because this is part of the River District Overlay area. Uses like retail are encouraged.
4. The impact will be mild and it fits in well with the rest of 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: After receiving public input the Planning Commission recommends that City Council approves Zoning Amendment Application #RZ17.02 that hereof rezones of 500 South Kalamazoo Avenue from I-1 (Research and Technical District) to B-4 (Regional Commercial District).

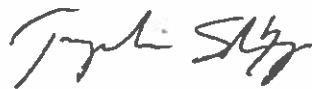
FISCAL EFFECTS: None at this time.

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,



Jacqueline Slaby
Director of Community Services



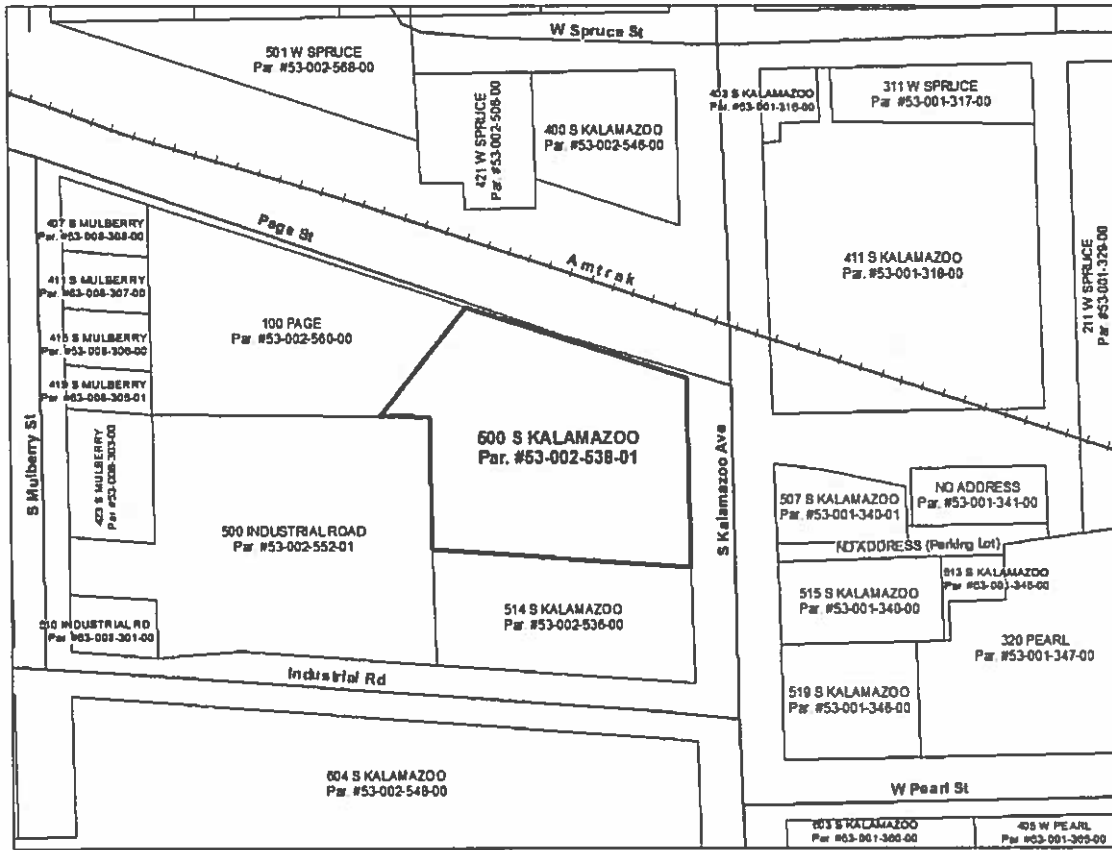
Tom Tarkiewicz
City Manager

**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
JUNE 5, 2017 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members

FROM: Jacqueline Slaby, Director of Community Services
Tom Tarkiewicz, City Manager

SUBJECT: 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 and we have 3 new businesses coming in. 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.

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.

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

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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: After receiving public input the Planning Commission recommends that City Council approves Zoning Amendment Application #RZ17.04 that hereof rezones 417 Locust Street from R-2 (Suburban Residential District) to MFRD (Multi-Family Residential District).

