



**CITY COUNCIL
WORK SESSION AGENDA
Monday October 7, 2019
6:00 PM
City Hall Training Room**

A. Consolidated Solid Waste Management

City staff will present information on consolidated waste management

B. Other items

C. Future Work Sessions

Hydroelectric license 6:00 October 21st

D. Future topics

323 W. Michigan Ave.

Marshall, MI 49068

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cityofmarshall.com



MARSHALL CITY COUNCIL AGENDA

MONDAY – 7:00 P.M.

October 7, 2019

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) INVOCATION – Kris Tarkiewicz, Family Bible 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. Schedule Public Hearing – PA 425 Conditional Land Transfer with Marshall Township for 15325 West Michigan Avenue P. 5
 City Council will consider the recommendation to schedule a public hearing for Monday, October 21, 2019 to hear public comment on a PA 425 Land Transfer for land owned by Michael-Samuel Corporation at 15325 West Michigan Avenue.
 - B. Chain of Command Appointments P. 12
 City Council will receive the Fiscal Year 2020 Administrative Chain of Command Appointments.
 - C. Trade Permit Plan Review Fee P. 13
 City Council will consider the recommendation to adopt a resolution authorizing the trade permit plan review fee for larger residential and commercial buildings.
 - D. City Council Minutes P. 15
 Regular Session.....Monday, September 16, 2019
 - E. City Bills P. 45

Regular Purchases.....	\$ 341,140.72
Weekly Purchases –9/13/19.....	\$ 127,329.81
Weekly Purchases –9/20/19.....	\$ 63,009.96
Weekly Purchases –9/27/19.....	\$ 23,413.96
Total	\$554,894.45
- 8) PRESENTATIONS AND RECOGNITIONS
 - A. Joel Langlois – Candidate for Congress
- 9) INFORMATIONAL ITEMS
- 10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

Mayor:

Joe Caron

Council Members:

Ward 1 - Scott Wolfersberger

Ward 2 - Nick Metzger

Ward 3 - Jacob Gates

Ward 4 - Michael McNeil

Ward 5 - Ryan Underhill

At-Large - Ryan Traver



11) OLD BUSINESS

12) REPORTS AND RECOMMENDATIONS

- A. **Marshall Area Farmers Market Manager Contract** P. 51
City Council will consider the recommendation to execute a contract with Pam Wolfersberger, as a contracted service provider, to perform the Market Manager duties as of November 1, 2019.
- B. **Perrin Dam Water Main Relocation** P. 56
City Council will consider the recommendation to approve the bid from Dunnigan Bros. of Jackson, MI in an amount of \$701,112.60, with a contingency of \$140,222.00 for water main construction and to approve construction engineering services from Stantec Consulting of Ann Arbor, MI in an amount of \$114,100.00. It is further recommended to approve a budget amendment in the amount of \$1,081,589.00 for account 591-900-970.13 Capital Outlay-Perrin Dam Watermain Relocation.
- C. **Possible Creation of a South and North Neighborhood Improvement Authority (NIA)** P. 58
City Council will consider the recommendation to adopt the Resolutions of Intent to create a South NIA and North NIA and to schedule a public hearing to receive public comment concerning the creation of the South NIA on November 18, 2019 and the North NIA on December 16, 2019.
- D. **Creation of Fire Chief and Police Chief Positions** P. 66
City Council will consider the recommendation to support the creation of a Fire Chief position at a not to exceed salary of \$76,000 and change the title of Deputy Police Chief to Police Chief. It is also recommended to approve a budget increase in an amount of \$98,200 in the Fire Department budget.
- E. **Marshall Avenue Bridge Guard Rail** P. 67
City Council will consider the recommendation to accept the bid from Nationwide Construction of Richmond, MI in an amount of \$45,315.06 plus a contingency of \$5,000.00 for repairs to the guard rail on the Marshall Ave Bridge over Rice Creek. It is also recommended that Council approve a budget amendment increase for account 202-900-970.00 Major Streets Capital Outlay of \$50,315.06.

13) APPOINTMENTS / ELECTIONS

- A. **Marshall District Library Board Appointment** P. 68
City Council will consider the recommendation to approve the appointment of M.J. Harting-Minkwic to the Marshall District Library Board with a term expiring March 31, 2020.
- B. **Marshall Farmers Market Advisory Board** P. 69
City Council will consider the recommendation to approve the appointment of Ron Duchenev to the Marshall Farmers Market Advisory Board with a term expiring October 20, 2022 and the reappointment of Kathy Miller and Marty Overhiser with terms expiring October 20, 2022.

October 7, 2019

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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) CLOSED SESSION

City Council will be requested to enter into closed session under Section 8 (a) of the Michigan Open Meetings Act to discuss the periodic performance evaluation of the City Manager.

17) ADJOURNMENT

Respectfully submitted,

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

Tom Tarkiewicz
City Manager

October 7, 2019

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ADMINISTRATIVE REPORT
OCTOBER 7, 2019 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council

FROM: Tom Tarkiewicz, City Manager

SUBJECT: P.A. 425 Conditional Land Transfer with Marshall Township
– Marshall Activity Center/Backroads Saloon – Set Public Hearing

BACKGROUND: The City and Marshall Township have received a request from Michael-Samuel Corporation at 15325 West Michigan Avenue to enter into a Public Act 425 Conditional Land Transfer. A PA 425 agreement brings a property into the City to receive City services but gives a portion of the new taxes collected to the Township.

In 2006, the City and Marshall Township entered into a Master PA 425 Conditional Land Transfer Agreement. In 2015, the Master Agreement was extended to 2026 and in 2019 was rewritten and extended until 2029.

PA 425 requires the adoption of a resolution and a public hearing by both governmental bodies. The proposed resolution and contract are attached.

RECOMMENDATION: It is recommended that a public hearing be scheduled for October 21, 2019 to hear comments on a PA 425 Land Transfer for land owned by Michael-Samuel Corporation at 15325 West Michigan Avenue.

FISCAL EFFECTS: Based on the property's current Taxable Value, the City would receive approximately \$6,792.60 additional General Fund operating revenue.

CITY GOAL CLASSIFICATION:

GOAL AREA I. ECONOMIC DEVELOPMENT

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

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

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

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

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cityofmarshall.com

**City of Marshall, Michigan
Resolution # 2019-**

**RESOLUTION AUTHORIZING EXECUTION OF CONTRACT
FOR CONDITIONAL TRANSFER OF PROPERTY**

WHEREAS, Michael-Samuel Corporation, owner of property at 15325 West Michigan Avenue, with Tax ID# 16-270-018-03, have petitioned the City of Marshall and Marshall Township for a Conditional Transfer of their property from Marshall Township into the City of Marshall; and

WHEREAS, on February 25, 2006 the City of Marshall entered into a Master 425 Agreement with the Township of Marshall; and

WHEREAS, on September 15, 2014 the City of Marshall extended this Master 425 Agreement with the Township of Marshall until 2026; and

WHEREAS, on June 24, 2019 the City of Marshall extended this Master 425 Agreement with the Township of Marshall until December 31, 2029; and

WHEREAS, the Master 425 Agreement facilitates the provision of City services, including municipal utilities, police and fire protection to properties currently within Marshall Township according to terms acceptable to both the Township of Marshall and the City of Marshall,

NOW THEREFORE, BE IT RESOLVED, that the City Manager and the City Clerk are authorized to execute a Contract for Conditional Transfer of Property commonly known as 15325 West Michigan Avenue, with Tax ID# 16-270-018-03, from the Township of Marshall to the City of Marshall.

IT IS FURTHER RESOLVED, that the Contract for Conditional Transfer shall be in the form of the attached document, subject to changes in form approved by the City Attorney.

As City Clerk I place my seal and sign my name that this is a true and accurate copy of the action taken by the Marshall City Council on _____.

Trisha Nelson, City Clerk
CITY OF MARSHALL

Dated: _____

DANIEL J. STULBERG
508 Orchard Road, Marshall, MI 49068
(269) 274-2543 / dstulb@gmail.com

01 Oct 2019

Attn: Tom Tarkiewicz, City Manager
323 W. Michigan Ave.
Marshall, MI 49068

Dear Mr. Tarkiewicz:

My family owns property at 15325 W. Michigan Avenue in Marshall Township, currently operating as Backroads Saloon. Backroads Saloon leases the property from a family-owned corporation called Michael-Samuel Corporation and I serve as its president.

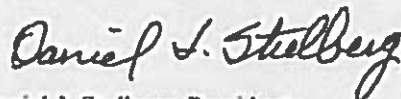
For over two years I've tried to sell the property, including a national one-year listing with Kalamazoo Commercial Real Estate (KCRE) that expired August 10. The SEV approximates market value (2xSEV) at \$1.168M and a 3yr old appraisal valued it at \$1.025M, which was prior to the addition of a \$100,000+ fire sprinkler system. It's been shown to about a dozen interested parties, receiving only three offers, one for \$500K, the other two for \$700,000, all of them with long-term Land Contract terms.

It has been suggested to me by both my KCRE realtor, T.J. Ward, and local economic developer, Scott Fleming, that if the property had access to the City's high-speed symmetrical fiber, as well as Water and Sewer, that it would be more marketable with greater appeal to industries that can afford the price that the property's valued at.

