

**CITY COUNCIL
WORK SESSION AGENDA
Monday, June 15, 2020
6:00 PM
Ketchum Park Pavilion**

A. Non-Union Salary Discussion

B. Other items

C. Future Work Sessions

D. Future topics

Meeting to be held at the new Ketchum Park Pavilion
531 Montgomery Street
Marshall, MI 49068

MARSHALL CITY COUNCIL AGENDA

MONDAY – 7:00 P.M.

June 15, 2020

- 1) **CALL TO ORDER**
- 2) **ROLL CALL**
- 3) **INVOCATION** – Ralph McCarty, East Eckford Community Church
- 4) **PLEDGE OF ALLEGIANCE**
- 5) **APPROVAL OF AGENDA** – Items can be added or deleted from the Agenda by Council action.
- 6) **CANDIDATES FOR PUBLIC OFFICE**
- 7) **PUBLIC COMMENT ON AGENDA ITEMS** – Persons addressing Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of five (5) minutes on any agenda item.
- 8) **CONSENT AGENDA**
 - A. **City Council Minutes** **P. 4**
Regular Session Monday, June 1, 2020
 - B. **City Bills** **P. 21**
Regular Purchases \$ 545,351.17
Weekly Purchases –5/29/20 \$ 24,579.17
Weekly Purchases –6/4/20 \$ 28,734.10
Total \$ 598,664.44
- 9) **PRESENTATIONS AND RECOGNITIONS**
- 10) **INFORMATIONAL ITEMS**
- 11) **PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**
- 12) **OLD BUSINESS**
 - A. **Annual Compensation of Administrative Officials, Department Heads, and Salaried Personnel** **P. 25**
City Council will consider the recommendation to approve the proposed wages for FY2021 for Administrative Officials, Department Heads, and Salaried Personnel as presented
- 13) **REPORTS AND RECOMMENDATIONS**
 - A. **Patrol Union Agreement** **P. 27**
City Council will consider the recommendation to approve the Union Agreement with Police Officers Labor Council, Patrol Officer's Division.
 - B. **Command Union Agreement** **P. 29**
City Council will consider the recommendation to approve the Union Agreement Police Officers Labor Council, Command Unit.

C. FY 2020 Year-End Budget Adjustments P. 31

City Council will consider the recommendation to approve the resolution to amend the FY2020 Budget.

D. Solid Waste Ordinance P. 37

City Council will review the Solid Waste draft ordinance and identify the issues that need to be included in a new ordinance.

14) APPOINTMENTS / ELECTIONS

15) 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.

16) COUNCIL AND MANAGER COMMUNICATIONS

17) ADJOURNMENT

Respectfully submitted,



Tom Tarkiewicz
City Manager

CALL TO ORDER

IN REGULAR SESSION, Monday, June 1, 2020, at 7:00 P.M. a webinar meeting was held electronically by utilizing the ZOOM platform, the Marshall City Council was called to order by Mayor Caron.

ROLL CALL

Roll was called:

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

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: Council Member Gates.

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

INVOCATION/PLEDGE OF ALLEGIANCE

Richard Gerten of Family Bible Church gave the invocation and Mayor Caron led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved McNeil, supported Traver, approve the agenda with the removal of item 13D Annual Compensation of Administrative Officials to be discussed at work session. On a roll call vote – ayes: McNeil, Metzger, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

CANDIDATES FOR PUBLIC OFFICE

Lynn Afendoulis introduced herself and spoke regarding her candidacy for Congress in 2020.

PUBLIC COMMENT ON AGENDA ITEMS

Matt Uetrecht of Thompson Construction spoke of his displeasure and disappointment with not being chosen as the low bidder for the Eagle and Jefferson Water Main Project.

CONSENT AGENDA

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

- A. Accept the 3rd Quarter Financial Report;
- B. Accept the 3rd Quarter Investment Report;
- C. Accept the 3rd Quarter Cash & Investment Portfolio Report;

- D. Schedule a public hearing for Monday, July 6, 2020 to hear public comment on the vacating of Spruce Street from Kalamazoo Avenue to Sycamore Street and the south 132' of South Sycamore Street right of way;
- E. Receive the FY2021 Administrative Chain of Command Appointments;
- F. Minutes of the City Council Regular Session held on Monday, May 18, 2020;
- G. Approve city bills in the amount of \$1,105,281.23.

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

PRESENTATIONS AND RECOGNITION

None.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Zoning Amendment Application #RZ20.01 to rezone 119 N. Grand Street from POSD-Professional Office Service District to R-3 – Traditional Residential:

Planning and Zoning Administrator Trisha Nelson provided background regarding Zoning Amendment Application #RZ20.01. The owner of 119 N. Grand is seeking to rezone the parcel from the current zoning of POSD to R-3. A rezoning of the property will allow Mr. Vincent to sell the property as a residential home. Planning Commission approved recommending to the City Council on May 13, 2020.

Mayor Caron opened the public hearing to hear public comment regarding Zoning Amendment Application #RZ20.01 to rezone Parcel #53-000-413-01 from POSD-Professional Office Service District to R-3-Traditional Residential.

Eldon Vincent, owner of 119 N. Grand, purchased the property in 2006 and assumed the property had been resumed. He is currently in the process of selling the property pending the approval of the application.

Hearing no further comment, the hearing was closed.

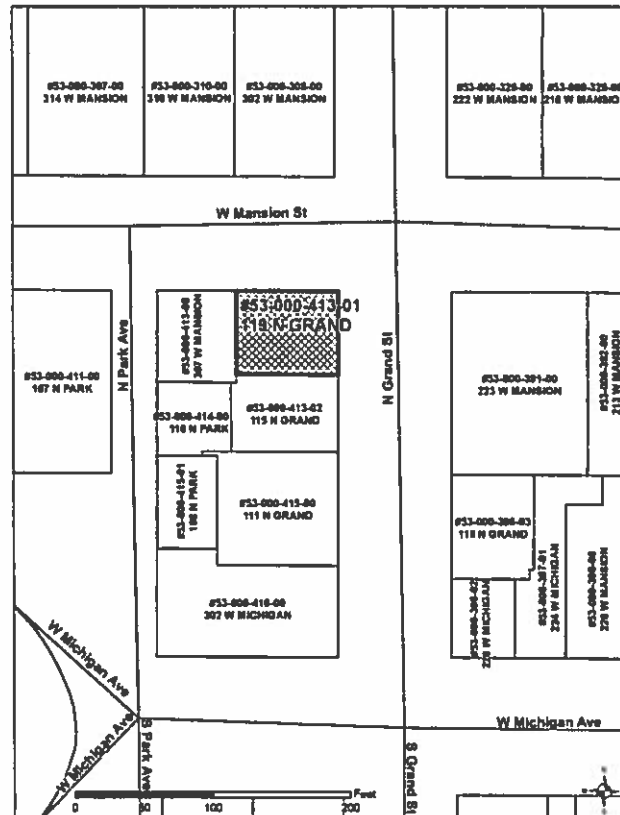
Moved Metzger, supported Traver, to approve the recommendation from Planning Commission for approval of Rezoning Request #RZ20.01 for 119 N. Grand to rezone from Professional Office Service District to R-3 Traditional Residential. On a roll call vote – ayes: Traver, Underhill, Wolfersberger, Mayor Caron, Gates, Metzger, and McNeil; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL
ORDINANCE #2020- 09**

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CHANGE THE ZONING OF A PARCEL OF REAL PROPERTY AT 119 N GRAND STREET, PARCEL #53-000-413-01, FROM THE ZONING DISTRICT OF PROFESSIONAL OFFICE SERVICE DISTRICT (POSD) TO TRADITIONAL RESIDENTIAL (R-3).

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 Professional Office Service District (POSD) to Traditional Residential (R-3).



TAX PARCEL #53-000-413-01 (119 N. GRAND ST.) LEGAL DESCRIPTION

MARSHALL CITY, LOWER VILLAGE BLK 15 N 60 FT OF E 4 1/2 RDS OF LOT 3.

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.

Adopted and signed this 1st day of June, 2020.

Joe Caron, MAYOR

Trisha Nelson, CITY CLERK

I, Trisha Nelson, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on June 1, 2020, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.

Trisha Nelson, CITY CLERK

B. Amendment to Ordinance 134.30: Fireworks:

Director of Public Safety Scott McDonald and Attorney John Sullivan discovered the Fireworks section of our City code was in need of revision during a review of fire related codes and ordinances. The proposed ordinance includes some changes in definitions, brings the ordinance more in line with state law, and addresses some safety concerns.

Mayor Caron opened the public hearing to hear public comment regarding the proposed changes to City Ordinance 134.30: Fireworks.