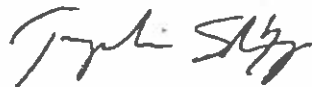
FISCAL EFFECTS: None at this time.

CITY GOAL CLASSIFICATION: GOAL AREA I. ECONOMIC DEVELOPMENT

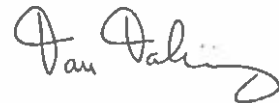
Goal Statement: Sustain and intensify the economic vitality of the Marshall area.
Creative redevelopment of vacant commercial and industrial property.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,



Jacqueline Slaby
Director of Community Services



Tom Tarkiewicz
City Manager

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.

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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.

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Trisha Nelson, CITY CLERK



ADMINISTRATIVE REPORT
JUNE 5, 2017 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members

FROM: Jacqueline Slaby, Director of Community Services
Tom Tarkiewicz, City Manager

SUBJECT: 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

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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 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 eye-sore 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.

The Planning Commission unanimously (0-9) voted to not recommend Zoning Amendment Application #RZ17.03 after considering public input.

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: After receiving public input the Planning Commission recommends that City Council does not approve Zoning Amendment Application #RZ17.03 to rezone 1002 Mann Road from R-2 (Suburban Residential District) to MFRD (Multi-Family Residential District).

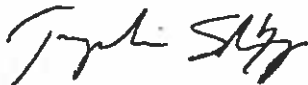
FISCAL EFFECTS: None at this time.

CITY GOAL CLASSIFICATION: GOAL AREA I. ECONOMIC DEVELOPMENT

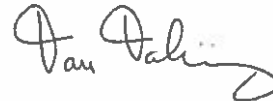
Goal Statement: Sustain and intensify the economic vitality of the Marshall area.
Creative redevelopment of vacant commercial and industrial property.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,



Jacqueline Slaby
Director of Community Services



Tom Tarkiewicz
City Manager

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



**ADMINISTRATIVE REPORT
JUNE 5, 2017 - CITY COUNCIL MEETING**

REPORT TO: Honorable Mayor and City Council Members

FROM: Jacqueline Slaby, Director of Community Services
Tom Tarkiewicz, City Manager

SUBJECT: 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 as long as they 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: After receiving public input the Planning Commission recommends that City Council adopt the changes (outlined above) to the Sign Ordinance.

FISCAL EFFECTS: None at this time.

CITY GOAL CLASSIFICATION: GOAL AREA I. ECONOMIC DEVELOPMENT

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

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Jacqueline Slaby
Director of Community Services

Tom Tarkiewicz
City Manager

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**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
June 5, 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 will be present to assist the Council to amend the draft 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 the letter from the City Attorney presented on May 15th which discusses the ordinance.

A redline/strikeout and a clean copy of the proposed ordinance is attached. The main changes are the removal of the Special Land Use language and removal of the numerical limit on how many growing and processing facilities are allowed in the City.

RECOMMENDATION: After hearing comments at the public hearing, the Council may amend the draft MMMFLA ordinance and possibly adopt.

CITY GOAL CLASSIFICATION: GOAL AREA I. ECONOMIC DEVELOPMENT
Goal Statement: Sustain & intensify the economic vitality of the Marshall area.

FISCAL EFFECTS: Possible fee generation for permitting.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,

Tom Tarkiewicz,
City Manager

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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 and 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 ~~(art. III, § 3.19-20)~~. ~~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~~perimeter.
- (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 be 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 ~~(art. III, § 3.19-20)~~. ~~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 marihuana and transports marihuana 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 ~~(art. III, § 3.19-20)~~. 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 marihuana and marihuana 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 ~~– (art. III, § 3.19-20)~~. 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

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.

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 and 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 safety compliance facility.

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

Grower

The location at which a grower cultivates medical marihuana is a permitted use in the following zoning districts; I-1, and I-2, as provided by and subject to the requirements of the Zoning Ordinance (art. III, § 3.19-20). 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 perimeter.
- (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 be 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 marihuana or creates a marihuana-infused product is a permitted use in the following zoning districts; I-1, and I-2, as provided by and subject to the requirements of the Zoning Ordinance (art. III, § 3.19-20). 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 marihuana 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 marihuana and transports marihuana from is a permitted use in the following zoning districts I-1 and I-2, as provided by and subject to the requirements of the Zoning Ordinance (art. III, § 3.19-20). 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 marihuana and marihuana in-fused products is a permitted use in the following zoning districts; I-1, and I-2, as provided by and subject to the requirements of the Zoning Ordinance (art. III, § 3.19-20). 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



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 Marijuana 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 Marijuana 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.