This property has been a financial hardship for the last 4yrs, and if the bank forces an auction, I've been told to expect a sale 30-40% below market value. That would be financially devastating.

In mid-September I received offers from two parties, one for \$1M and one for 1.2M, but both offers were contingent on having access to the City's utilities, particularly high-speed fiber and probably water, along with industrial zoning. For these reasons I'm requesting the approval of the transfer of our property from Marshall Township to the City of Marshall, as allowed by the Master 425 Development Agreement, done contingent on the sale of the property.

Respectfully submitted,



Daniel J. Stulberg, President
Michael-Samuel Corporation

**CITY OF MARSHALL – TOWNSHIP OF MARSHALL
CONTRACT FOR CONDITIONAL TRANSFER OF PROPERTY**

This Agreement made on the ____ day of _____, 20____, between the CITY OF MARSHALL, a Michigan municipal corporation, having offices at 323 West Michigan Avenue, Marshall, Michigan 49068 (the “City”) and the TOWNSHIP OF MARSHALL, a Township duly organized under the laws of the State of Michigan, and existing in Calhoun County, Michigan, having offices at 13551 Myron Avery Drive, Marshall, Michigan 49068 (the “Township”).

WHEREAS, the City and the Township have adopted a Master 425 Agreement dated June 24, 2019 for the purpose of providing utility services which are available in the City to Township properties upon the request of a Township property owner, and

WHEREAS, Michael-Samuel Corporation, the owner of the property described on Schedule 1 attached hereto (“Property”) has requested that the City extend sewer and water services to the Property, and

WHEREAS, the provision of municipal services by the City to the Property 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 City has available utility capacity to service the Property, 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 Public Acts of 1984 and pursuant to the Master 425 Agreement entered into between the City and the Township and in consideration of the mutual promises herein set forth, BE IT AGREED AS FOLLOWS:

1. The Township consents to the transfer to the City of the Property.
2. The City agrees to accept the transfer of the Property for all purposes allowed under Public Act 425 of 1984, as amended, to make available municipal services to the Property provided that the Property owner and other users of the utilities extended from the City to the Property shall pay for the cost of the extension.
3. The transfer of the Property contemplated by this agreement shall occur at midnight on the day of sale closure.
4. Following transfer, and during the term of this Agreement, the City shall have full jurisdiction over the property subject to the following limitations:

Land usages shall be subject to the Joint Municipal Planning Commission pursuant to the provisions of the Master 425 Agreement.

5. The City and 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 2020 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 through calendar year 2019.

The City and Township further agree that commencing in the year 2020 and continuing through the fiftieth (50th) full calendar year following the issuance of a Certificate of Occupancy for the first use on the Property, all such taxes which the City collects for its own general operating fund purposes only, and which are attributable to the Property for the term of this Agreement shall be shared between the City and the Township as follows:

- A. The Township shall receive the equivalent of (residential – 2; commercial – 4; industrial – 4) mills levied 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 30 days after receipt.
 - B. Thereafter, all tax revenues from the Property shall be collected and retained by the City.
6. Except as provided in paragraph 7, upon termination, expiration or non-renewal of this Agreement, jurisdiction of the Property shall return to the Township and the City will have no further rights or interests in the Property except that the City shall own the utility infrastructure.
 7. In the event that 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 or the Township may pursue whatever other legal remedies are available to the Township.
 8. Any liability the City or the Township incurs to a third party as a result of the performance of duties or the exercise or rights imposed or granted hereunder shall be jointly shared and defended in the same proportion as the taxes are shared as described in paragraph 5.
 9. The burden of all tax abatements shall be shared by the City and the Township in the same percentage as the millage is shared.
 10. Sewer and water rates charged to the Property owner shall not be greater than the rates charged in the City for similar users. Property owners shall contribute to repairs and capital improvements to the sewage treatment facilities, water purification plant, well facilities, and distribution systems in the same manner as similar users within the City of Marshall.
 11. In the event there is a conflict between this Agreement and the Master 425 Development Agreement, the terms of the Master 425 Development Agreement shall control unless there is a specific reference in the conflicting provision that it is intended to prevail despite the Master 425 Development Agreement.
 12. 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: _____
Thomas Tarkiewicz, City Manager

By: _____
Trisha Nelson, Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF CALHOUN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019 by Tom Tarkiewicz, City Manager and Trisha Nelson, City Clerk of the City of Marshall, on behalf of said City.

Notary Public, Calhoun County, MI
My commission expires _____

WITNESSES:

MARSHALL TOWNSHIP

By: _____
David Bosserd, Supervisor

By: _____
Susan George, Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF CALHOUN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019 by David Bosserd, Supervisory and Susan George, Clerk of Marshall Township, on behalf of said Township.

Notary Public, Calhoun County, MI
My commission expires _____

SCHEDULE 1

Legal Description:

MARSHALL TWP T2S-R6W SEC 27 COMM AT THE N 1/4 PST OF SEC 27 TH S 0DEG 32'35" E 1332.66 FT TH N 89DEG 49'36" W 915.14 FT TO THE POB. TH S 0DEG 31'41" E 687.59 FT TH S 87DEG 01'11" W 250.23 FT TH S 0DEG 31'41" E 400 FT TO NLY ROW LI OF W MICH AVE. TH S 87DEG 01'11" W ALONG ROW LI 150.14 FT TH N 1109.62' TH E 400.03' TO POB ALSO COMM AT THE N 1/4 PST TH S 1332.66' TH N 89DEG 49'36" W 915.14' TH S 687.59' TO BEG TH S 164.50' TH S 87DEG 01'11" W 240' TH N 235.95' TH E TO BEG. TH E TO BEG.

ALSO: COMM AT THE N 1/4 PST OF SEC 27 TH S 0DEG 32'35" E 1332.66 FT TH N 89DEG 49'36" W 915.14 FT TH S 0DEG 31'41" E 852.09 FT TO POB. TH S 0DEG 31'41" E 234.18 FT TO NLY ROW LI OF W MICH AVE TH WLY 60.82 FT ALONG ROW LI AND ARC OF A CURVE TO THE RIGHT, RADIUS 1399.36 FT CHORD S 85DEG 46'28" W, 60.82 FT. TH S 87DEG 01'11" W ALONG NLY ROW LI 151.48 FT TH N 07 DEG 16'52" W 235.95' TH N 87DEG 01'11" E FT TO POB, COMBINED 4/4/2017



ADMINISTRATIVE REPORT
October 7, 2019 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council
FROM: Tom Tarkiewicz, City Manager
SUBJECT: Chain of Command Appointments

BACKGROUND: Article III, Section 3.03 (a) of the City Charter requires the City Manager to file with the City Clerk a list, by name and title, of three qualified city administrative officials to exercise the powers and perform duties in his absence. The city administrative officials must be listed in order by which each shall be designated to temporarily assume the City Manager's duties. This list is updated annually.

With the retirement of Jim Schwartz, we need to update the Chain of Command appointments. For the remainder of the Fiscal Year 2020, here is the list of administrative officials in the chain of command in ranking order:

- Jon Bartlett, Director of Finance
- Ed Rice, Director of Electric Utility
- Eric Zuzga, Director of Special Projects

RECOMMENDATION: This is an informational report and no action is necessary

FISCAL EFFECTS: None

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,

Tom Tarkiewicz
City Manager

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Marshall, MI 49068

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Administrative Report
October 7, 2019 – City Council Meeting

REPORT TO: Honorable Mayor and City Council Members
FROM: Tom Tarkiewicz, City Manager
Eric Zuzga, Director of Special Projects
SUBJECT: Trade Permit Plan Review Fee

BACKGROUND: In 2016, City Council approved the current Building Department Permit Fee Schedule which has been sufficient for our operations. With the recent large developments announced, one small issue in the fee charged for trade permit plan review has arisen that has caused an excess amount of work versus the fee charged.

The City depends on contract inspectors for the trade permits and is currently being charged \$45 per hour for these services. With the current rate of \$200 for plan review, approximately 4.5 hours of review is covered by the fee. A recent permit application required almost 8 hours of review by our mechanical/ plumbing inspector on a preliminary set of plans. Any additional review on a final set will exceed the current fee revenue and require the General Fund to cover the costs.

A review of neighboring communities shows that Coldwater, Springfield, six area townships, and Battle Creek charge 25% of the building permit fee plan review for trade plan review fees. Branch County charges \$40 per hour without a cap on the number of hours.

Staff intends to implement the fee by charging the minimum fee at the time of application and then billing those applications that require additional fees for the time spent on plan review up to the maximum of 25% of the permit cost.

RECOMMENDATION: Staff recommends adoption of the attached resolution authorizing the trade permit plan review fee for larger residential and commercial buildings.

FISCAL EFFECTS: Revenues will increase slightly based upon the increased fee and frequency of the service requested. This change will ensure that the fees for trade permit plan review will cover the cost of performing the service.

ALTERNATIVES: The alternative would be to maintain fee levels with additional costs that are incurred by certain projects covered by General Fund revenues.