Hearing no comment, the public hearing was closed.

Moved Wolfersberger, supported Metzger, to adopt the changes to City Ordinance 134.30: Fireworks. On a roll call vote – ayes: Underhill, Wolfersberger, Mayor Caron, Metzger, McNeil, and Traver; nays: none. **MOTION CARRIED.**

City of Marshall, Michigan
Ordinance #2020-10

AN ORDINANCE AMENDING CITY OF MARSHALL CODE OF ORDINANCES,
SECTIONS 134.30

WHEREAS, The Michigan Fireworks Safety Act, MCL 28.451, et seq, as amended, legalized the sale, possession and use of fireworks in Michigan; and

WHEREAS, Section 134.30 of the Code of Ordinances is in conflict with the Michigan Fireworks Safety Act; and

WHEREAS, the public good is furthered by maintaining consistency and uniformity between the Act and local ordinance; and

WHEREAS, the health, safety and welfare of city residents, and visitors, is furthered by the enactment of an ordinance which regulates the ignition, discharge, and use of fireworks;

NOW, THEREFORE, THE CITY OF MARSHALL ORDAINS that the current version of Section 134.30 be deleted and replaced with the version set forth herein;

§ 134.30 FIREWORKS

(A) Definitions:

AGRICULTURAL AND WILDLIFE FIREWORKS. "Agricultural and wildlife fireworks" means fireworks devices distributed to farmer, ranchers, and growers through a wildlife management program administered by the United States Department of the Interior or the Department of Natural Resources of this state.

ARTICLES PYROTECHNIC. "Articles Pyrotechnic" means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 C.F.R. 172.101.

CONSUMER FIREWORKS. "Consumer fireworks" means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 C.F.R. parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. **CONSUMER FIREWORKS** does not include low-impact fireworks or novelties.

DEPARTMENT. "Department" means the Department of Licensing and Regulatory affairs.

FIREWORK or FIREWORKS. "Firework" or "fireworks" means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks and special effects.

LOW IMPACT FIREWORKS. "Low impact fireworks" means ground and handheld sparkling devices as that phrase is defined under APA Standard 87-1, 3.1, 1.1 to 3.1, 1.8 and 3.5.

MINOR. "Minor" means an individual who is less than 18 years of age.

NOVELTIES. "Novelties" means that term as defined under APA standard 87.1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4 and 3.2.5 and include all of the following:

- A. Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.
- B. Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph A are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.
- C. Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.
- D. Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box, and toy smoke devices.

PERSON. "Person" means an individual, association, charitable organization, company, limited liability company, corporation or any other legal or commercial entity.

SPECIAL EFFECTS. "Special effects" means a combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion

picture, radio, television, theatrical or opera production or live entertainment

- (B) No person shall ignite, discharge or use homemade fireworks at any time. A person who violates this section is responsible for a municipal civil infraction and shall be fined \$1000 for each violation and no other fine or sanction shall be imposed. \$500 of the fine shall be remitted to the Marshall Police Department.
- (C) No person shall ignite, discharge or use consumer fireworks except on the following days after 11:00 a.m.
- (1) December 31 until 1:00 a.m. on January 1.
 - (2) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
 - (3) June 29 to July 4 until 11:45 p.m. on each of those days.
 - (4) July 5, if that date is a Friday or Saturday, until 11:45 p.m.
 - (5) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

A person who violates this section is responsible for a municipal civil infraction and shall be fined \$1,000 for each violation and no other fine or sanction shall be imposed. \$500 of the fine shall be remitted to the Marshall Department of Public Safety.

- (D) No person shall ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises. A person who violates this section is responsible for a municipal civil infraction and shall be fined \$500.
- (E) No person shall discharge, ignite, or use consumer fireworks or low impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance. A person who violates this section is responsible for a municipal civil infraction and shall be fined \$1,000.
- (F) No person shall smoke or use smoking materials within 50 feet of any area where fireworks or any other pyrotechnic materials are present. A person who violates this section is responsible for a municipal civil infraction and shall be fined \$500.

- (G) A minor shall not possess, use, discharge or ignite consumer fireworks at any time unless supervised by a parent or legal guardian. A person who violates this section is responsible for municipal civil infraction and shall be fined \$500.
- (H) No person shall discharge, set off or use an unmanned free-floating device (sky lanterns) which requires fire underneath for propulsion and which is not moored to the ground while aloft. A person who violates this section is responsible for a municipal civil infraction and shall be fined \$500.
- (I) No person shall ignite, discharge, or use consumer fireworks or low-impact fireworks in a manner that is intended to harass, scare, or injure livestock. A person who violates this section is responsible for a municipal civil infraction and shall be fined \$500.
- (J) If the police or fire investigator determines that a person has violated this ordinance, or the Michigan Fireworks Safety Act, the fireworks associated with the violation may be seized and stored as evidence. If the person subject to criminal or civil proceedings is found guilty or responsible, the person shall be required to pay the storage expenses for the evidence seized.
- (K) Notwithstanding the days and times permitting the ignition, discharge or use of consumer fireworks under § (B)(1)-(5), if the environmental concerns based on the Michigan Department of Natural Resources Fire Division criteria are elevated to extreme fire conditions or if the environmental concerns based on the Fire Division criteria are elevated to very high for 72 consecutive hours, the Director of Public Safety, or their designee, in consultation with the Michigan Department of Natural Resources, has the authority to enforce a no-burning restriction that includes a ban on the ignition, discharge, and use of consumer fireworks and display fireworks within the City. If a no-burning restriction is instituted under this section, the Director of Public Safety, or their designee, shall ensure that adequate notice of the restriction is provided to the public. Not more than 24 hours after the fire condition is downgraded from extreme or very high fire condition, the Director of Public Safety, or their designee, shall inform the public that the restriction has been lifted in the same manner that the restriction was announced or otherwise made known to the public. A person who violates this section is guilty of a misdemeanor.
- (L) The City reserves to itself the ability granted by the Act at MCLA § 28.466, to approve the use of articles pyrotechnic and display fireworks for public or private display by organizations and individuals within the City.
 - (1) The City Clerk, upon application in writing on forms provided by the Michigan Department of licensing and regulatory affairs, or its

successor agency, and payment of a fee to be established by resolution, may grant a permit for the use of articles pyrotechnic or display fireworks for public or private display within the City by organizations or individuals approved by the City Clerk, and compliance with the Michigan Fireworks Safety Act. A permit granted under this subsection is not transferable and shall not be issued to a minor.

- (2) Before a permit for articles pyrotechnic or display fireworks ignition is issued, the person applying for the permit shall furnish proof of financial responsibility by a bond or insurance in an amount, character and form deemed necessary as set from time to time by resolution to protect the public and to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person or an agent or employee of the person.
- (3) Before granting a permit, the Director of Public Safety shall rule on the competency and qualifications of an articles pyrotechnic and display fireworks operator, as furnished by the operator on the operator's application form, in accordance with the requirements provided under NFPA 1123, and on the time, place and safety aspects of the display of articles pyrotechnic or display fireworks.

(Prior Code, § 18-117) (Ord. passed 8-21-1978; Am. Ord. passed 9-17-1979; Am. Ord. passed 7-1-1985; Am. Ord. passed 5-16-1988; Am. Ord. 99-1, passed 1-4-1999; Am. Ord. 99-9, passed 10-4-1999, AM. Ord. 2020-10, passed 6-1-2020)

Statutory reference:

Michigan Fireworks Safety Act, M.C.L.A §§ 28.451 et seq., as amended.

REPEALER

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect, and the City of Marshall City Code shall remain in full force and effect, amended only as specified above.

SEVERABILITY

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void or illegal by any Court of competent jurisdiction, such section, clause or provision shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

ENACTMENT

This ordinance is declared to have been enacted by the City Council of the City of Marshall at a meeting called and held on the 1st day of June, 2020, and ordered to be given publication in the manner prescribed by law.

AYES: Mayor Caron, McNeil, Metzger, Traver, Underhill, and Wolfersberger.

NAYES: None.

ABSTENTIONS: None.

Mayor
STATE OF MICHIGAN
COUNTY OF CALHOUN

City Clerk

I, the undersigned, the qualified and acting City Clerk of the City of Marshall, Calhoun County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the City Council of the City of Marshall at a meeting called and held on the 1st day of June, 2020, the original of which is on file in my office.