James L. Dyer

JLD:
cc:

ICLE 2017 Land Use Update Medical Marijuana 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 Marijuana 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.



ADMINISTRATIVE REPORT
June 5, 2017 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council
FROM: Tom Tarkiewicz, City Manager
SUBJECT: Transfer Property to the Local Development Financing Authority or the Economic Development Corporation

BACKGROUND: Some of the land in the Industrial Park has been found to be titled to the City of Marshall. The Economic Development Corporation (EDC) and a Local Development Finance Authority (LDFA) are the appropriate parties to hold real property for economic purposes.

The City has the authority to sell and transfer its ownership interest in real property under Article 7, Section 22 of the Michigan Constitution of 1963, and under Section 4e of Michigan's Home Rule City Act, and Section 2.20 of the City of Marshall Charter, as amended. The City has in the past transferred by deed, property that it held for economic development purposes to its EDC or LDFA, and the City finds it is necessary to confirm or ratify that those transfers were authorized by the City Council pursuant to Charter Section 2.20; and

The City Charter Section 2.20 requires the reading of any resolution to sell real property, with a value that exceeds \$4.00 per capita according to the last official U.S. Census, after two public readings of the resolution at two regularly scheduled meetings of the City Council. The City has determined that the real property commonly known as the L. Alta Brooks Industrial Park parcels 1-5; the Quigley Property and the Lafferty Property as more fully described in the attached Exhibits 1 and 2; is all economic development property that is properly transferred to either the EDC or the LDFA of the City of Marshall, as may be appropriate.

RECOMMENDATION: It is recommended that the City Council adopt the attached resolution to transfer property to the Local Development Financing Authority or the Economic Development Corporation, as appropriate.

CITY GOAL CLASSIFICATION: GOAL AREA I. ECONOMIC DEVELOPMENT
Goal Statement: Sustain & intensify the economic vitality of the Marshall area.

FISCAL EFFECTS: Future revenues from sales.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

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

**RESOLUTION TO TRANSFER PROPERTY TO THE
EDC OR LDFA AS APPROPRIATE**

WHEREAS, the City of Marshall has established an Economic Development Corporation (EDC) and a Local Development Finance Authority (LDFA); and

WHEREAS, from time to time the City of Marshall has acquired real property to establish an industrial park(s) and accumulate real property for economic development purposes; and

WHEREAS, the City has the authority to sell and transfer its ownership interest in real property under Article 7, Section 22 of the Michigan Constitution of 1963, and under Section 4e of Michigan's Home Rule City Act, and Section 2.20 of the City of Marshall Charter, as amended; and

WHEREAS, the EDC and LDFA are the appropriate parties to hold real property acquired by the City of Marshall for economic development purposes; and

WHEREAS, the City has determined that it is in its best interests to transfer ownership of all property that it may hold for economic development purposes to either its EDC or its LDFA; and,

WHEREAS, the City has in the past transferred by deed property that it held for economic development purposes to its EDC or LDFA, and the City finds it is necessary to confirm or ratify that those transfers were authorized by the City Council pursuant to Charter Section 2.20; and

WHEREAS, Charter Section 2.20 requires the reading of any resolution to sell real property, with a value that exceeds \$4.00 per capita according to the last official U.S. Census, after two public readings of the resolution at two regularly scheduled meetings of the City Council; and

WHEREAS, the City has determined that the real property commonly known as the L. Alta Brooks Industrial Park parcels 1-5; the Quigley Property and the Lafferty Property as more fully described in the attached Exhibits 1 and 2; is all economic development property that is properly transferred to either the EDC or the LDFA of the City of Marshall, as may be appropriate.

NOW THEREFORE BE IT RESOLVED, that the Marshall City Council does authorize the transfer by deed of the real property commonly known as the L. Alta Brooks Industrial Park parcels 1-5; the Quigley Property and the Lafferty Property as more fully described in the attached Exhibits 1 and 2, to either the EDC or the LDFA of the City of Marshall, as may be appropriate.