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Respectfully submitted,

Tom Tarkiewicz
City Manager

Eric Zuzga
Director of Special Projects

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2019-**

RESOLUTION ESTABLISHING FEES

WHEREAS, City of Marshall deems it necessary and appropriate to periodically review fees as certain costs are incurred in providing a service, and the intent is to set fees at an amount to recover those costs and still remain competitive with surrounding municipalities; and

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

NOW THEREFORE, BE IT RSOLVED, that the following fees be established and effective immediately:

Building Department- Commercial

Plan Review Fee (Electric, Mechanical, & Plumbing)- up to 25% of building permit plan review fee (\$200 minimum, \$45 per hour after the minimum is met)

AYES:

NAYES:

ABSTAIN:

RESOLUTION DECLARED ADOPTED.

I, Trisha Nelson, being duly sworn as the Clerk for the City of Marshall, hereby certify that foregoing is a true and complete copy of a resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on October 7, 2019, 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

CALL TO ORDER

IN REGULAR SESSION Monday, September 16, 2019 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 Caron.

ROLL CALL

Roll was called:

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

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: None.

INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Caron led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Metzger, supported Wolfersberger, to approve the agenda with the addition of the Michigan South Central Power Agency Invoice in the amount of \$737,683.45 and item 9D. Event Report-Grand River Brewery 1 Year Anniversary. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

Rae Mayhew spoke regarding the Walk of the Witches Event to benefit Erin's Angels.

CONSENT AGENDA

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

- A. Approve the resolution authorizing the City Clerk to sign the State Trunkline Maintenance Contract No. 2019-0729 effective October 1, 2019 through September 30, 2024;
- B. Adopt the resolution to change the Street Administrator to Tom Tarkiewicz;
- C. Minutes of the City Council Regular Session held on Tuesday, September 3, 2019;
- D. Approve city bills in the amount of \$ 2,511,505.57.

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

PRESENTATIONS AND RECOGNITION

None.

INFORMATIONAL ITEMS

Chief Schwartz provided event reports for the Skeleton Fest, Tractor Drive for Cancer, the Walk of the Witches event, and Grand River Brewery 1-Year Anniversary.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Code of Ordinances Chapter 121 Commercial Marihuana – Michigan Regulation and Taxation of Marihuana Act:

Attorney Revore explained the Michigan Regulation and Taxation of Marihuana Act (MRTMA) emergency rules will go into effect on November 1st. Currently the City does not have an ordinance that gives guidance on this Act. Attorney Revore touched on some of the highlights of the proposed ordinance.

Mayor Caron opened the public hearing to hear comment on the proposed Chapter 121 Commercial Marihuana ordinance.

Joe Reed of Belleville MI inquired about transporter regulations.

Hearing no further comment, the public hearing was closed.

Moved Metzger, supported McNeil, to approve Ordinance No. 2019-06 Commercial Marihuana and to add Chapter 121 to Title XI Business Regulations of the City of Marshall Code of Ordinances. On a roll call vote – ayes: McNeil, Metzger, Traver, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: none. MOTION CARRIED.

CITY OF MARSHALL, MICHIGAN
Ordinance No. 2019-06

The City of Marshall, Michigan Ordains:

That the Code of Ordinances of the City of Marshall, Title XI Business Regulations, to add Chapter 121, Commercial Marihuana to read as follows:

§ LEGISLATIVE FINDINGS.

WHEREAS, the City of Marshall (hereinafter referred to as the “City”), through its elected City Council, recognizes that on November 6, 2018, Michigan voters, including the residents of the City, approved Proposal 18-1, creating the Michigan Regulation and Taxation of Marihuana Act (hereinafter referred to as the “MRTMA” or the “Act”, being M.C.L. §§ 333.27951 *et seq.*) and provided for the licensing and regulation of recreational marihuana establishments under the MRTMA.

WHEREAS, the Medical Marihuana Facilities Licensing Act (MMFLA), PA 281 of 2016, provides the structure for medical marihuana facilities and the Michigan Regulation and Taxation of Marihuana Act provides the structure for adult-use (“recreational”) marihuana establishments.

WHEREAS, the Marihuana Regulatory Agency (MRA) has issued emergency administrative rules for the purpose of implementing the Michigan Regulation and Taxation of Marihuana Act.

WHEREAS, the Emergency Rules define *Equivalent Licenses* between the MMFLA (medical) and the MRTMA (adult-use) as follows: MMFLA (Medical) Any Class Grower (A, B, C), Processor, Provisioning Center, Secure Transporter, Safety Compliance Facility and the MRTMA (adult-use) Any Class Grower (A, B, C), Processor, Retailer, Secure Transporter, Safety Compliance Facility.

WHEREAS, the City allows for medical marihuana Grower, Processor, Secure Transporter, and Safety Compliance Facility under the Medical Marihuana Facilities Licensing Act.

WHEREAS, the MRTMA provides that a municipal ordinance may completely prohibit or limit the number of marihuana establishments within its boundaries.

WHEREAS, the City of Marshall desires to protect the public health, safety, and welfare of the residents of the City by permitting specific MMFLA equivalent MRTMA state-licensed marihuana establishments as: Grower, Processor, Safety Compliance Facility, and Secure Transporter, and Excess Grower license within the boundaries and jurisdiction of the City.

WHEREAS, the City of Marshall desires to prohibit marihuana Microbusinesses, marihuana Retailers, and Temporary Marihuana Event licenses and Designated Consumption Establishment licenses within the boundaries and jurisdiction of the City.

GENERAL PROVISIONS

§ PURPOSES AND INTENT.

The City of Marshall adopts this Ordinance:

(A) To implement the provisions of the Michigan Regulation and Taxation of Marihuana Act, Prop 1 of 2018, so as to protect the public health, safety, and welfare of the residents of the City by setting forth the manner in which specific recreational marihuana establishments can be operated within the boundaries and jurisdiction of the City.

(B) To establish a new chapter in the City of Marshall Code of Ordinances pertaining to the regulation of marihuana establishments and commercial marihuana activities consistent with state law. Nothing in this Ordinance purports to permit activities that are otherwise illegal under state or local law or expressly prohibited by this Ordinance.

(C) Further, this Ordinance:

(1) Prohibits Marihuana Retail licenses under the MRTMA and similar marihuana commercial operations, and Marihuana Microbusiness licenses under the MRTMA and similar marihuana commercial operations, Temporary Marihuana Event licenses, and Designated Consumption Establishment licenses within the boundaries and jurisdiction of the City.

(2) Provides for and limits the location, type, and number of marihuana establishments licensed under the MRTMA and agency licensees within the boundaries and jurisdiction of the City.

(3) Provides for and regulates and controls marihuana establishments, agency licensees, and the commercial grow, process, testing, and distribution of marihuana, and the lawful production of related products as set forth herein, and for purposes of

implementing the Michigan Regulation and Taxation of Marihuana Act, where such activities will have minimal detrimental impact.

(4) Implements the provisions of the MRTMA with respect to local zoning, land use, and regulation of specific marihuana establishments and state licenses within the boundaries and jurisdiction of the City, except where prohibited by this Ordinance;

(5) To protect public health and safety through reasonable limitations on marihuana establishments, agency licensees, and commercial entity operations, and limitations upon other marihuana related activities provided for by the MRTMA, as they relate to noise, air and water quality, neighborhood safety, security for the establishment and its personnel, and other health and safety concerns.

(6) To provide fees to defray and recover the costs to the City of the administrative and enforcement costs associated with marihuana establishments, and permitted marihuana activities as provided under the MRTMA.

(7) Restrict the issuance of marihuana establishment licenses only to persons that have demonstrated the desire and ability to comply with this Ordinance and relevant City ordinances and regulations, and with state law and regulation.

(D) This Ordinance authorizes the establishment of specific marihuana establishments within the City of Marshall, Michigan, consistent with the provisions of the Act, and with regulations enacted by the department, and subject to the following:

(1) Nothing in this Ordinance is intended to promote or condone the commercial marihuana cultivation and grow, processing, transportation, testing, production, distribution, sale, or possession of marihuana in violation of any applicable law.

(2) This Ordinance is to be construed to protect the public over marihuana establishments and licensee interests. Operation of a marihuana establishment is a revocable privilege and not a right in the City. There is no property right for a person or establishment to engage in or obtain a license to engage in marihuana as a marihuana establishment or marihuana commercial enterprise within the boundaries and jurisdiction of the City.

(3) All licensees and their employees and agents are assumed to be fully aware of the law; the City shall not therefore be required to issue warnings before issuing citations or other enforcement measures for violations of this Ordinance or any applicable City ordinance, regulation, or state law or regulation.

§ DEFINITIONS.

The following words, terms and phrases in this Ordinance shall have the meanings ascribed to them, except where the context clearly indicates otherwise:

ACT means the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018.

AGENCY or **MRA** means the Marihuana Regulatory Agency.

APPLICANT means a person who applies for a state license. Applicant includes, with respect to disclosures in an application, for purposes of ineligibility for a license, or for purposes for a transfer of interest, and only for applications submitted on or after January 1, 2019, a managerial employee of the applicant, a person holding an indirect ownership interest of 10% or more in the applicant, and the following for each type of applicant:

- (a) For an individual or sole proprietorship: the proprietor and spouse.