Clerk

Adopted: 6/1/2020

Published: 6/6/2020

C. Amendment to Ordinance 95.03: Prohibited Burning and the Repealing of Ordinances 95.04, 95.05, 95.06, and 95.99

Director of Public Safety Scott McDonald and Attorney John Sullivan discovered Chapter 95 of the code of ordinances was in need of updating during a review of fire related codes and ordinances. The proposed ordinance includes some changes in definitions, defining more thoroughly what is prohibited to burn, and addresses some safety concerns.

Mayor Caron opened the public hearing to hear public comment regarding the proposed changes to Chapter 95 of the Marshall City Code of Ordinances.

Hearing no comment, the public hearing was closed.

Moved McNeil, supported Underhill, to adopt the amendments to the City Ordinances 95.03, and repeal Ordinances 95.04, 95.05, 95.06 and 95.99. On a roll call vote – ayes: Wolfersberger, Mayor Caron, Metzger, McNeil, Traver, and Underhill; nays: none. **MOTION CARRIED.**

City of Marshall, Michigan
Ordinance #2020-11

AN ORDINANCE AMENDING CITY OF MARSHALL CODE OF ORDINANCES, SECTION 95.03 AND DELETING SECTIONS 95.04, 95.05, 95.06 AND 95.99

WHEREAS, the burning and combustion of materials directly into the environment causes the release of pollutants into the air which negatively impacts the human sight and respiratory systems; and

WHEREAS, the burning and combustion of materials directly into the environment increases the risk of uncontrolled fire, and generally creates a nuisance; and

WHEREAS, the health, safety and welfare of city residents, and visitors, is furthered by the enactment of this ordinance;

NOW, THEREFORE, THE CITY OF MARSHALL ORDAINS that the current versions of Section 95.03, 95.04, 95.05, 95.06 and 95.99 be deleted and replaced with 95.03 as set forth herein;

§ 95.03 PROHIBITED BURNING.

(A) Definitions:

BURN OR BURNING. “Burn” or “burning” means the ignition or combustion of material where smoke and other emissions are released directly into the air.

GARBAGE. “Garbage” means rejected organic waste including waste from the accumulation of animal, fruit, or vegetable matter used or intended for the use in the preparation, use, cooking, processing or storing of meat, fish, fowl, fruit, vegetable or other food; accumulations of leaves, branches, cut grass or other vegetation.

LITTER. “Litter” means all rubbish, refuse, garbage, trash, debris and waste material of any kind.

OWNER. “Owner” means:

- (1) Every person or entity holding legal or equitable title to a property or to real improvements on a property solely, jointly, by the entireties, in common, or as land contract vendee.
 - (2) Every person or entity who in fact has been empowered to act on behalf of, or receive process for, or as agent of the owner; or
 - (3) Every person or entity who has, or exercises, care, custody, dominion or control over any property;
 - (4) Every person or entity who is a record owner as demonstrated by a deed or other document of title recorded at the office of the Register of Deeds or otherwise substantiated; or
 - (5) Every person or entity listed as the taxpayer by assessor's records.
- (B) No person shall burn paper, garbage, litter, trees, leaves, stumps, brush, refuse, household waste, commercial waste, building materials or debris, construction materials or debris, demolition waste or debris, remodeling waste or debris, tires, furniture or any other wanted or unwanted material, except as otherwise provided herein. A person who violates this section is responsible for a municipal civil infraction and shall be fined as follows:
- (1) For a first offense, a fine of \$100;
 - (2) For a second offense, a fine of \$300;
 - (3) For a third or subsequent offense, a fine of \$500.
- (C) No owner shall knowingly permit a person to burn paper, garbage, litter, trees, leaves, stumps, brush, refuse, household waste, commercial waste, building materials or debris, construction materials or debris, demolition waste or debris, remodeling waste or debris, tires, furniture or any other wanted or unwanted material on their property, or on property occupied by them or under their control, including the gutter or curb area adjacent to the property, except as otherwise provided herein. A person who violates this section is responsible for a municipal civil infraction and shall be fined as follows:
- (1) For a first offense, a fine of \$100;
 - (2) For a second offense, a fine of \$300;
 - (3) For a third or subsequent offense, a fine of \$500.
- (D) For buildings or structures other than one and two-family dwellings, no person shall use barbecue grills, char broilers, smokers, deep fryers, and similar cooking or heat generating devices or appliances on balconies, decks, under any overhanging portion of a structure or within 10 feet of any structure, nor shall any person store said items on a balcony or deck. A person who violates this section is responsible for a municipal civil infraction and shall be fined as follows:

- (1) For a first offense, a fine of \$100;
 - (2) For a second offense, a fine of \$300;
 - (3) For a third or subsequent offense, a fine of \$500.
- (E) The following activities are excepted from the prohibitions set forth in (B), (C) and (D) above:
- (1) The burning of buildings or other structures pursuant to fire suppression training authorized by the Director of Public Safety, or his or her designee.
 - (2) Burning authorized by a written permit issued by the Director of Public Safety, or his or her designee. Burning under this section shall only occur under the following circumstances:
 - a) The burn is supervised and controlled by the Marshall Fire Department;
 - b) The burn is of short duration;
 - c) The windspeed is less than 15 mph;
 - d) The Director of Public Safety, or his or her designee, may prohibit or delay permitted burns when atmospheric conditions or other circumstances are such that a fire would constitute a fire hazard or would endanger the life or property of any person.
 - e) Costs incurred for services provided by the Marshall Fire Department incident to permits issued to private persons or entities under this section shall be paid by the person or entity.
 - (3) Recreational fires under the following conditions:
 - a) The fire area shall be at least 25 feet from any building, structure or combustible material, and at least 15 feet from any property line;
 - b) The windspeed shall be 15 mph or less;
 - c) The fire area or pit shall not exceed 4 feet in diameter;
 - d) Only seasoned firewood, charcoal, compressed wood logs, compressed wood bricks or compressed wood barbecue pellets may be used in the fire;
 - e) The fire area must be supervised at all times by an adult.
 - f) A water supply, such as a garden hose, shall be readily available to suppress the fire;

- g) The duration of the fire shall not exceed four hours;
- h) The fire shall be fully extinguished before it is left unattended.
- i) The Director of Public Safety, or his or her designee, may prohibit recreational fires when atmospheric conditions or other circumstances are such that a fire would constitute a fire hazard or would endanger the health or property of any person.

(Prior Code, § 10-13) (Ord. passed 10-15-1984, Am. Ord. 2020-11, passed 6-1-2020)

REPEALER

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect, and the City of Marshall City Code shall remain in full force and effect, amended only as specified above.

SEVERABILITY

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void or illegal by any Court of competent jurisdiction, such section, clause or provision shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

ENACTMENT

This ordinance is declared to have been enacted by the City Council of the City of Marshall at a meeting called and held on the 1st day of June, 2020, and ordered to be given publication in the manner prescribed by law.

AYES: Mayor Caron, McNeil, Metzger, Traver, Underhill, and Wolfersberger.

NAYES: None.

ABSTENTIONS: None.

Mayor

City Clerk

STATE OF MICHIGAN
COUNTY OF CALHOUN

I, the undersigned, the qualified and acting City Clerk of the City of Marshall, Calhoun County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the City Council of the City of Marshall at a meeting called and held on the 1st day of June, 2020, the original of which is on file in my office.

Clerk

Adopted: 6/1/2020
Published: 6/6/2020

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Eagle and Jefferson Water Main Bids:

Moved Metzger, supported McNeil, to approve the bid for the Eagle and Jefferson Street Water Main Improvements to Hunter Prell in the amount of \$620,446.75 with an additional contingency amount of \$69,553.25 for a total of \$690,000; also, the remaining FY2020 budgets in the Water Fund Capital Outlay (591-900-970.00) and Major Street Capital Outlay (202-900-970.00) be carried over into the FY2021 budgets. On a roll call vote – ayes: Traver, Underhill, Wolfersberger, Mayor Caron, Metzger, and McNeil; nays: none. **MOTION CARRIED.**

B. Michigan Department of Transportation Sidewalk Café Resolution:

Moved Metzger, supported McNeil, to approve the resolution in support of the submittal to the Michigan Department of Transportation by Veritas Vineyard LLC – DBA Grand River Brewery for a sidewalk café permit. On a roll call vote – ayes: Underhill, Wolfersberger, Mayor Caron, Metzger, McNeil, and Traver; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2020-20**

**RESOLUTION FOR MICHIGAN DEPARTMENT OF TRANSPORTATION
SIDEWALK CAFÉ AUTHORIZATION**

WHEREAS, Grand River Brewery is located at 101 West Michigan Avenue within the City of Marshall, and

WHEREAS, Veritas Vineyard LLC - DBA Grand River Brewery has requested a sidewalk café permit from the Michigan Department of Transportation, and

WHEREAS, the City of Marshall is the municipal entity that has jurisdiction over the site, and

WHEREAS, the City of Marshall has agreed to enforce compliance with the sidewalk café permit, and

WHEREAS, the permit requires a resolution from the City Council,

NOW THEREFORE BE IT RESOLVED, the City Council hereby resolves that the City of Marshall supports the permit submittal to the Michigan Department of Transportation by Veritas Vineyard LLC - DBA Grand River Brewery Marshall.