BE IT FURTHER RESOLVED, that the Marshall City Council does hereby consent to, and fully ratify, any past transfers by deed of the real property commonly known as the L. Alta Brooks Industrial Park parcels 1-5; the Quigley Property and the Lafferty Property as more fully described in the attached Exhibits 1 and 2, to either the EDC or the LDFA of the City of

Marshall, or a third party purchaser, as may have been appropriate.

BE IT FURTHER RESOLVED, that the Marshall City Council will schedule a second public reading of this resolution at its next regularly scheduled meeting on June 5, 2017.

BE IT FURTHER RESOLVED, that the City Clerk shall be, and hereby is, authorized for and on behalf of the City of Marshall to execute and deliver any deeds, or other documents necessary or appropriate to carry out this Resolution.

Dated: June _____, 2017

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

Trisha Nelson, City Clerk

EXHIBIT 1

3

Clerk-Register
CALHOUN COUNTY, MICHIGAN
ANNE B. NORLANDER



STATE OF MICHIGAN - CALHOUN COUNTY
RECORDED
12/29/2008 1:01:25 PM
ANNE B. NORLANDER - CLERK/REGISTER OF DEEDS
RECEIPT# 114561, STATION 5
\$20.00 DEED

2008 DEC 28 P 2: 30



LIBER 3224 PAGE 509

FILED

QUIT CLAIM DEED

The Grantor, CITY OF MARSHALL, a Michigan Municipality, whose address is 323 West Michigan Avenue, Marshall, Michigan 49068, quit-claims to THE ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF MARSHALL, a corporation formed pursuant to Act 338 of 1974, whose address is 323 West Michigan Avenue, Marshall, Michigan 49068 the following described premises situated in the County of Calhoun, Township of Fredonia, State of Michigan, is described as follows:

L. Alta Brooks Industrial Park No. 3

A subdivision in the Northwest 1/4 and the Southwest 1/4 of Section 1, Town 3 South, Range 6 West, City of Marshall, Calhoun County, Michigan, the boundary of said parcel described as: Commencing at the Northwest corner of said Section 1; thence South 00 degrees 01 minute 52 seconds East along the West line of said Section 1 a distance of 1922.56 feet; thence North 84 degrees 34 minutes 00 seconds East along the South line of L. Alta Brooks Industrial Park No. 2 as recorded in Liber 18 of Plats, page 11, Calhoun County Records a distance of 1307.88 feet to the point of beginning of this description; thence continuing North 84 degrees 34 minutes 00 seconds East along said South line 60.27 feet; thence South 00 degrees 00 minutes 00 seconds East 397.49 feet; thence Southeasterly 335.34 feet along a curve to the left, said curve having a radius of 270.00 feet, a delta angle of 71 degrees 09 minutes 37 seconds and a chord length of 314.19 feet bearing South 35 degrees 34 minutes 49 seconds East; thence North 00 degrees 00 minutes 00 seconds West 221.48 feet; thence North 29 degrees 16 minutes 49 seconds East 230.91 feet; thence South 83 degrees 57 minutes 33 seconds East 328.89 feet; thence North 73 degrees 45 minutes 14 seconds East 343.73 feet; thence South 84 degrees 15 minutes 26 seconds East 332.09 feet to the North-South 1/4 line of said Section 1; thence South 00 degrees 07 minutes 05 seconds East along said North-South 1/4 line 604.24 feet to the center of said Section 1; thence Southeasterly 201.65 feet along a curve to the right, said curve having a radius of 328.33 feet, a delta angle of 35 degrees 11 minutes 20 seconds, and a chord length of 198.49 feet bearing South 17 degrees 42 minutes 45 seconds East; thence South 00 degrees 07 minutes 05 seconds East parallel with said North-South 1/4 line 619.55 feet; thence Southwesterly 206.94 feet along a curve to the right, said curve having a radius of 330.00 feet, a delta angle of 35 degrees 55 minutes 48 seconds, and a chord length of 203.57 feet bearing South 17 degrees 50 minutes 49 seconds West; thence South 35 degrees 48 minutes 43 seconds West 135.28 feet; thence Southwesterly 55.57 feet along a curve to the left, said curve having a radius of 57.00 feet, a delta angle of 55 degrees 51 minutes 18 seconds, and a chord length of 53.39 feet bearing South 07 degrees 53 minutes 04 seconds West; thence Southwesterly 72.03 feet along a curve to the right, said curve having a radius of 98.00 feet, a delta angle of 42 degrees 06 minutes 37 seconds, and a chord length of 70.42 feet bearing South 01 degree 00 minutes 44 seconds West; thence Southeasterly 74.29 feet along a curve to the left said curve having a radius of 57.00 feet, a delta angle of 74 degrees 40 minutes 23 seconds, and a chord length of 69.14 feet bearing South 15 degrees 16 minutes 09 seconds East; thence South 37 degrees 23 minutes 39 seconds West 60.00 feet; thence Northwesterly 49.94 feet along a curve to the right, said curve having a radius of 255.00