- (b) For a partnership and limited liability partnership: all partners and their spouses.
- (c) For a limited partnership and limited liability limited partnership: all general and limited partners, not including a limited partner holding a direct or indirect ownership interest of less than 10% and who does not exercise control over or participate in the management of the partnership, and their spouses.
- (d) For a limited liability company: all members and managers, not including a member holding a direct or indirect ownership interest of less than 10% and who does not exercise control over or participate in the management of the company, and their spouses.
- (e) For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of less than 10%, and their spouses.
- (f) For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of less than 10%, and their spouses.
- (g) For a multilevel ownership enterprise: any entity or person that receives or has the right to receive 10% or more of the gross or net profit from the enterprise during any full or partial calendar or fiscal year.
- (h) For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the articles of incorporation or the bylaws and their spouses.

MARIHUANA REGULATORY AGENCY (MRA) means the Marihuana Licensing Agency created within LARA in order to regulate and administer state licenses.

CULTIVATE or **CULTIVATION** means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

CO-LOCATION means the aggregation of multiple types of licenses, additional licenses, or equivalent licenses permitted under the MRTMA and MMFLA and state rules and located on one, or more, lot of record owned by an existing MRTMA and/or MMFLA licensee, approved for operation in the City of Marshall.

COMMON OWNERSHIP means two or more state licenses or two or more equivalent licenses held by one person.

DEPARTMENT means the Michigan Department of Licensing and Regulatory Affairs (LARA).

DESIGNATED CONSUMPTION ESTABLISHMENT means a commercial space that is licensed by the agency and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license.

EMPLOYEE means a person performing work or service for compensation. An employee does not mean individuals providing trade services who are not normally engaged in the operation of a marihuana establishment.

EQUIVALENT LICENSES means any of the following held by a single licensee:

- (a) A marihuana grower license, of any class, issued under the MRTMA and a grower license, of any class, issued under the MMFLA.
- (b) A marihuana processor license issued under the MRTMA and a processor license issued under the MMFLA.
- (c) A marihuana retailer license issued under the MRTMA and a provisioning center license issued under the MMFLA.
- (d) A marihuana secure transporter license issued under the MRTMA and a secure transporter license issued under the MMFLA.
- (e) A marihuana safety compliance facility license issued under the MRTMA and a safety license issued under the MMFLA.

EXCESS MARIHUANA GROWER means a license issued to a person holding 5 class C marihuana grower licenses and licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

GROWER mean a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

INDUSTRIAL HEMP means a plant of the genus cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.

LICENSEE means a person holding a state operating license.

MARIHUANA means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this Ordinance, marihuana does not include: (1) the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination; (2) industrial hemp; or (3) any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

MARIHUANA ACCESSORIES means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.

MARIHUANA CONCENTRATE means the resin extracted from any part of the plant of the genus cannabis.

MARIHUANA ESTABLISHMENT means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the department.

MARIHUANA-INFUSED PRODUCT means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

MUNICIPAL LICENSE means a license issued by a municipality pursuant to section 6 of the Act that allows a person to operate a marihuana establishment in that municipality.

MARIHUANA MICROBUSINESS means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

MICHIGAN MEDICAL MARIHUANA ACT (MMMA) means Initiated Law 1 of 2008, MCL 333.26421 *et seq.*, as may be amended.

MARIHUANA FACILITIES LICENSING ACT (MMFLA) means Public Act 281 of 2016, MCL 333.27101 *et seq.*, as may be amended.

MARIHUANA TRACKING ACT means Public Act 282 of 2016, MCL 333.27901 *et seq.*, as may be amended.

MARIHUANA PROCESSOR means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

MARIHUANA RETAILER means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

MARSHALL DEPARTMENT OF PUBLIC SAFETY. Includes the Marshall Police Department and Marshall Fire Department.

MUNICIPALITY means the City of Marshall, Michigan.

PERSON means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

PLANT means that term as defined in section 102 of the MMFLA, MCL 333.27102.

PROPOSED MARIHUANA ESTABLISHMENT means a location at which an applicant plans to operate a marihuana establishment under the Act and department rules if the applicant is issued a state license.

RULES means rules promulgated by the department in consultation with the MRA to implement the MRTMA.

SECURITY PLAN means a plan for preventing unauthorized access to, or theft and pilferage from, a marihuana establishment, approved for operation in the City of Marshall. A security plan must be approved by the City Manager with the advice of the Chief of Police. The plan shall be subject to review and reasonable approval by City staff, but shall include, at a minimum, the following components:

- a. Perimeter fence as necessary.
- b. An exterior lighting system.
- c. A building security system.
- d. An on-site security guard program.
- e. An off-site official contact list.
- f. Established hours of operation.
- g. Appropriate signage.

- h. A plan for facility inspection by the City of Marshall, which shall include no less than an annual comprehensive fire and security inspection.
- i. Such other conditions required by this Ordinance, the MRTMA, LARA rules, and as may be suitable for the particular license or marihuana establishment to be operated by the MRTMA licensee.

SAFETY COMPLIANCE ESTABLISHMENT means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

SCHOOL means a public or private licensed pre-school, or a public, private, or charter elementary, middle, junior high, or high school, vocational school, and secondary school.

SECURE TRANSPORTER means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

SPECIAL LICENSE means a state license described under section 8 of the Act and issued pursuant to section 9 of the Act.

STACKED LICENSE means more than 1 state license issued to a single licensee to operate as a class C marihuana grower as specified in each state license at a marihuana establishment.

STATE OPERATING LICENSE means a license issued by the department that allows a person to operate a marihuana establishment.

TEMPORARY MARIHUANA EVENT LICENSE means a state license held by a marihuana event organizer for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the state license during the dates indicated on the state license.

UNREASONABLY IMPRACTICABLE means that the measures necessary to comply with the rules or ordinances adopted pursuant to the Act subject licensees to unreasonable risk or require such a high investment of money, time, or any other resource or asset that a reasonably prudent businessperson would not operate the marihuana establishment.

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

§ FEDERAL AND STATE LAW.

(A) Nothing in this Ordinance is intended to grant immunity from any criminal prosecution under Federal law.

(B) Relationship to State Law.

(1) Nothing in this Ordinance is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacture, possession, use, sale, distribution or transport of marihuana or hemp in any form, that is not in strict compliance with the MRTMA, the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, the Marihuana Tracking Act, and all applicable rules promulgated by the State of Michigan regarding marihuana. Strict compliance with any applicable State law or regulation and this Ordinance shall be a requirement for the issuance or renewal of any license issued under this Ordinance. Noncompliance with any applicable State law or regulation or this Ordinance shall be grounds for revocation or nonrenewal of any license issued under the terms of this Ordinance.

(2) Except as otherwise provided by the MRTMA and this Ordinance, a person who owns or leases real property upon which a marihuana establishment is located and who has no knowledge that the licensee is violating or violated the MRTMA or a provision of this Ordinance, is not subject to criminal or civil prosecution under any applicable City ordinance regulating marihuana.

§ CITY LIABILITY AND INDEMNIFICATION.

(A) By accepting a license issued under the MRTMA and the agency, and pursuant to this Ordinance, the licensee waives and releases the City, its officers, elected officials, employees, and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest, prosecution or civil enforcement of marihuana establishment owners, licenses, operators, employees, clients or customers for a violation of this Ordinance, state or federal laws, rules or regulations.

(B) By accepting a license issued under the MRTMA and the agency, and pursuant to this Ordinance, all licensees agree to indemnify, defend and hold harmless the City, its officers, elected officials, employees, agents and insurers, against all liability, claims or demands arising on account of bodily injury, sickness, disease, death, property loss or damage or any other loss of any kind, including but not limited to, any claim of diminution of property value by a property owner whose property is located in proximity to a licensed operating establishment, arising out of, claimed to have arisen out of, or in any manner connected with the operation of a marihuana establishment or use of a product cultivated, processed, distributed or sold that is subject to the license, or any claim based on an alleged injury to business or property by reason of a claimed violation of the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §1964(c) or any other alleged violation of law.

(C) By accepting a license issued under the MRTMA and the agency, and pursuant to this Ordinance, a licensee agrees to indemnify, defend and hold harmless the City, its officers, elected officials, employees, agents and insurers, against all liability, claims, penalties, or demands arising on account of any alleged violation of any existing law including the federal Controlled Substances Act, 21 U.S.C. §801 et seq. or Article 7 of the Michigan Public Health Code, MCL 333.7101 et seq.

§ LOCATION AND NUMBER OF PERMITTED ESTABLISHMENTS.

(A) The location and maximum number of each type of marihuana establishment and commercial entities under the Act permitted in the City is governed by applicable location and zoning regulations or as set forth in the table below.

(B) Table of Establishments and Licenses.

<u>Type of Establishment</u>	<u>Permitted or Number/ Location</u>
Marihuana Retailer	0
Marihuana Microbusiness	0
Temporary marihuana event	0
Designated consumption establishment	0
Marihuana Safety Compliance Facility	2 total in districts: I-1 and I-2, combined

Marihuana Secure Transporter	Unlimited number in districts: I-1 and I-2
Marihuana Processor	Permitted/Zoned in districts: I-1 and I-2
Class A Marihuana Grower	Permitted/Zoned in districts: I-1 and I-2
Class B Marihuana Grower	Permitted/Zoned in districts: I-1 and I-2
Class C Marihuana Grower	Permitted/Zoned in districts: I-1 and I-2
Excess Marihuana Grower	Permitted/Zoned in districts: I-1 and I-2

§ LOCATION AND ELIGIBILITY.