Dated: June 1, 2020

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed seal of said City of Marshall, this 1st day of June A.D., 2020.

Trisha Nelson, City Clerk

C. East End Gallery Easement:

Moved Underhill, supported Wolfersberger, to approve the sale of a 26.5' x 2.5' strip of land to East End Studio and Gallery and authorize the conveyance of the warranty deed to East End Studio and Gallery in substantial form subject to a reverter clause to deed back the property to the City if construction does not occur within 12 months. On a roll call vote – ayes: Wolfersberger, Mayor Caron, McNeil, Metzger, Traver, and Wolfersberger; nays: none. **MOTION CARRIED.**

Moved McNeil, supported Metzger, to enter into an easement agreement with East End Studio and Gallery in substantial form to include a reverter clause for the construction of the elevator within 12 months. On a roll call vote – ayes: McNeil, Metzger, Traver, Underhill, Wolfersberger and Mayor Caron; nays: none. **MOTION CARRIED.**

Moved Traver, supported McNeil, to authorize the City Clerk to execute the final documents of the deed and easement agreement for East End Gallery. On a roll call vote – ayes: Metzger, Traver, Underhill, Wolfersberger, Mayor Caron, and McNeil; nays: none. **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

CLOSED SESSION

Moved Metzger, supported Wolfersberger, for City Council to convene in closed session under section 8(c) of the Open Meetings Act, to discuss strategy for a collective bargaining agreement. On a roll call vote – ayes: Traver, Underhill, Wolfersberger, Mayor Caron, McNeil, and Metzger; nays: none. MOTION CARRIED.

Enter into Closed Session at 8:20 p.m.

Return to Open Session and Adjourn at 9:00 p.m.

ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

Joe Caron, Mayor

Trisha Nelson, City Clerk

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
19817535	4IMPRINT	HAND SANITIZER - COVID		528.56
8600036303	ABB INC.	UPGRADES TO PEARL STREET SUBSTATION - 13	2020.107	37,815.00
26849	AIR COMPRESSOR ENERGY	REPAIR OF AIR BACKWASH BLOWER	2020.309	2,350.49
1KRP-Y69G-LXRP	AMAZON BUSINESS	ACCT - ALP4GM99HG1EO2 - TRAINING BOOKS		324.85
5278	ASPEN WIRELESS	TECH SUPPORT FOR FIBERNET. \$8.75/CUSTOM	2020.033	11,847.50
02250462094	AUTO VALUE MARSHALL	BLADERUNNER		63.99
02250462142	AUTO VALUE MARSHALL	STARTER		161.99
02250462121	AUTO VALUE MARSHALL	SERPENTINE BELT		44.99
02250462196	AUTO VALUE MARSHALL	STARTER BOLT		7.29
02250462173	AUTO VALUE MARSHALL	OIL FILTER/ OIL		75.83
02250462256	AUTO VALUE MARSHALL	CLEAR/ARTIC WHITE		18.18
02250462257	AUTO VALUE MARSHALL	BLADERUNNER		63.69
02250462389	AUTO VALUE MARSHALL	CABIN AIR FILTER		26.22
02250462399	AUTO VALUE MARSHALL	BATTERY TESTER		67.95
02250462283	AUTO VALUE MARSHALL	EPOXY/SUPER GLUE/MINI BULB		52.87
02250462325	AUTO VALUE MARSHALL	6GOLD18025PK/ OXFORD WHITE/GLOSS WHITE		30.96
1000198907	BALTIC NETWORKS USA	MIKROTIK INTERNATIONAL- RESIDENTIAL ROUT	2020.333	2,960.75
0312480-IN	BEAVER RESEARCH CO	DISINFECTANT - COVID		203.50
5262020	BOSSERD FAMILY FARM	PLANTERS ON MAIN		718.20
5272020	BOSSERD FAMILY FARM	FLOWER BEDS AT CIRCLE		638.40
20-4129	CB HALL ELECTRIC COMP	ELECTRICAL - NEW DESK		330.00
1969070	CRYSTAL FLASH MARSHALL	GAS DELIVERY		614.16
2002780	CRYSTAL FLASH MARSHALL	DIESEL OFF ROAD		774.99
567819	DARLING ACE HARDWARE	HOUSEHOLD SPRAYER		5.97
567531	DARLING ACE HARDWARE	BUCKET		9.18
567603	DARLING ACE HARDWARE	LED/DUCT TAPE		19.98
567916	DARLING ACE HARDWARE	FLOOR LEVELER		9.99
566988	DARLING ACE HARDWARE	KEY		2.39
567816	DARLING ACE HARDWARE	HOSE MENDER		17.18
566802	DARLING ACE HARDWARE	PLASTIC ANCHOR/NUTS & BOLTS		8.11
566712	DARLING ACE HARDWARE	NUTS/BOLTS		7.52
566827	DARLING ACE HARDWARE	ELECTRICAL CONDUIT/FITTINGS		11.53
567177	DARLING ACE HARDWARE	2020 CEMETERY FLOWERS FOR OAKRIDGE PERPE	2020.263	1,446.90
566538	DARLING ACE HARDWARE	SAWZAL BLADE		33.98
566532	DARLING ACE HARDWARE	TRIMMER LINE/MINWAX		18.89
567179	DARLING ACE HARDWARE	COMM. LINE		175.96
ARVINV000706	DELTA STAR INC	30 MVA TRANSFORMER FOR PEARL STREET SUBS	2020.098	81,888.80
17319	DUKE'S ROOT CONTROL,	ISANITARY SEWER ROOT TREATMENT	2020.287	10,062.26
I106499	ERIC DALE HEATING & AIA/C SERVICE			155.00
MIBAT290148	FASTENAL COMPANY	CABLE TIE		29.28
0096181	FERGUSON WATERWORKS #3	CURB BOX		588.00
0097186	FERGUSON WATERWORKS #3	CURB BOX LIDS		518.00
9316133622	GRAYBAR ELECTRIC	DROP WIRE CLAMP\		34.59
20200242	GRP ENGINEERING INC	ENGINEERING SERVICES FOR TIE CIRCUIT REL	2020.344	4,046.45
3333	HE CLEANS TOO, LLC	CARPET WATER EXTRACTION		363.00
3329	HE CLEANS TOO, LLC	JANITORIAL		377.16
3332	HE CLEANS TOO, LLC	COMMERCIAL CLEANING SERVICES		819.57
3330	HE CLEANS TOO, LLC	PSB CLEANING		658.76
3331	HE CLEANS TOO, LLC	JANITORIAL		716.02
84902	HERMANS MARSHALL HARDW	MARKING FLAGS		12.58
84907	HERMANS MARSHALL HARDW	BLACKTOP PATCH/TIE DOWNS		74.36
84900	HERMANS MARSHALL HARDW	CUTOFF WHEELS		11.96
84897	HERMANS MARSHALL HARDW	8000 BTU A/C		379.99
84848	HERMANS MARSHALL HARDW	DOOR STOPS		24.57
26780	HUNTER PRELL COMPANY	REPLACE PIPE ON WATER HEATER		232.00
0057479-IN	HYDROCORP	CROSS CONNECTION CONTROL PROGRAM		865.00
1303	IMPACT LAWN & LANDSCAP	2020 LAWN MOWING - APRIL TO JUNE 2020	2020.295	360.00
1302	IMPACT LAWN & LANDSCAP	2020 LAWN MOWING - APRIL TO JUNE 2020	2020.295	1,580.00
1291	IMPACT LAWN & LANDSCAP	2020 LAWN MOWING - APRIL TO JUNE 2020	2020.295	440.00
1290	IMPACT LAWN & LANDSCAP	2020 LAWN MOWING - APRIL TO JUNE 2020	2020.295	300.00
1292	IMPACT LAWN & LANDSCAP	2020 LAWN MOWING - APRIL TO JUNE 2020	2020.295	400.00
M 29053	IMPACT SOLUTIONS	UTILITY BILL PAPER- 84,000 COPIES	2020.335	1,554.47
16871	J AND K PLUMBING SUPPL	REPLACEMENT WASHER RUBBER		12.72
5828	K DRIVE GREENHOUSE CO.	HANGING BASKETS	2020.340	1,505.00
4452	KALLEWARD GROUP	KETCHUM PARK PAVILION CONSTRUCTION	2020.077	53,832.00
INV007986	KNIGHT WATCH, INC	SYSTEM SERVICED		264.10
INV007880	KNIGHT WATCH, INC	MONTHLY FIRE MONITORING		224.85
INV0007837	KNIGHT WATCH, INC	SMOKE DETECTOR SERVICE		304.38
01055626	LEGG LUMBER	O/S CORNER		13.99
1720997-20200531	LEXISNEXIS RISK DATA MIMAY - RISK DATA MANAGEMENT			100.00
035801	LOU'S GLOVES INC	NITRILE GLOVES - COVID		184.00
035952	LOU'S GLOVES INC	GLOVES		84.00
035384	LOU'S GLOVES INC	COVID - GLOVES		84.00
54144	MCNALLY ELEVATOR COMP	ELEVATOR MAINTENANCE		686.80
286550	MICHIGAN INDUSTRIAL GA	WELDING GASES		101.16
14610	MIDWEST COMMUNICATION	REPLACE DAMAGED FIBER OPTIC CABLE E. MAN	2020.346	2,311.23
20-18044-1	MILLENNIUM	F913-CONDUIT		1,035.78
55361842	MSC INDUSTRIAL SUPPLY	MARKING PAINT		66.00
52365332	MSC INDUSTRIAL SUPPLY	IVY WIPES		59.90