Curt Dinkelmeyer - Clerk

Curt Dinkelmeyer

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05/11/20



LIBER 3224 PAGE 510

feet, a delta angle of 11 degrees 13 minutes 19 seconds, and a chord length of 49.86 feet bearing North 46 degrees 59 minutes 41 seconds West; thence Northwesterly 45.92 feet along a curve to the left, said curve having a radius of 57.00 feet, a delta angle of 46 degrees 09 minutes 38 seconds, and a chord length of 44.69 feet bearing North 64 degrees 27 minutes 50 seconds West; thence Northwesterly 132.30 feet along a curve to the right, said curve having a radius of 98.00 feet, a delta angle of 77 degrees 20 minutes 51 seconds, and a chord length of 122.48 feet bearing North 48 degrees 52 minutes 14 seconds West; thence Northwesterly 55.57 feet along a curve to the left, said curve having a radius of 57.00 feet, a delta angle of 55 degrees 51 minutes 18 seconds, and a chord length of 53.39 feet bearing North 38 degrees 07 minutes 27 seconds West; thence North 66 degrees 03 minutes 06 seconds West 27.74 feet; thence North 01 degrees 58 minutes 52 seconds East 63.71 feet; thence North 00 degrees 00 minutes 00 seconds West 410.61 feet; thence North 90 degrees 00 minutes 00 seconds East 333.25 feet to said North-South 1/4 line; thence North 00 degrees 07 minutes 05 seconds West along said North-South 1/4 line 174.72 feet; thence South 90 degrees 00 minutes 00 seconds West 332.72 feet; thence North 76 degrees 15 minutes 06 seconds West 339.73 feet; thence South 72 degrees 31 minutes 58 seconds West 322.26 feet; thence North 51 degrees 45 minutes 50 seconds West 261.76 feet; thence North 00 degrees 00 minutes 00 seconds West 291.24 feet; thence North 66 degrees 31 minutes 57 seconds East 79.59 feet; thence North 00 degrees 00 minutes 00 seconds West 135.01 feet; thence Northwesterly 430.13 feet along a curve to the right, said curve having a radius of 330.00 feet, a delta angle of 74 degrees 40 minutes 48 seconds, and a chord length of 400.32 feet bearing North 37 degrees 20 minutes 24 seconds West; thence North 00 degrees 00 minutes 00 seconds West 391.79 feet to the point of beginning.

Tax Roll Nos. 13-53-003-000-00 (covers more land) & 13-53-003-002-00 (covers more land).

Quigley Property:

The West one-half (W 1/2) of the Southwest Quarter (SW 1/4) of Section One (10) Town Three (330) South, Range Six (6) West.

Township of Fredonia, Calhoun County, Michigan.

Excepting lands conveyed to the State of Michigan for highway purposes.

Tax Roll No. 13-011-101-009-00

Lafferty Property:

The Northeast 1/4 of the Southeast 1/4 of Section 2 Town 3 South, Range 6 West, Fredonia Township, Calhoun County, Michigan. Excepting therefrom, beginning at the East 1/4 post of Section 2, Town 3 South, Range 6 West, Fredonia Township, Calhoun County, Michigan; thence South 01°17'13" East along the East line of said Section 2, a distance of 745.00 feet; thence North 89°59'04" West parallel with the East and West 1/4 line, a distance of 584.70 feet; thence



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North 01°17'13" West 745.00 feet to said East and West ¼ line; thence South 89°59'04" East along said ¼ line, 584.70 feet to the place of beginning.