(A) No marihuana establishment shall be eligible to be issued a State or City operating license unless the applicant complies with this Ordinance and all City zoning regulations.

(B) No marihuana establishment shall be located within 1,000 feet of an existing school or City park.

(C) A licensee shall not operate a marihuana establishment at any place in the City other than the address provided in the application on file with the City Clerk.

(D) Marihuana Establishment licenses permitted under this Ordinance are governed by type and location requirements, as follows:

(1) Marihuana Grower License:

a. The location at which a grower establishment cultivates marihuana is a permitted use in the following zoning districts: I-1 and I-2, as provided by and subject to the requirements of this Ordinance and the Zoning Ordinance § 3.19-20. The City will restrict locations and entity but shall not restrict number of licenses managed by that entity. Grower establishment, as measured from the property lot line, shall not be within 2,640 feet of another grow establishment or processing establishment licensed under the MRTMA, or grow or processing facility licensed under the MMFLA. Subject to the provisions of the MRTMA, more than one Marihuana Grower establishment license may be permitted per parcel or lot.

b. All grower establishments and operations must be within an enclosed, secured structure.

c. A licensee may occupy the same premises if holding a Grower and Processor license for the premises, and otherwise consistent with the Act and any rules promulgated by LARA.

d. A Grower may hold more than one class of grower license and excess marihuana grower license.

e. Consistent with the provisions of the Act, an applicant and each investor in a Grower license cannot have an interest in a secure transporter, safety compliance establishment, or microbusiness.

f. A Grower shall comply with all of the provisions of the MRTMA and shall:

1) Location of this establishment shall be permitted up to, but not beyond, any applicable lot coverage limitations set forth in the City of Marshall Zoning Ordinance.

2) An approved Security Plan.

- 3) Enter all transactions, current inventory, and other information as required by the MRTMA, LARA rules, the Marihuana Tracking Act, and all other applicable laws and regulations.
- 4) Sell or transfer marihuana seeds or marihuana plants only to another grower by means of a secure transporter, consistent with LARA rules.
- 5) Sell or transfer marihuana, other than seeds, only to a processor or marihuana retailer by means of a secure transporter, consistent with LARA rules.
- 6) No pesticides or insecticides which are prohibited by applicable law for fertilization or production of edible produce shall be used on any marihuana cultivated, produced, or distributed by a marihuana business.
- 7) A marihuana establishment shall be ventilated so that the odor of marihuana cannot be detected by a person with a normal sense of smell at the exterior of the marihuana establishment property line or at any adjoining use or property. Odor must be managed at the establishment 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.

g. Grower establishment must submit to City administration and receive an approved Security Plan and compliance with this Ordinance prior to operations.

h. Co-location and stacking of Grower licenses shall be permitted up to, but not beyond, any applicable lot coverage limitations set forth in this Ordinance and the City of Marshall Zoning Ordinance.

i. All buildings and structures shall be subject to inspection at any time by the City Fire Department to insure compliance with all applicable statutes, codes and ordinances.

(2) Marihuana Processor License:

a. The location at which a Processor establishment 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 § 3.19-20. The City will restrict locations and only one Marihuana Processor establishment license shall be permitted per parcel or lot. Processor establishment, as measured from the property lot line, shall not be within 2,640 feet of another grow establishment or processing establishment licensed under the MRTMA, or grow or processing facility licensed under the MMFLA.

b. All Processor establishments and operations must be within an enclosed, secured structure.

c. A licensee may occupy the same premises if holding a Grower and Processor license for the premises, and otherwise consistent with the Act, and any LARA rules.

d. A Processor license authorizes the purchase of marihuana only from a Grower and sale of marihuana-infused products or marihuana only to a marihuana retailer, unless otherwise provided for under LARA rules.

e. An applicant and each investor in a processor license shall not have an interest in a secure transporter, safety compliance establishment or microbusiness.

f. A processor shall comply with all of the following:

1) Location of this establishment shall be permitted up to, but not beyond, any applicable lot coverage limitations set forth in the City of Marshall Zoning Ordinance.

2) An approved Security Plan.

3) Enter all transactions, current inventory, and other information as required by the MRTMA, LARA rules, the Marihuana Tracking Act, and all other applicable laws and regulations.

4) Transfer marihuana and marihuana-infused products only by means of a secure transporter, or in compliance with LARA rules.

5) Processor shall not produce any products other than useable marihuana products intended for human consumption.

(3) Marihuana Secure Transporter License:

a. The location at which a secure transporter stores marihuana and transports marihuana from is a permitted use in the following districts: I-1 and I-2, as provided by and subject to the requirements of the Zoning Code § 3.19-20.

b. Secure Transporter must meet the following requirements:

1) An approved Security Plan; and

2) Location of this license shall be permitted up to, but not beyond, any applicable lot coverage limitations set forth in the City of Marshall Zoning Ordinance.

c. Secure Transporter license is limited to the storage and transport of marihuana, marihuana-infused products and money associated with the purchase or sale of marihuana and marihuana-infused products between marihuana establishments at the request of a person with legal custody of the marihuana, marihuana-infused products, or money.

e. An applicant and each investor with an interest in a secure transporter license cannot have an interest in a grower, processor, marihuana retailer, marihuana microbusiness or safety compliance facility.

f. Secure Transporter which operates from a marihuana establishment located within the City shall secure a license from the City.

g. Secure transporter shall comply with all of the following:

1) Each driver operating pursuant to this section shall have a valid chauffeur's license issued by the State of Michigan.

2) Each vehicle must be operated with a 2-person crew with at least 1 individual remaining with the vehicle at all times during the transportation of marihuana or marihuana-infused product.

3) A route plan and manifest shall be entered into the statewide monitoring system, and a copy shall be

- carried in the transporting vehicle and presented to a law enforcement officer upon request.
- 4) The marihuana and marihuana-infused products shall be transported in one or more sealed containers and shall not be accessible while in transit.
 - 5) A secure transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of marihuana or marihuana-infused products to determine compliance with this Ordinance and the Act.
 - 6) A secure transporter shall enter all transactions, current inventory, and other information into the statewide monitoring system if such is required by the Act, LARA rules, or the Marihuana Tracking Act.
 - 7) A secure transporting vehicle shall not bear markings or other indication that it is carrying marihuana or a marihuana-infused product.
 - 8) When determining and reporting the route to take, a secure transporter shall select the most direct route that provides efficiency and safety.

(4) Marihuana Safety Compliance Facility License:

- a. The location at which a safety compliance facility tests marihuana and marihuana-infused 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 Code § 3.19-20. The City will allow up to a total of two (2) state-approved and licensed safety compliance facilities in zoning districts: I-1 and I-2, combined.
- b. Safety Compliance facility must meet the following requirements:
 - 1) An approved Security Plan; and
 - 2) Location of this license shall be permitted up to, but not beyond, any applicable lot coverage limitations set forth in the City of Marshall Zoning Ordinance.
- c. All testing must be conducted within an enclosed, secured structure and consistent with the provisions of the Act and any LARA rules.
- d. A licensed safety compliance establishment is authorized to:
 - 1) Take marihuana from, test marihuana for, and return marihuana to only a licensed marihuana grower, marihuana processor, marihuana retailer, or marihuana microbusiness.
 - 2) Collect a random sample of marihuana at the marihuana establishment of a marihuana grower, marihuana processor, marihuana retailer, or marihuana microbusiness for testing.
- e. A safety compliance establishment must be accredited by an entity approved by the agency by 1 year after the date the license is issued or have previously provided drug testing services to this state or this state's court system and be a vendor in good standing in regard to those services. The agency may grant a variance from this

requirement upon a finding that the variance is necessary to protect and preserve the public health, safety, or welfare.

f. An applicant and each investor with any interest in a safety compliance establishment cannot have an interest in a grower, secure transporter, processor, marihuana retailer or marihuana microbusiness.

g. A safety compliance establishment shall comply with all of the following:

- 1) Perform safety tests to certify that marihuana is reasonably free of known contaminants in compliance with the standards established by the agency.
- 2) Use validated test methods to perform all safety tests and to determine tetrahydrocannabinol (THC), tetrahydrocannabinol acid (THC-A), cannabidiol (CBD), and cannabidiol acid (CBD-A) concentrations.
- 3) Perform other tests necessary to determine compliance with any other good manufacturing practices as prescribed in LARA rules.
- 4) Enter all transactions, current inventory, and other information into the statewide monitoring system as required by the Act, LARA rules, or the Marihuana Tracking Act.
- 5) Have a secured laboratory space that cannot be accessed by the general public.
- 6) Retain and employ at least 1 laboratory manager with a relevant advanced degree in a medical or laboratory science, to include, but not limited to ensure compliance with the Act and LARA rules.

§ LICENSE REQUIRED.

(A) No person shall establish or operate a marihuana establishment or marihuana commercial entity in the City without a valid municipal license issued by the City and a State license for each such establishment to be operated. License certificates shall be kept current and publicly displayed within the establishment.