APPROVAL LIST FOR CITY OF MARSHALL
 EXP CHECK RUN DATES 06/17/2020 - 06/17/2020
 UNJOURNALIZED
 OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
439145	NORTH CENTRAL LABORATORY	BLANKET PO FOR LAB SUPPLIES	2020.046	410.75
740068	NYE UNIFORM COMPANY	TASER HOLSTER		69.50
99816	O'LEARY WATER CONDITIONING	MAY/JUNE COOLER RENTAL/WATER DELIVERED		31.00
1662904	OFFICE 360	PAPER		32.99
1655461	OFFICE 360	COPY PAPER		197.94
ARI/51028324	PARKSON CORPORATION	IN:RDT REPAIR	2020.282	1,420.00
6965466-00	POWER & TELEPHONE SUPPLY	LARGE NID		1,036.65
6565466-01	POWER & TELEPHONE SUPPLY	NID		218.16
56471000	POWER LINE SUPPLY	WASHERS		150.00
56471997	POWER LINE SUPPLY	LED ROADWAY FIXTURES- OUR STOCK# E290	& 2020.329	2,226.00
56468463	POWER LINE SUPPLY	CREE LED FLOOD LIGHTS- NOCTURNA SERIES	2020.308	4,390.16
20-1276	RESCUE RESOURCES	STORAGE BOX		141.20
29199862	ROTO-ROOTER	PSB DRAIN LINE REPAIR/PRESSURE JETTING		866.27
INV-000490254	SCHWEITZER ENGINEERING	QUOTE # USAST1004-20 FIBER OPTIC CONNEC	2020.332	210.00
INV-000489911	SCHWEITZER ENGINEERING	QUOTE # USAST1004-20 FIBER OPTIC CONNEC	2020.332	80.00
000490945	SCHWEITZER ENGINEERING	QUOTE # USAST1004-20 FIBER OPTIC CONNEC	2020.332	507.52
712951	STEENSMA	V BELT		82.55
360390	SYSTEMS CONTROL	PEARL ST SUBSTATION SYSTEM CONTROLS - RE	2020.200	298,900.00
5220285	TOSHIBA AMERICA BUSINESS	ESTUDIO		153.58
154 0092076	UNIFIRST CORPORATION	WATER UNIFORMS		34.82
154 0092077	UNIFIRST CORPORATION	MARSHALL HOUSE		33.88
154 0092075	UNIFIRST CORPORATION	POWER HOUSE UNIFORMS		52.87
154 0092072	UNIFIRST CORPORATION	WASTE WATER UNIFORMS		25.79
154 0092652	UNIFIRST CORPORATION	WASTE WATER UNIFORMS		25.79
154 0092655	UNIFIRST CORPORATION	POWER HOUSE UNIFORMS		52.87
154 0092657	UNIFIRST CORPORATION	MARSHALL HOUSE UNIFORMS		33.88
154 0092656	UNIFIRST CORPORATION	WATER UNIFORMS		34.82
154 0092653	UNIFIRST CORPORATION	DPW GARAGE UNIFORMS		59.65
154 0092654	UNIFIRST CORPORATION	ELECTRIC UNIFORMS		330.88
154 00952073	UNIFIRST CORPORATION	DPW GARAGE UNIFORMS		59.65
154 0092074	UNIFIRST CORPORATION	ELECTRIC UNIFORMS		185.49
238199	USA BLUEBOOK	COVID - HAND SANITIZER		250.09
27422	WEST SHORE SERVICES	EMERGENCY REPAIR		1,556.75
BROOKSMAY20	WHITE COLLAR LAWN & LANDSCAPE	2020 LAWN MOWING AT MRLEC BUILDING- & AI	2020.296	1,760.00
MLRECMAY20	WHITE COLLAR LAWN & LANDSCAPE	2020 LAWN MOWING AT MRLEC BUILDING- & AI	2020.296	880.00
GRAND TOTAL:				545,351.17

APPROVAL LIST FOR CITY OF MARSHALL
 EXP CHECK RUN DATES 05/29/2020 - 05/29/2020
 UNJOURNALIZED
 OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
5172020	AT&T MOBILITY	ACCT 145970911		87.35
5272020	BOWDIDGE, SHAWNIE	HANGAR RENT REFUND		250.00
5302020	CARR, LEVI	MEALS		30.00
5252020	CASE, KYLER	MEALS		30.00
9318336510	CONSUMERS ENERGY	GAS METER CONNECTION FEE/SERVICE CONTRIB		15,487.82
60102263407	CONSUMERS ENERGY	ACCT 103018520884		510.31
5242020	CROW, CURT	MEALS		20.00
5212020	FISHER, CHARLIE	MEALS		30.00
5252020	GROSS, JOHN	INSPECTIONS 5/7-5/25/2020		600.00
6070075	HOME DEPOT CREDIT SERV	ACCT 6035322538837943		79.97
5302020	MACK, JEFF	MEALS		30.00
5102020COFM	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 3431 - CITY OF MARSHA		32.13
5102020TT	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 7681 - TOM TARKIEWICZ		205.48
5102020JM	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 9156 - JUSTIN MILLER		65.00
5102020TS	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 2922 - THERESA SEARS		417.15
5102020ER	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 4868 - ED RICE		278.92
1481335	MILLER CANFIELD PADDOC	PROFESSIONAL SERVICES THRU APRIL 30, 202		769.50
4262020	POWERPLAN	BALANCE OF PREVIOUS STATEMENT		219.29
5212020	SCHIPPER, CLINT	MEALS		10.00
5252020	SCOTT, DOUGLAS	INSPECTIONS 3/23-5/25/2020		650.00
1659788	STANTEC CONSULTING MIC	GIS ENHANCEMENTS- PREPARATION FOR ASSET 2020.304		4,756.25
5242020	TAYLOR, JEFF	MEALS		20.00
GRAND TOTAL:				24,579.17