Tax Roll No. 13-11-102-054-02

For the sum of NONE

This transfer does not make a division of the transferred parcels and is exempt from the provisions of Sections 108 and 109 of the Land Division Act (MCL 560.101 et. seq. as amended)

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agriculture and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

Exemption is claimed from State and County Transfer taxes under MCL 207.526(h)(i) and MCL 207.505(h)(i).

CITY OF MARSHALL:

12/28/06
Date

Tracy Hovarter
Tracy Hovarter, Clerk/Treasurer

STATE OF MICHIGAN)
)ss.
COUNTY OF CALHOUN)

The foregoing instrument was acknowledged before me this 28 day of December, 2006, by Tracy Hovarter, City/Treasurer, on behalf of the City of Marshall.

Paul K. Beardslee
Paul K. Beardslee
Notary Public, Calhoun County, MI
My commission expires: 03/19/2011

When Recorded Return to and Send Subsequent Tax Bills to: Grantee
Drafted (w/o title opinion)in:
By: Paul K. Beardslee (P42177)
206 S. Kalamazoo
Marshall, MI 49068
(269) 781-5193

EXHIBIT 2

RECORDED

APR 5 11 47 AM '89

CLERK-REGISTER
CALHOUN COUNTY, MICH.
ANNE B. NORLANDER

WARRANTY DEED

THIS INDENTURE, Made Sept 22, 1969, 1969,
WITNESSETH, That L. ALTA BOOKS, a widow, of 519 East Spruce
Street, Marshall, Michigan, in consideration of One Hundred Sixty-Three Thousand,
Seven Hundred Seventy Dollars and
conveys and warrants to the CITY OF MARSHALL, a municipal corporation of no/100
Marshall, Michigan, the following described lands and premises situated in
the Townships of Fredonia, Eckford, and Marengo, County of Calhoun, and
State of Michigan, viz: 13-53-003-000-00 / 13-53-003-351-00
13-53-003-300-00
13-09-060-013-00

Parcel 1. 13-53-003-400-00
Southeast fractional 1/4, Section 1, Town 3 South, Range 6 West, containing
150 acres more or less.
ALSO beginning where the quarter section lines intersect each other near
the center of Section 6, Town 3 South, Range 5 West in center of highway
leading from Marshall to Brace Lake, West on quarter line 18 chains 97-1/3
links, North parallel with North & South 1/4 line, 5 chains 27 links,
East 18 chains 97-1/3 links to 1/4 line, South on said line and in center
of highway 5 chains 27 links to beginning, containing 10 acres more or less.
ALSO all that part of the Southwest fractional 1/4 of Section 6, Town 3
South, Range 5 West, containing 40 acres more or less, lying North & West
of the cottage premises formerly occupied by Frank A. Stuart, the North-
westerly line of which is described as beginning at a point which lies
South 02° 07' West, 2435.35 feet and South 00° 13' East, 913.44 feet from
the North 1/4 post of Section 6, thence South 49° 50' West, 147.8 feet.
EXCEPT parcels described in Liber 697 Page 363, Liber 727 Page 600,
Liber 733 Page 556, Liber 732 Page 159, Liber 732 Page 533 and Liber 875
Page 581 in the Register of Deeds Office for Calhoun County, Michigan.
ALSO EXCEPTING a parcel of land on the shore of Stuart Lake, described as
follows: Beginning at a point on Stuart Lake Road, which lies South 02° 07'
West, 2435.35 feet and South 00° 13' East, 880.44 feet from the North 1/4
post of said Section 6; thence South 00° 13' East, 33.00 feet; thence South
49° 50' West, 137.88 feet; thence North 47° 31' 30" West, 73.00 feet; thence
North 44° 20' 30" East, 137.65 feet; thence South 47° 01' 30" East, 86.20
feet to the true point of beginning. Provided that the above described land
shall include the land between the shore traverse and the Northeasterly
shore of Stuart Lake.
Townships of Eckford and Fredonia, Calhoun County, Michigan.