(B) City licenses are required as follows:

- (1) A nonrefundable application fee per license in the amount as permitted by the Act and its regulations, as established by City Resolution, must be paid to defray administrative and review costs associated with processing an application for a marihuana establishment. If more than one type of marihuana license is to be located at a specified location, each proposed establishment shall require a separate license application and fee.
- (2) The nonrefundable application fee required under this section shall be due and payable upon submission of the application.
- (3) The application fee requirement set forth in this section shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or City law or ordinance, including, by way of example, any applicable zoning or building permits.
- (4) The issuance of any license pursuant to this section does not create an exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of marihuana under federal law.
- (5) Licenses may be allowed to be stacked for multiple uses per premise, subject to the City's determination that such uses are compatible together at that location, are consistent on a shared basis with all the provisions of the MRTMA and applicable rules, and each use is consistent with zoning and other provisions of the City Code of

Ordinances, including but not limited to this Ordinance and the Zoning Ordinance. If those conditions are met, more than one different marihuana establishment licensee may be located on one parcel, as permitted under this Ordinance.

§ GENERAL LICENSE APPLICATION REQUIREMENTS.

(A) A person seeking a license pursuant to the MRTMA and the provisions of this Ordinance shall submit an application to the City on City-issued forms. At the time of application, each applicant shall pay a nonrefundable license application fee as provided in this Ordinance to defray the costs incurred by the City for background investigations and inspection of the proposed premises, as well as any other costs associated with the processing of the application. In addition, the applicant shall present a suitable form of government-issued identification.

(B) The application shall also provide the following information in this subsection, under the penalty of perjury, on the City-issued forms. Such information is required for the applicant, the proposed manager of the marihuana establishment and commercial entity, and all persons who are in the marihuana commercial entity that is the subject of the application:

- (1) If the applicant is an individual, the applicant's name, date of birth, Social Security number, physical address, including residential and any business address; copy of government-issued photo identification, email address, one or more phone numbers, including emergency contact information; and, if applicable, federal tax identification number of the applicant.
- (2) If the applicant is a business entity, information regarding the entity, including, without limitation, the name and address of the entity, its legal status, and proof of registration with, or a certificate of good standing from, the State of Michigan, as applicable.
- (3) The identity of every applicant and person having any ownership interest in the establishment with respect to which the license is sought.
- (4) If the applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for a marihuana establishment.
- (5) A copy of any deed reflecting the applicant's ownership of, or lease reflecting the right of the applicant to possess, or an option reflecting the applicant's right to purchase or lease, the proposed licensed premises.
- (6) Three (3) stamped or sealed 24 inch by 36 inch drawing of the proposed licensed premises showing, without limitation, building layout, all entryways and exits, ingress and egress to the proposed licensed premises, loading zones and all areas in which marihuana will be grown, manufactured, processed, stored, or dispensed.
- (7) A location area map of the marihuana establishment and surrounding area that identifies the relative locations and the distances (closest property line to the subject marihuana

establishment's building/structure) to the closest real property comprising a school or City park.

(8) A comprehensive operation plan for the marihuana establishment which shall contain, at a minimum, the following:

a. A security plan, consistent with the definition of Security Plan within this Ordinance, indicating how the applicant will comply with the requirements of this Ordinance and any other applicable law, rule, or regulation.

b. For grower and processing establishments, a plan that specifies the methods to be used to prevent the growth of harmful mold and compliance with limitations on discharge into the wastewater system of the City.

c. A lighting plan showing the lighting outside of the marihuana establishment for security purposes and compliance with applicable City requirements.

d. A plan for disposal of any marihuana or marihuana-infused product that is not sold to a customer, in a manner that protects any portion thereof from being possessed or ingested by any person or animal.

e. A plan for ventilation of the marihuana establishment that describes the ventilation systems that will be used to prevent any odor of marihuana off the premises of the business. For marihuana establishments that grow marihuana plants, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises. For marihuana businesses that produce marihuana-infused products, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.

f. A description of all toxic, flammable, or other materials regulated by a federal, state, or local authority that will be used or kept at the marihuana business, the location of such materials, and how such materials will be stored.

g. For grower and processing establishments, an applicant must submit electrical plans including projected peak loads and seasonal 24-hour load profiles to the City of Marshall Electric Department for an electric system load impact analysis. Applicant may be required to prepay costs associated the City's electric system enhancements that are necessary to meet to the applicant's annual electrical requirements. The associated costs may include but are not limited to:

- 1) Electric primary/secondary lines and supporting structures upgrades.
- 2) The cost of special electric transformers to accommodate the load.
- 3) The cost of all labor/material/equipment necessary to perform the upgrades.
- 4) The City of Marshall Electric Department reserves the right to deny or curtail electric service to any applicant based on the applicant's failure to meet the load acceptance review or to load requirements that cause the City of Marshall's electric system harmonic distortion, voltage fluctuations, power factor degradation or any other electric use that causes a negative impact on the City of Marshall's electric system.

h. For grower and processing establishments, an applicant must submit water main plans including projected peak daily and seasonal 24-hour water usage requirements to the City of Marshall Water Department for a review of the city's water model. Applicant may be required to construct the needed water system to city standards at their cost. Design will be required by the Developer's Engineers with reviews by city staff. Should this new water main be required to become part of the city's water system all required permits shall be submitted with the required plans and profiles to city staff for submittal to the State of Michigan. No installation of water mains shall be completed prior to receipt of the proper permits from the State.

The associated costs may include but are not limited to:

- 1) Connection Fees per City Ordinances.
- 2) Costs for analysis and review of the city's water model.
- 3) Costs for any required flow testing.
- 4) The City of Marshall Water Department reserves the right to deny or curtail water service to any applicant based on the applicant's failure to meet the requirements of the City of Marshall's water system or any other use that causes a negative impact to the City of Marshall's water system.

(9) Prior to making a modification to a structure that would require a building permit or which would alter or change items required by this subsection, the licensee shall submit to the City detailed construction drawings showing at minimum, a full site plan, interior and exterior lighting requirements, the full mechanical heating and ventilation plan, a detailed security plan, before and after floor plans and specifications, non-rated and rated separation details and locations, accessible route from the public way to the accessible entrance, accessible route to the primary function and within the facility and accessible bathrooms. The licensee shall make application for a plan review and a building permit for the modifications to the premises, on forms provided by the City. Additional specifications may be required. A building or structure hereafter constructed or renovated for use as a marijuana establishment shall not be used or

occupied in whole or in part until a certificate of use and occupancy has been issued by the City.

(10) **Proof of Insurance.** A licensee shall at all times maintain full force and effect for duration of the license, worker's compensation insurance as required by state law, and general liability insurance with minimum limits of \$1,000,000 per occurrence and a \$2,000,000 aggregate limit issued from a company licensed to do business in Michigan. A licensee shall provide evidence to the City Clerk of the ability to obtain a certificate of insurance for a valid and effective policy which discloses the limits of each policy, the name of the proposed insurer, the effective date and expiration date of each policy, the policy number, and the names of the additional insureds. When issued, the policy shall name the City of Marshall and its officials and employees as additional insureds to the limits required by this section. A licensee or its insurance broker shall notify the City of any cancellation or reduction in coverage within seven days of receipt of insurer's notification to that effect. The licensee, permittee, or lessee shall forthwith obtain and submit proof of substitute insurance to the City Clerk within 5 business days in the event of expiration or cancellation of coverage.

(11) Whether an applicant has been indicted for, charged with, arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony or controlled-substance-related misdemeanor, not including traffic violations, regardless of whether the offense has been reversed on appeal or otherwise, including the date, the name and location of the court, arresting agency, and prosecuting agency, the case caption, the docket number, the offense, the disposition, and the location and length of incarceration. Prior criminal history will be addressed/considered consistent with the provisions of the MRTMA, including but not limited to MCL 333.27958(1)(c).

(12) Whether an applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.

(13) Whether an applicant has filed, or been served with, a complaint or other notice filed with any public body, regarding the delinquency in the payment of, or a dispute over the filings concerning the payment of, any tax required under federal, state, or local law, including the amount, type of tax, taxing agency, and time periods involved.

(14) A description of the type of marihuana establishment; and the anticipated or actual number of employees.

(15) An acknowledgment and consent that the City may conduct a background investigation, including a criminal history check, and that the City will be entitled to full and complete disclosure of all financial records of the marihuana commercial entity, including records of deposit, withdrawals, balances and loans; and

(16) Any additional information that the City Manager's Office or Police Department reasonably determines to be necessary in connection with the investigation and review of the application.

(C) Consistent with the MRTMA, including but not limited to MCL 333.27959(7), and the Freedom of Information Act, MCL 15.231 et seq., the information provided to the City Clerk pursuant to this section relative to licensure is exempt from disclosure.

(D) All marihuana establishment and marihuana commercial entities shall obtain all other required permits or licenses related to the operation of the marihuana commercial entity, including, without limitation, any development approvals or building permits required by any applicable code or ordinance.

(E) If a deficiency is identified in an application, the applicant shall have ten (10) business days to correct the deficiency after notification.