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
1XPJ-RJD3-XN6W	AMAZON BUSINESS	ACCT# A1P4GM99HG1EO2		25.99
06/03/2020	ARNSMAN, ADRIENNE	UB refund for account: 3005460034		88.63
06/03/2020	BEST, RONNIE	UB refund for account: 2900170027		85.37
LOCAL-2020-0000000	CALHOUN COUNTY TREASURY	LAW ENFORCEMENT RECORDS SYSTEM - ANNUAL		3,582.80
10007	COURTNEY & ASSOCIATES	MONTHLY RETAINER - MAY		250.00
000490607	CRYSTAL FLASH MARSHALL	ULTRA LOW DIESEL FUEL FOR POWERHOUSE	2020.320	12,429.60
565942	DARLING ACE HARDWARE	DRILLBIT/SAWZAL BLADE		59.98
566590	DARLING ACE HARDWARE	BATTERY		9.56
06/02/2020	HAZEL KNAUR	UB refund for account: 1838		50.00
6022020	HUYGE, TIM	ENERGY OPTIMIZATION - FURNACE AND AC		215.00
64153	KAL-BLUE INC	LAMINATION - BROOKS NATURE		31.12
6032020	KING, CAROLYN	ENERGY OPTIMIZATION - FURNACE AND AC		200.00
5142020	LAHAM, RICH	TSHIRT REIMBURSEMENT		21.15
434870	MARANA GROUP	POSTAGE ACCT M323		500.00
5102020SMCD	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 4217 - SCOTT MCDONALD		352.28
5102020CR	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 4860 - CHRISTY RAMEY		856.05
5102020EZ	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 2217 - ERIC ZUZGA		48.58
4788-242926	O'REILLY FIRST CALL	NEEDLENOSE/EXHAUST WRAP		60.98
4788-244922	O'REILLY FIRST CALL	CAPSULE/LIGHT SOCKET/MARKER LIGHT		48.37
06/02/2020	RIVERSIDE	UB refund for account: 1900840040		50.14
12416	SONAR	SONAR SOFTWARE MONTHLY SERVICE. \$1.25/C 2020.061		1,628.75
1629281459	STAPLES BUSINESS CREDI	CREDIT ACCT 302063		429.16
1628904817	STAPLES BUSINESS CREDI	CREDIT ACCT 302063		203.31
17B	TOP TO BOTTOM TREE SER	LINE CLEARANCE 520 N LINDEN/MANSION ST		1,060.00
17	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE (3-PERSON \$106/2020.273		1,908.00
06/01/2020	VANDERVRIES, EDWARD	ASSESSING SERVICES		4,400.00
06/03/2020	WATSON, ROBERTA	UB refund for account: 3004110013		66.72
5242020	WOW! BUSINESS	ACCT 013934621		39.59
5282020	WOW! BUSINESS	ACCT 010058364		32.97
GRAND TOTAL:				28,734.10



ADMINISTRATIVE REPORT
June 15, 2020 - CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

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

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

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

Attached is a listing, by job title, of the proposed wages for the administrative officials, department heads and salaried personnel. Performance evaluations were completed and a 3% wage increase is being proposed for all position.

These proposed wages are contained within the FY21 budget for the City of Marshall. All Union Groups are receiving a 3% wage increase by contract with the exception of Patrol and Command who are currently in negotiations. As indicated by Charter, the wages must be formally approved by Council.

RECOMMENDATION: Approve the proposed FY21 wages for the administrative officials, department heads and salaried personnel as presented.

FISCAL EFFECTS: The wages as shown on the attached listing, are included in the FY21 proposed budget.

ALTERNATIVES: As suggested by City Council.

CITY GOAL CLASSIFICATION: Not Applicable

Respectfully submitted,

Tom Tarkiewicz
City Manager

Tracy L. Hall
HR Manager

323 W. Michigan Ave.

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cityofmarshall.com

Position	2019-20 Wage 2%	2020-21 Wage 3%
GIS Specialist / Project Coordinator	44,788.975	46,132.644
HR Manager / IT Coordinator	49,357.239	50,837.956
FiberNet Customer Service & Marketing Mgr	43,860.000	45,175.800
Clerk / Planning & Zoning Admin	51,003.264	52,533.362
Treasurer	51,499.800	53,044.794
Marshall House Administrator	51,750.659	53,303.179
Recreation Administrator	55,182.816	56,838.300
FiberNet Technical Manager	57,222.000	58,938.660
DPW Superintendent	60,690.000	62,510.700
Waste Water Superintendent	62,932.215	64,820.181
Water Superintendent	63,548.968	65,455.437
Fire Chief	74,000.000	76,220.000
Police Chief	78,400.000	80,752.000
Assistant Director of Electric Utilities	80,000.000	80,000.000
Director of Special Projects	80,000.000	82,400.000
Director of Finance	82,620.000	85,098.600
Director of Public Services	83,000.000	85,490.000
Director of Public Safety	83,000.000	85,490.000
Director of Electric Utilities & FiberNet	98,838.000	101,803.140
City Manager	120,524.526	124,140.262



ADMINISTRATIVE REPORT
June 15, 2020 – City Council Meeting

TO: Honorable Mayor and City Council

FROM: Tom Tarkiewicz, City Manager
Tracy Hall, Human Resources Manager

SUBJECT: Patrol Union Agreement
Police Officers Labor Council, Patrol Officer's Division

BACKGROUND: The City of Marshall has completed negotiations with the Police Officer Labor Council, Patrol Officer's Division. We have reached mutual agreement on the collective bargaining agreement. Attached is a Fact Sheet summarizing the major changes made to the Agreement.

The bargaining unit has ratified the contract. The three-year agreement will expire June 30, 2023.

RECOMMENDATION: We respectfully request that City Council approve the Contract as presented.

FISCAL EFFECTS: The costs associated with implementation of contract provisions.

ALTERNATIVES: As suggested by City Council.

Respectfully submitted,

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

Tom Tarkiewicz
City Manager

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

Tracy Hall
HR Manager

323 W. Michigan Ave.

Marshall, MI 49068

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2020 Patrol Negotiations Tentative Agreement

Following items are tentatively agreed:

Union check-off - update language to comply with the Supreme Court decision in the Janus case.

Officers shall not be ordered to work on their regularly scheduled pass days if the full shift before or after has been approved for time off, except in the case of an emergency.

Increase shift command pay to \$1.50/hr (was \$1.25)

Wages (Current year amounts to build from)

Start 22.08

Completion of FTO: 23.33

1 yr 23.97

2 yr 25.22

3 yr 26.47

4 yr 27.72

3% wage increase each year of the contract

Employees hired on or after July 1, 2011 shall pay twenty (20%) of the cost of health and optical insurance premiums

Sick Leave - update to include the Paid Medical Leave language

Health Care Savings Plan. Update language: anyone retiring between July 1, 2020 and June 30, 2023 shall contribute 100% of accumulated Sick and Vacation leave payout.



ADMINISTRATIVE REPORT
June 15, 2020 – City Council Meeting

TO: Honorable Mayor and City Council

FROM: Tom Tarkiewicz, City Manager
Tracy Hall, Human Resources Manager

SUBJECT: Command Union Agreement
Police Officers Labor Council – Command Unit

BACKGROUND: The City of Marshall has completed negotiations with the Police Officers Labor Council – Command Unit. We have reached mutual agreement on the collective bargaining agreement. Attached is a Fact Sheet summarizing the major changes made to the Agreement.

The bargaining unit has ratified the contract. The three-year agreement will expire June 30, 2023.

RECOMMENDATION: We respectfully request that City Council approve the Contract as presented.

FISCAL EFFECTS: The costs associated with implementation of contract provisions.

ALTERNATIVES: As suggested by City Council.

Respectfully submitted,

Tom Tarkiewicz
City Manager

Tracy Hall
HR Manager

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2020 Command Negotiations Tentative Agreement

The following items are tentatively agreed:

Union check-off - update language to comply with the Supreme Court decision in the Janus case.

Employees hired on or after July 1, 2011 shall pay twenty (20%) of the cost of health and optical insurance premiums

Increase wages: Probation 8% above Patrol
Sgt: July 1, 2020 - 11% above Patrol
July 1, 2021 - 12% above Patrol
July 1, 2022 - 13% above Patrol

Three year contract

Sick Leave - update to include the Paid Medical Leave language

Remove the Lieutenant position from contract



ADMINISTRATIVE REPORT
June 15, 2020 – CITY COUNCIL MEETING

TO: Honorable Mayor and City Council
FROM: Jon B. Bartlett, Finance Director
Tom Tarkiewicz, City Manager
SUBJECT: FY 2020 Year-End Budget Amendments

BACKGROUND: Public Act 2 of 1968, better known as the Uniform Budgeting and Accounting Act, requires an amendment to the adopted budget when it can be determined that the budget projections will be different than originally anticipated. Each June, staff reviews the revenues and expenditures in order to develop an amended budget resolution to more closely reflect the actual operational costs and the associated revenues. All numbers in the “change column” that have a parenthesis, reflect a negative direction in terms of the budget. For example, if the “change column” for revenue has a parenthesis, then revenues are expected to be lower than originally budgeted.

The following is a summary of the recommended budget amendments:

General Fund

- Revenues are estimated to be \$40,325 higher than expected.
- Expenditures are estimated to be \$39,410 higher than expected.

Recreation

Revenues are estimated to be \$38,968 less than expected due to a slight decrease in property tax revenue and a much larger decrease in user fees related to the COVID 19 pandemic. Expenditures are estimated to be \$38,542 lower than originally budgeted.

Farmer’s Market

Revenues are down \$11,815 and expenditures are estimated to be \$4,257 higher than originally budgeted.

MVH-Major Streets

Revenues are \$30,000 lower than expected due to lower Act 51 revenues. Expenditures are \$96,319 less due to timing of the Jefferson/Grand project.

MVH-Local Streets

Expenditures are lower due to fewer projects.