Parcel 2.
The Northeast fractional 1/4 of Section No. 12; and the Southeast 1/4 of
the Northwest 1/4 of Section No. 12; All in Town 3 South, Range 6 West,
Fredonia Township, Calhoun County, Michigan.
EXCEPTING Parcel 1 -- A parcel of land in the Southeast corner of the
Northeast 1/4 of Section 12, Town 3 South, Range 6 West, Fredonia Township,
Calhoun County, Michigan; Beginning at the East 1/4 Post of said Section 12;
thence West along the East and West 1/4 line 486 feet more or less to the
shore of Upper Brace Lake; thence Northeasterly along the shore 900 feet
more or less to the East line of said Section 12; thence South 00° 16' East
580 feet more or less to the point of beginning.

LIBER 1486 PAGE 675

State of Michigan) April 5, 1989
County of Calhoun) Ann B. Norlander
I, Clerk-Register, do hereby certify that there are no taxes on titles held by the State on the lands described in
this instrument, and that there are no taxes or titles held by individuals on said lands
for the years preceding the date of this instrument, as appears in my office. This cer-
tificate does not apply on taxes, if any, now in process of collection.
Ann B. Norlander
Clerk-Register

180.40

13-53-003-400-00

Parcel 2 -- A parcel of land in the Northeast 1/4 of Section 12, Town 3 South, Range 6 West, Fredonia Township, Calhoun County, Michigan; Beginning at a point on the East line of said Section 12 which lies North 00° 16' West 1,524 feet from the East 1/4 Post of said Section 12; thence North 77° 16' West 340 feet; thence North 13° 16' West 410 feet; thence North 82° 04' East 427.34 feet; thence South 00° 16' East 533 feet to the point of beginning. Provided that the above description shall include the land between the shore traverse and the shore of the lake.

Parcel 3 -- All that part of the Northeast fractional 1/4 of Section 12, Town 3 South, Range 6 West Northerly of the East-West 1/4 line of said Section; bounded on the Easterly side by Upper Brace Lake; on the Northerly side by Upper Brace Lake; and on the Westerly side by a line approximately parallel to the course of stream rising in Maynard Lake and discharging into Upper Brace Lake, which line is described as: Beginning on the East-West 1/4 line of said Section 12 distant 2,184 feet from East 1/4 Post running thence North 34° East 798 feet, more or less, to the Westerly shore of Upper Brace Lake.

Parcel 3.

The East part of the Northwest 1/4 of Section 6 in Township 3 South of Range 5 West, and bounded on the West by a line running parallel to the East line, containing 72.42 acres of land, in Eckford Township, Calhoun County, Michigan.

EXCEPTING 11 acres off from the South end of the same heretofore conveyed by Melville Salter to John A. Freed and others.

ALSO THE FOLLOWING, to-wit: Commencing at a point on the East line of Section 1, in Town 3 South, Range 6 West, 19 chains 73-1/3 links South of the North line of said Section 1; thence West 82 rods; thence South to the 1/4 line; thence East to the East line of said Section; thence North to the place of beginning.

ALSO commencing at a point on the West line of Section 6 in Town 3 South of Range 5 West, 19 chains 73-1/3 links South of the North line of said Section; thence East to the 1/2 1/4 line; thence South to the 1/4 line; thence West to the West line of said Section; thence North to the place of beginning.

ALSO beginning on the North and South 1/4 line of said Section 6, Town 3 South, Range 5 West, 5 chains 27 links North from where the 1/4 lines intersect each other, running from thence West parallel with the East and West 1/4 line 18 chains and 97-1/3 links; thence North 50 links; thence East 18 chains 97-1/3 links; thence South to the place of beginning.

CONTAINING in the last 3 descriptions 67 and 83/100 acres of land more or less.

Eckford Township, Calhoun County, Michigan, also Fredonia Township, Calhoun County, Michigan.

ALSO a piece or parcel of land beginning at the 1/4 post on the South line of Section 31, Town 2 South of Range 5 West, running thence North 40° West 2 chains 91 links; thence South 50° West 3 chains 45 links to the South line of said Section, thence East on said Section line to beginning, containing 1/2 of one acre of land, Marengo Township, Calhoun County, Michigan.

Parcel 4.