(F) Upon an applicant's completion of the above-provided form and furnishing of all required information and documentation, the City Clerk shall accept the application and assign it an application number by establishment type.

(G) Upon receipt of a completed application, the City Clerk shall circulate the application to the City Manager's Office, Marshall Police and Fire Departments, City Attorney, Assessing Department, Department of Public Works, Planning and Zoning Department, and the Electric Department (as well as any other City department that the Office of the City Manager may determine is pertinent to review of such applications) to determine whether the application is in full compliance with all applicable laws, rules and regulations.

(H) License Evaluation Criteria. Section 9 of the Act requires that the City establish a competitive process to select applicants who are best suited to operate in compliance with the Act and this Ordinance when a municipality limits the number of marihuana establishments that may be licensed in the municipality. In the event that the City receives more applications for a marihuana establishment than available and permitted by this Ordinance, the City requires that applicants submit a business plan including:

- (1) The applicant's experience in operating other licensed marihuana businesses in Michigan.
- (2) The applicant's general business management experience.
- (3) An estimate of the number and type of jobs that the marihuana establishment is expected to create and the amount and type of compensation expected to be paid for such jobs.
- (4) A current organizational chart that includes position descriptions.
- (5) Planned tangible capital investment in the City, including if multiple licenses are proposed, an explanation of the economic benefits to the City with supporting factual data.
- (6) If a Marihuana Grower Establishment is proposed, the number of plants anticipated.
- (7) Financial structure and financing of the proposed marihuana establishment(s).

§ DENIAL OF APPLICATION.

(A) The City Clerk, following recommendations from the above-referenced departments, shall reject any application that does not meet the requirements of the MRTMA, the rules promulgated by LARA, this Ordinance, the City Code of Ordinances, Zoning Ordinance, or other applicable law or regulations. The City Clerk shall reject any application that contains any false, misleading or incomplete information.

(B) Subject to the provisions of the MRTMA, an applicant is ineligible to receive a license under this Ordinance if any of the following circumstances exist regarding the applicant:

- (1) Conviction that involved distribution of a controlled substance to a minor.
- (2) The applicant knowingly submitted an application for a license that contains false, misleading or fraudulent information, or who has intentionally omitted pertinent information on the application for a license.
- (3) The applicant is an employee, advisor, or consultant of the agency involved in the implementation, administration, or enforcement of the act or these rules pursuant to section 7 of the act, MCL 333.27957.
- (4) The applicant holds an elective office of a governmental unit of this state, another state, or the federal government; is a member of or employed by a regulatory body of a governmental unit in this state, another state, or the federal government; or is employed by a governmental unit of this state. This subdivision does not apply to an elected officer of or employee of a federally recognized Indian tribe or to an elected precinct delegate.
- (5) Conviction of or release from incarceration for a felony under the laws of this state, any other state, or the United States within the past 10 years, except that, consistent with MCL 333.27958(1)(c), a prior conviction solely for a marihuana-related offense does not disqualify an individual or otherwise affect eligibility for licensure, unless the offense involved distribution of marihuana to a minor.
- (6) Other than as set forth in MCL 333.27958(1)(c), within the past 5 years, conviction of a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or having been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state.
- (7) The applicant fails to provide and maintain adequate premises liability and casualty insurance for its proposed marihuana establishment.
- (8) The applicant does not meet the MRTMA provisions concerning eligible license applicants, including but not limited to the provisions of subsections (6) - (7), and MCL 333.27959, which set forth time periods within which only certain applicants may obtain licenses.
- (9) The applicant is an owner of, or has an interest in, such business or entity which, pursuant to the provisions of MCL 333.27959(3)(d), would make the applicant ineligible for the license for which the applicant has applied, or the applicant otherwise fails to meet other criteria established by state law.

§ ISSUANCE OF CITY MARIHUANA ESTABLISHMENT OPERATING LICENSE.

(A) Inspection. An inspection of the proposed marihuana establishment by the City shall be required prior to issuance of the City operating license. Such inspection shall occur after the premises are ready for operation, but prior to the stocking of the business with any marihuana, and prior to the opening of the business to the public. The inspection is to verify that the business establishments are constructed and can be operated in accordance with the application submitted and the applicable requirements of this Ordinance and any other applicable law, rule, or regulation.

(B) After verification that the marihuana establishment is constructed and can be operated in accordance with the application submitted and the applicable requirements of this Ordinance and any other applicable law, rule, or regulation, the City Clerk shall issue a City operating license whose term shall run concurrent with the State operating license for the establishment.

(C) Maintaining a valid marihuana establishment license issued by the State is a condition for the issuance and maintenance of the City operating license issued under this Ordinance and the continued operation of any marihuana establishment.

§ LICENSE FORFEITURE.

In the event that a marihuana establishment does not commence operations within one year of issuance of a City operating license, the license shall be deemed forfeited; the business may not commence operations and the license is not eligible for renewal.

§ LICENSE RENEWAL.

(A) A City marihuana establishment operating license shall run concurrently with the State operating marihuana license issued for the establishment, unless revoked as provided by law.

(B) An annual nonrefundable operating license fee must be paid to defray the administrative and enforcement costs associated with the operating license for a marihuana establishment located in the City. A nonrefundable operating license fee will be in an amount as permitted by the Act and its regulations, as established by City Resolution. An application to renew a marihuana establishment operating license shall be filed at least thirty (30) days prior to the date of its expiration.

(C) Prior to the issuance of a renewed marihuana establishment license by the City, the premises shall be inspected to assure that it and its systems are in compliance with the requirements of this Ordinance and the City Code of Ordinances.

§ TRANSFER, SALE OR PURCHASE OF LICENSE.

(A) An operating license is valid only for the owner named thereon, the type of business disclosed on the application for the license, and the location for which the license is issued. The licensees of a marihuana establishment license are only those persons disclosed in the application or subsequently disclosed to the City in accordance with this Ordinance.

(B) An operating license is exclusive to the licensee. Licensee shall report material changes to the department and the City Clerk before making material changes that may require prior authorization by the department. Material changes include, but are not limited to, the following:

- (1) Change in owners, officers, members, or managers.
- (2) Change of location. Upon notification of a change in location the department may determine that a new license and new inspection are required for the change of location.
- (3) The addition or removal of persons named in the application or disclosed.
- (4) Change in entity name.
- (5) Any attempted transfer, sale, or other conveyance of an interest in a license.

§ LICENSE AS REVOCABLE PRIVILEGE.

An operating license granted by this Ordinance is a revocable privilege granted by the City and is not a property right. Granting a license does not create or vest any right, title, franchise, or other property interest. Each license is exclusive to the licensee, and a licensee or any other person must apply for and receive the City's approval before a license is transferred, sold, or purchased. A licensee or any other person shall not lease, pledge, or borrow or loan money against a license. The attempted transfer, sale, or other conveyance of an interest in a license without prior agency approval is grounds for suspension or revocation of the license or for other sanction considered appropriate by the City.

§ NONRENEWAL, SUSPENSION OR REVOCATION OF LICENSE.

(A) The City Manager may, after notice and hearing, suspend, revoke or refuse to renew a license for any of the following reasons:

- (1) The applicant or licensee, or his or her agent, manager or employee, has violated, does not meet, or has failed to comply with, any of the terms, requirements, conditions or provisions of this Ordinance or with any applicable state or local law or regulation;
- (2) The applicant or licensee, or his or her agent, manager or employee, has failed to comply with any special terms or conditions of its license pursuant to an order of the state or local licensing authority, including those terms and conditions that were established at the time of issuance of the license and those imposed as a result of any disciplinary proceedings held subsequent to the date of issuance of the license; or
- (3) The marihuana establishment or marihuana commercial entity has been operated in a manner that adversely affects the public health, safety or welfare.

(B) Evidence to support a finding under this section may include, without limitation, a continuing pattern of conduct, a continuing pattern of drug-related criminal conduct within the premises of the marihuana establishment or marihuana commercial entity or in the immediate area surrounding such business, a continuing pattern of criminal conduct directly related to or arising from the operation of the marihuana establishment or marihuana commercial entity, or an ongoing nuisance condition emanating from or caused by the marihuana establishment or marihuana commercial entity. Criminal conduct shall be limited to the violation of a state law or regulation or City ordinance.

(C) Questions that arise in the administration of this Ordinance, including appeals of suspension and revocations of City operating licenses, shall be determined pursuant to Title XI of the City Code.

§ COMPLIANCE WITH RULES; INSPECTIONS.

(A) A licensee shall strictly comply with the rules and emergency rules related to marihuana that may from time to time be promulgated by the Department.

(B) If it is determined that the Marihuana Tracking Act applies, or LARA promulgates rules or regulations which require such, a licensee shall adopt and use the statewide monitoring system of inventory control and tracking authorized by the Marihuana Tracking Act so as to provide the capability for the licensee to comply with the State requirements applicable to the type of license held by the licensee.

(C) A marihuana establishment and all articles of property in the establishment are subject to inspection, search and examination at any time by a member of the Marshall Police Department, the Michigan State Police or other law enforcement agency having jurisdiction.

(D) Any failure by a licensee to comply with department rules or the provisions of this Ordinance and any infraction or violation, however slight, is sufficient grounds for suspension and revocation of licensure under this Ordinance.