MRLEC

Revenues are slightly lower than expected.

Local Development Finance Authority

Revenues have increased due to higher tax capture and the sale of property.

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Downtown Development Authority

Revenue and expenditures are both down due to the BluesFest being postponed.

Marshall House

The revenue decrease is due to an increase in turnovers for the year and holding some apartments open for the remodeling project.

FiberNet

The revenue decrease is due to the delay in the project, which resulted in a substantial decrease in the number of customers that were estimated to be hooked up to the FiberNet.

Electric

Revenue and expenditures are lower than expected due to the delay in construction/opening of the new commercial businesses that were to open in the spring of 2019.

Dial-A-Ride

Revenue and Expenditures are lower than expected due to the COVID 19 pandemic.

Wastewater

Revenues are estimated to be \$51,985 lower than expected due to lower than anticipated residential and commercial sales. Expenditures are estimated to be \$1,038,526 lower than expected due to the postponement of the AMI project.

Water

Revenues are estimated to be \$9,697 lower than expected.

Data Processing

Revenues and expenditures are both lower than expected.

Motor Pool

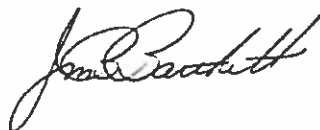
Revenues are \$107,970 lower than expected.

RECOMMENDATION: To adopt the attached resolution to amend the FY 2020 Budget.

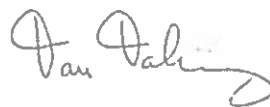
FISCAL EFFECTS: As detailed by the information included in this Administrative Report.

ALTERNATIVES: As suggested by Council.

Respectfully Submitted,



Jon B. Bartlett
Finance Director



Tom Tarkiewicz
City Manager

CITY OF MARSHALL, MICHIGAN
RESOLUTION #2020-

THE CITY OF MARSHALL
AMENDED GENERAL APPROPRIATION ACT RESOLUTION
July 1, 2019 – June 30, 2020

THE CITY OF MARSHALL RESOLVES that the revenues and expenditures for the fiscal year, commencing July 1, 2019, and ending June 30, 2020, are hereby amended on a departmental and fund total basis as follows:

<u>General Fund Revenues</u>	<u>Adopted</u>	<u>Amended Mid-Year</u>	<u>Amended June, 2020</u>	<u>Change</u>
Taxes	3,647,482	3,647,482	3,790,000	142,518
Licenses and Permits	165,000	165,000	168,000	3,000
Intergovernmental Revenues	965,744	965,744	965,744	0
Charges for Services	64,650	64,650	72,000	7,350
Fines and Forfeits	48,300	48,300	20,000	(28,300)
Rents	45,000	45,000	52,000	7,000
Interest	30,000	30,000	19,400	(10,600)
Miscellaneous	346,137	346,137	307,000	(39,137)
Other Financing Sources	1,540,506	1,540,506	1,499,000	(41,506)
Total Revenues	6,852,819	6,852,819	6,893,144	40,325
<u>General Fund Expenditures</u>				
City Council	5,011	5,011	5,011	0
City Manager	296,637	296,637	296,637	0
Assessor	69,362	69,362	69,362	0
Attorney	55,000	55,000	87,000	(32,000)
Human Resources	90,155	90,155	90,155	0
Clerk	57,878	57,878	62,878	(5,000)
Finance/Treasurer	571,536	571,536	571,536	0
City Hall	86,510	86,510	86,510	0
Chapel	3,972	3,972	3,972	0
Other City Property	36,000	36,000	56,000	(20,000)
Cemetery	172,590	172,590	160,000	12,590
Non-Departmental	889,435	929,335	929,335	0
Police	2,009,827	2,009,827	2,009,827	0
Crossing Guards	12,749	12,749	7,749	5,000
Dispatch	117,000	117,000	131,000	(14,000)
Code Enforcement	0	0	16,000	(16,000)
Fire	1,237,182	1,335,382	1,335,382	0
Inspection	134,955	134,955	134,955	0
Planning/Zoning	79,657	79,657	59,657	20,000
Streets	843,489	843,489	843,489	0
Compost	37,058	37,058	42,058	(5,000)
Engineering	35,367	35,367	20,367	15,000
Public Svcs. Build Operations	120,688	120,688	120,688	0

	<u>Adopted</u>	<u>Amended Mid-Year</u>	<u>Amended June, 2020</u>	<u>Change</u>
Parks	88,961	88,961	88,961	0
Capital Improvements	165,100	165,100	165,100	0
Total Expenditures	7,216,119	7,354,219	7,393,629	(39,410)
GF Net Surplus/(Deficit)	(363,300)	(501,400)	(500,485)	

GF - Recreation				
Revenues	428,968	428,968	390,000	(38,968)
Expenditures	443,554	448,542	410,000	38,542
Net Surplus/(Deficit)	(14,586)	(19,574)	(20,000)	

GF - Farmers Market				
Revenues	30,815	30,815	19,000	(11,815)
Expenditures	25,743	25,743	30,000	(4,257)
Net Surplus/(Deficit)	5,072	5,072	(11,000)	

Leaf/Brush				
Revenues	98,691	98,691	105,600	6,909
Expenditures	98,691	98,691	105,000	(6,309)
Net Surplus/(Deficit)	0	0	600	

MVH-Major & Trunkline				
Revenues	695,749	695,749	665,749	(30,000)
Expenditures	874,219	946,319	850,000	96,319
Net Surplus/(Deficit)	(178,470)	(250,570)	(184,251)	

MVH-Local				
Revenues	297,235	297,235	288,400	(8,835)
Expenditures	387,846	387,846	288,400	99,446
Net Surplus/(Deficit)	(90,611)	(90,611)	0	

MRLEC				
Revenues	318,679	318,679	316,000	(2,679)
Expenditures	327,221	327,221	327,221	0
Net Surplus/(Deficit)	(8,542)	(8,542)	(11,221)	

Northeast NIA				
Revenues	6,100	6,100	6,100	0
Expenditures	5,500	5,500	5,500	0
Net Surplus/(Deficit)	600	600	600	

Drug Forfeiture Fund				
Revenues	0	0	2,000	2,000
Expenditures	0	0	0	0
Net Surplus/(Deficit)	0	0	2,000	

	<u>Adopted</u>	<u>Amended Mid-Year</u>	<u>Amended June, 2020</u>	<u>Change</u>
<u>Local Develop. Finance Auth.</u>				
Revenues	406,540	406,540	641,500	234,960
Expenditures	489,217	489,217	489,217	0
Net Surplus/(Deficit)	(82,677)	(82,677)	152,283	

<u>Downtown Develop. Auth.</u>				
Revenues	200,595	200,595	179,200	(21,395)
Expenditures	170,925	173,925	194,900	(20,975)
Net Surplus/(Deficit)	29,670	26,670	(15,700)	

<u>GF - Airport</u>				
Revenues	188,920	188,920	208,506	19,586
Expenditures	188,036	208,506	208,506	0
Net Surplus/(Deficit)	884	(19,586)	0	

<u>Marshall House</u>				
Revenues	902,013	902,013	860,000	(42,013)
Expenditures	929,772	929,772	929,772	0
Net Surplus/(Deficit)	(27,759)	(27,759)	(69,772)	

<u>FiberNet</u>				
Revenues	1,417,360	1,417,360	843,000	(574,360)
Expenditures	1,135,028	1,136,728	1,136,728	0
Net Surplus/(Deficit)	282,332	280,632	(293,728)	

<u>Electric</u>				
Revenues	22,100,900	22,100,900	13,000,000	(9,100,900)
Expenditures	22,132,003	22,132,003	16,400,000	5,732,003
Net Surplus/(Deficit)	(31,103)	(31,103)	(3,400,000)	

<u>Dial-A-Ride</u>				
Revenues	541,559	631,378	450,600	(180,778)
Expenditures	569,973	659,792	500,000	159,792
Net Surplus/(Deficit)	(28,414)	(28,414)	(49,400)	

<u>Wastewater</u>				
Revenues	2,019,317	2,019,317	1,967,332	(51,985)
Expenditures	2,857,458	3,005,858	1,967,332	1,038,526
Net Surplus/(Deficit)	(838,141)	(986,541)	0	

	<u>Adopted</u>	<u>Amended Mid-Year</u>	<u>Amended June, 2020</u>	<u>Change</u>
<u>Water</u>				

Revenues	1,898,593	1,898,593	1,888,896	(9,697)
Expenditures	2,678,330	3,874,319	3,874,319	0
Net Surplus/(Deficit)	(779,737)	(1,975,726)	(1,985,423)	

Data Processing				
Revenues	184,253	184,253	178,600	(5,653)
Expenditures	175,139	175,139	180,000	(4,861)
Net Surplus/(Deficit)	9,114	9,114	(1,400)	

Motorpool				
Revenues	1,088,770	1,088,770	980,800	(107,970)
Expenditures	1,138,422	1,138,422	1,138,422	0
Net Surplus/(Deficit)	(49,652)	(49,652)	(157,622)	

Safety				
Revenues	0	0	161	161
Expenditures	0	0	1,500	(1,500)
Net Surplus/(Deficit)	0	0	(1,339)	

RESOLVED, the use of prior year's fund balance/net position reserves is not reflected in a Fund's revenue figure above, and that the source of funding for a Fund's Net Loss/(Deficit) shall be the use of prior year's fund balance/net position reserves;

This Resolution shall take effect upon adoption.
Dated June 15, 2020

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 June 15, 2020, and that said meeting was conducted and that the minutes of said meeting were kept and will be or have been made available.