The Northeast 1/4 of the Northwest 1/4 of Section No. 12, Town 3 South, Range 6 West, containing 40 acres more or less.
Township of Fredonia, Calhoun County, Michigan.

Parcel 5.

The East 1/2 of the Southwest 1/4 of Section 1, all in Town 3 South, Range 6 West, Township of Fredonia, Calhoun County, Michigan, containing eighty acres more or less.

1486 PAGE 676

Subject to Right-of-way to Lakehead Pipe Line Company, Inc. and Panhandle Eastern Pipe Line Company.
Township of Fredonia, Calhoun County, Michigan.

Reserving for Grantor's lifetime an undivided one-half interest in and to all oil, gas and other minerals underlying the above-described premises. In the event oil, gas or other minerals are discovered in commercial quantities on said premises during the lifetime of Grantor, the interest of Grantor shall nevertheless terminate upon her death and her interests shall vest in Grantee.

Signed in Presence of

Signed on the Date first above written

Manlius M. Perrett, Jr.
Manlius M. Perrett, Jr.

L. Alta Brooks
L. Alta Brooks

Alberta H. Denger
Alberta H. Denger

STATE OF MICHIGAN,
COUNTY OF CALHOUN.

On September 22, 1969, before me, a Notary Public, in and for said County, personally appeared L. Alta Brooks, a widow, to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be her free act and deed.

Alberta H. Denger
Notary Public,

Calhoun County, Michigan,

My commission expires May 9 1971

This instrument prepared by:
MANLIUS M. PERRETT, JR., Attorney
127 West Michigan Avenue
Marshall, Michigan 49068

1486 REC 677

THIS INDENTURE, Made November 4, 1971.

WITNESSETH, That USM Corporation, 140 Federal Street, City of Boston, County of Suffolk and Commonwealth of Massachusetts, a corporation organized and existing under and by virtue of the laws of the State of New Jersey, for no dollar consideration, conveys and warrants to the City of Marshall, a municipal corporation whose address is City Hall, Marshall, Michigan, the following described lands and premises situated in the City of Marshall, County of Calhoun and State of Michigan:

Commencing at the North Quarter Post of Section One (1), Town Three (3) South, Range Six (6) West, City of Marshall, Calhoun County, Michigan; thence West along the North line of said Section One (1) 2025 feet; thence South 00° 31' West 40 feet to the true place of beginning; thence South 00° 31' West 50 feet; thence West parallel with the North line of said Section One (1) 50 feet; thence North 00° 31' East 50 feet to a point 40 feet South of the North line of said Section One (1); thence East parallel to and 40 feet South of the North line of said Section One (1) 50 feet to the place of beginning.

Signed in Presence of
Theodore A. Lutkus
Theodore A. Lutkus
Alice V. Larson
Alice V. Larson

USM Corporation
By Herbert W. Jarvis
Herbert W. Jarvis, President
By Robert W. Maynard
Robert W. Maynard, Vice President



COMMONWEALTH OF MASSACHUSETTS) ss.
COUNTY OF SUFFOLK

On this 4th day of November in the year of our Lord one thousand nine hundred and seventy-one, before me, a Notary Public appeared Herbert W. Jarvis and Robert W. Maynard to me personally known, who, being by me duly sworn, did say that they are respectively the President and Vice President of the corporation named in and which executed the within instrument, and that the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was executed in behalf of said corporation by authority of its board of directors; and said Herbert W. Jarvis and Robert W. Maynard acknowledged said instrument to be the free act and deed of said corporation.

Charles A. Lutkus
Notary Public
My commission will expire
December 17, 1976

Prepared by:
Theodore A. Lutkus, Attorney
140 Federal Street
Boston, Massachusetts 02107

LIBER 979 PAGE 38

RECORDED

NOV 17 3 22 PM '71

REGISTER OF DEEDS
CALHOUN COUNTY, MICHIGAN
Charles J. ...

STATE OF MICHIGAN | NOV 17 1971
COUNTY OF CALHOUN

I hereby certify that there are no tax liens or other claims held by the State on the lands described in the within instrument, and that there are no tax liens or other claims held by individuals on said lands for the five years preceding the date of this instrument and that the taxes for said period of five years are paid as shown by the records of this office.

John D. ...
Treasurer of Calhoun County