Trisha Nelson, City Clerk



Administrative Report
June 15, 2020 – City Council Meeting

REPORT TO: Honorable Mayor and City Council Members

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

SUBJECT: Solid Waste Ordinance

BACKGROUND: At the December 3, 2019 Council meeting, a public hearing was held to consider the adoption of an ordinance that would allow the City to enter into an exclusive contract for trash collection in the City. After that hearing and a subsequent discussion at the Strategic Planning Work Session held on January 25, 2020, staff was directed to bring this issue back for discussion with a focus on trash and recycling only.

Attached is an updated ordinance that addresses some of the changes and highlights sections that need to be discussed. At the June 15th meeting, we will need to hold a discussion on what you want included and specific definitions in the ordinance. The following items/questions need to be covered in the ordinance:

- Who should be covered by the ordinance? Are four-unit buildings the limit? Condos?
- Do you allow opt outs for trash service? Require proof?
- Is recycling required for all customers?
- Do you include recycling charge in cost, but allow people not to take the service?
- Do we provide for seasonal service?
- Do you regulate where containers can be stored?

After the review and discussion, a final ordinance will be drafted and presented to Council on July 6th so that a public hearing can be scheduled on July 20th.

RECOMMENDATION: Review the attached draft ordinance and identify the issues that need to be included in a new ordinance.

FISCAL EFFECTS: None anticipated at this time.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Eric Zuzga
Director of Special Projects

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

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F 269.781.3835

cityofmarshall.com

MARSHALL CITY ORDINANCE
CALHOUN COUNTY, MICHIGAN

ORDINANCE NUMBER _____

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

THE CITY OF MARSHALL ORDAINS:

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

Section

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

50.01 Definitions.

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

- C. "Industrial waste" means accumulated on industrial or manufacturing premises arising from industrial, manufacturing, or chemical processing and includes, but is not limited to, metal scrap and solid or liquid chemical waste.
- D. "Recyclable materials" means refuse materials designated by the City Manager to be part of the City's recycling program and which are intended for transportation, processing and remanufacturing or reuse. Such items include, but are not limited to, the following: various grades of paper and cardboard, plastic bottles and jugs, glass, tin and aluminum containers and yard waste. Selection of the materials to be recycled will be at the discretion of the City Manager.
- E. "Refuse" means all manner of the same, including; but not limited to, ashes, rags, discarded clothing, discarded furniture, discarded appliances, tin cans, tin ware, bottles, broken glass, waste paper, motor vehicles or automobiles or trucks which are unlicensed and which are in inoperable condition, or motor vehicles which, although licensed, are abandoned, or motor vehicles which, although licensed, are dismantled, partly dismantled and/or in an inoperable condition and which remain in a dismantled, partly dismantled and/or in an inoperable condition for ninety days or more. The words "refuse," "trash," "rubbish," "litter," and "debris" shall be considered synonymous terms for the purposes of this chapter.
- F. "Residential refuse and residential garbage service" means service provided to premises having one and two-family residences, or multiple-family dwellings of less than four units.
- G. "Solid industrial waste service" means all trade wastes peculiar to industrial manufacturing or processing plants, including hazardous refuse, but not including commercial refuse
- H. "Yard waste" means leaves, grass clippings, weeds, hedge clippings, garden waste, twigs and brush no longer than two feet in length and one-half inch in diameter, and other organic material subject to natural composting as approved by the City Manager.

50.02 DISPOSAL OF REFUSE AND GARBAGE.

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

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

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

50.03 DISPOSAL OF INDUSTRIAL WASTE.

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

50.04 DEPOSITS ON PUBLIC GROUNDS.

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

50.05 EXCLUSIVE CONTRACTS.

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

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

50.06 STORAGE OF CONTAINERS

From and after the passage and taking effect of this ordinance, it shall be unlawful for any person to leave their containers along any public way, street, alley, sidewalk, or other public property. Containers used for the disposing of said trash and rubbish shall be kept on the property's side or rear yards, in garages, car ports, homes, or other structures not in open view in front yards. Containers can be placed adjacent to the road within a period of time 24 hours before to 12 hours after any collection by a licensed hauler for the residential home involved.

50.07 TYPES OF COLLECTION SERVICES.

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

50.08 POLLUTION OF STREAMS.

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

50.09 RATES AND CHARGES.

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

50.10 LIENS; SPECIAL ASSESSMENTS; DEPOSITS.

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

In addition to the methods of collection of fees imposed by or pursuant to this chapter, the Director of Finance shall, on June 30 and January 1, certify all unpaid charges for such service furnished to any premises which, as of such dates, have remained unpaid for a period of six months, to the City Assessor who shall place the same on a special assessment roll of the City.

50.11 ISSUANCE OF CIVIL INFRACTION CITATIONS AND NOTICES.

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

50.12 DISPOSAL OF YARD WASTE; YARD WASTE PICK-UP PROGRAM.

- A. No person shall place or deposit or cause to be placed or deposited, upon public or private property, any yard waste, except as provided by this section. This section shall not apply to grass clippings which are directly deposited back on the grass area from which they are generated or to yard waste which is part of a properly maintained compost pile or program.
- B. The City Manager is hereby authorized to establish a City-wide residential yard waste pick-up program and to establish rules and regulations for the implementation of the program.
- C. The rules and regulations for the collection of yard waste shall establish the dates for pick-up. No person shall set out for pick-up or cause to be set out for pick-up any yard waste prior to 5:00p.m. on the date immediately prior to the established pick-up date. Any yard waste set out subsequent to pick-up shall be removed from the curb lawn area within forty-eight hours by the owner, agent, or occupant of the premises in front of or adjacent to which the yard waste is located. Failure to remove improperly placed yard waste will result in the issuing of a Municipal civil infraction violation notice.
- D. The rules and regulations for the collection of yard waste will provide for the pick-up of loose leaves.
- E. The yard waste pick-up program is not meant to circumvent the free-enterprise system of commercial lawn care companies. The City will not pick up yard waste generated by a commercial lawn care company.

50.13 DISPOSAL OF BRUSH; BRUSH PICK-UP PROGRAM.

- A. No person shall place or deposit or cause to be placed or deposited, upon public or private property, brush, except as provided by this section.

- B. The City Manager is hereby authorized to establish a City-wide residential brush pick-up program, which shall include provisions for the collection of brush resulting from storm damage, and to establish rules and regulations for the implementation of the program.
- C. The rules and regulations for the collection of brush shall establish the dates for pick-up. No person shall set out for pick-up, or cause to be set out for pick-up, any brush prior to 5:00p.m. on the Friday immediately prior to the established pick-up date. Any brush set out subsequent to pick-up shall be removed from the curb lawn area within forty-eight hours by the owner, agent, or occupant of the premises in front of or adjacent to which the brush is located. Failure to remove improperly placed brush will result in the issuing of a Municipal civil infraction violation notice.
- D. The brush program is not meant to circumvent the free-enterprise system of commercial tree and brush removal. The City will not pick up material that is left as a result of a tree or lot being commercially cleared, removed, or pruned.

50.14 VACANT LOTS.

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

50.15 ENFORCEMENT.

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

50.99 Penalty

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

Severability.

The various parts, sections and clauses of the Ordinance are declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid

by a Court of competent jurisdiction, the remainder of the ordinance shall not be affected.

Effective Date.

This Ordinance shall be effective thirty (30) days after publication.

Date Enacted: _____

Date Published: _____

Date Effective: _____

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

Section 3. This Ordinance shall be effective thirty (30) days after publication.

Adopted and signed this _____ day of _____, 2020.

Joe Caron, MAYOR

Trisha Nelson, CITY CLERK

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