§ SIGNAGE AND ADVERTISING.

(A) All signage and advertising for a marihuana establishment shall comply with all applicable provisions of this Ordinance and applicable City ordinance and Codes. In addition, it shall be unlawful for any licensee to:

(1) Use advertising material that is misleading, deceptive or false or that, as evidenced by the content of the advertising material or by the medium or the manner in which the advertising material is disseminated, is designed to appeal to minors; and

(2) Advertise in a manner that is inconsistent with the provisions of this Ordinance, the MRTMA or LARA rules.

§ MARIHUANA ESTABLISHMENTS; SECURITY REQUIREMENTS AND LIMITATIONS.

(A) Security measures at all licensed premises shall comply with the requirements of this Ordinance and the MRTMA, including but not limited to MCL 333.27961, and all applicable rules and regulations promulgated by the department.

(B) A description of the Security Plan shall be submitted with the application for a City operating license. The security system, shall be maintained in good working order and provide twenty-four hours per day coverage. A separate security system is required for each establishment.

(C) The Security Plan must include, at a minimum, the following security measures:

(1) **Cameras.** The marihuana establishment shall install and use security cameras to monitor and record all areas of the premises (except in restrooms) where persons may gain or attempt to gain access to marihuana or cash maintained by the marihuana business entity. Cameras shall record operations of the business to an off-site location, as well as all potential areas of ingress or egress to the business with sufficient detail to identify facial

features and clothing. Recordings from security cameras shall be maintained for a minimum of thirty (30) days in a secure off-site location in the City or through a service over a network that provides on-demand access, commonly referred to as a "cloud." The off-site location shall be included in the security plan submitted to the City and provided to the Police Department upon request, and updated within seventy-two hours of any change of such location.

- (2) Use of safe for storage. The marihuana establishment and commercial business shall install and use a safe for storage of any processed marihuana and cash on the premises when the business is closed to the public. The safe shall be incorporated into the building structure or securely attached thereto. For marihuana-infused products that must be kept refrigerated or frozen, the business may lock the refrigerated container or freezer in a manner authorized by the City in place of the use of a safe so long as the container is affixed to the building structure.
- (3) Alarm system. The marihuana establishment and commercial business shall install and use an alarm system that is monitored by a company that is staffed twenty-four hours a day, seven days a week. The Security Plan submitted to the City shall identify the company monitoring the alarm, including contact information, and updated within seventy-two hours of any change of monitoring company.

§ VISIBILITY OF ACTIVITIES; CONTROL OF EMISSIONS.

(A) All activities of marihuana establishment and commercial entities, including, without limitation, the cultivating, growing, processing, sale (where permitted), displaying, manufacturing, selling, and storage of marihuana and marihuana-infused products shall be conducted consistent with the MRTMA, including but not limited to MCL 333.27961 concerning activities to be conducted outside of public view.

(B) No marihuana or marihuana accessories shall be displayed or kept in a business so as to be visible from outside the licensed premises.

(C) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a marihuana establishment and commercial entity must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a marihuana establishment and/or commercial entity, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

§ MARIHUANA CULTIVATION.

(A) Cultivation, generally.

- (1) Marihuana cultivation shall be conducted consistent with this Ordinance, the MRTMA, including but not limited to MCL

333.27961, and any LARA rules, within an enclosed, secured structure; and

- (2) Marihuana cultivation shall comply with all applicable requirements of the laws and regulations of the City and the State.
- (B) All marihuana products kept on premises where marihuana plants are grown shall be stored in a locked and enclosed space.
- (C) All exterior and interior lighting shall meet the requirements of City Ordinances, the Michigan Building Code and the National Electrical Code.
- (D) No marihuana cultivation activity shall result in the emission of any gas, vapors, odors, smoke, dust, heat or glare that is noticeable at or beyond the property line of the dwelling at which the cultivation occurs. Sufficient measures and means of preventing the escape of such substances from a dwelling must be provided at all times. In the event that any gas, vapors, odors, smoke, dust, heat or glare or other substances exit a dwelling, the owner of the subject premises shall be liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The owner shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations. In the event there is a lessee of the subject premises, the owner and the lessee shall be jointly and severally liable for such conditions.

§ ODOR CONTROL.

- (A) No person, tenant, occupant, or property owner shall permit the emission of marihuana odor from any source to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property.
- (B) Whether or not a marihuana odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity.
- (C) A grower or a processor shall install and maintain in operable condition a system which precludes the emission of marihuana odor from the premises.

§ SEPARATION OF LICENSED PREMISES.

- (A) A grower establishment and processor establishment are separate marihuana commercial entities requiring separate licenses, and separate premises unless co-located. In addition to all other application requirements for separate premises, each facility shall:
- (1) Have separate operations, ventilation, security, and fire suppression systems, and separate access from a public area.
 - (2) Be divided within a building from floor to roof.

§ PROHIBITED ACTS.

- (A) It shall be unlawful for a marihuana retailer, or similar type entity, or a marihuana microbusiness, or similar entity, to locate and operate with the boundaries and jurisdiction of the City.
- (B) It shall be unlawful for a temporary marihuana event, or similar marihuana event, and designated consumption establishment, or similar entity, to locate and operate with the boundaries and jurisdiction of the City.

(C) It shall be unlawful for any licensee to permit the consumption of alcohol beverages on the licensed premises.

(D) It shall be unlawful for any licensee to permit the consumption of retail marihuana or retail marihuana products on the licensed premises.

§ REPORTS OF CRIME.

Reports of all criminal activities or attempts of violation of any law at the marihuana establishment or related thereto shall be reported to Marshall Police Department within twelve hours of occurrence, or its discovery, whichever is sooner.

§ INSPECTION OF LICENSED PREMISES.

(A) During all business hours and other times when the premises are occupied by the licensee or an employee or agent of the licensee, all licensed premises shall be subject to examination and inspection by the Marshall Police Department and all other City departments for the purpose of investigating and determining compliance with the provisions of this Ordinance and any other applicable state and local laws or regulations.

(B) Consent to Inspection. Application for a marihuana business license or operation of a marihuana business, or leasing property to a marihuana business, constitutes consent by the applicant, and all owners, managers, and employees of the business, and the owner of the property to permit the City Manager or designee to conduct routine examinations and inspections of the marihuana business to ensure compliance with this Ordinance or any other applicable law, rule, or regulation. For purposes of this Ordinance, examinations and inspections of marihuana businesses and recordings from security cameras in such businesses are part of the routine policy of enforcement of this Ordinance for the purpose of protecting the public safety, individuals operating and using the services of the marihuana business, and the adjoining properties and neighborhood.

(C) Application for a marihuana establishment business license constitutes consent to the examination and inspection of the business as a public premise without a search warrant, and consent to seizure of any surveillance records, camera recordings, reports, or other materials required as a condition of a marihuana establishment license without a search warrant.

(D) A licensee, or an employee or agent of the licensee, shall not threaten, hinder or obstruct a law enforcement officer or a City inspector or investigator in the course of making an examination or inspection of the licensed premises and shall not refuse, fail, or neglect to cooperate with a law enforcement officer, inspector, or investigator in the performance of his or her duties to enforce this Ordinance, the MRTMA, or applicable state rules.

§ OTHER LAWS REMAIN APPLICABLE.

To the extent the State adopts in the future any additional or stricter law or regulation governing the sale or distribution of marihuana, the additional or stricter regulation shall control the establishment or operation of any marihuana commercial entity in the City. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this Ordinance, and

noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

§ GRANT OF ADMINISTRATIVE AUTHORITY.

The City Manager is granted the power and duty to fully and effectively implement and administer the license application process and issuance of licenses issued by the City under this Ordinance.

§ VIOLATIONS AND PENALTIES.

(A) In addition to the possible denial, suspension, revocation or nonrenewal of a license under the provisions of this Ordinance, consistent with MCL 333.27956(2)(d), any person or marihuana establishment, including, but not limited to, any licensee, manager or employee of a marihuana commercial entity, who violates any of the provisions of this Ordinance, shall be responsible for a municipal civil infraction and a fine of not more than \$500, or as permitted by law.

(B) In addition, any person, including any person, customer or member of the public, who violates the provisions of section 4 of the Act, MCL 333.27954, and who acts in a manner contrary to the acts prohibited therein, except as may be otherwise provided in MCL 333.27965, shall be guilty of a misdemeanor.

(C) Notwithstanding the above, to the extent any violation or penalty set forth herein may be deemed inconsistent with any State law, or inconsistent with any rule or penalty which is promulgated by the department, now or hereafter, including but not limited to those promulgated pursuant to MCL 333.27958, then the state law or department rule or penalty shall govern over the provisions of this Ordinance, as determined by state preemption.

(D) A violation of this Ordinance is deemed to be a nuisance, per se. In addition to any remedies available at law, the City may bring an action for an injunction or other process against any person to restrain, prevent or abate any violation of this Ordinance.

(E) Each day on which any violation of this Ordinance occurs or continues constitutes a separate offense, subject to separate sanctions. The paying of a fine or sanctions under this Ordinance shall not exempt the offender from meeting the requirements of this Ordinance.

(F) In addition, the City may seek injunctive relief against persons alleged to be in violation of this Ordinance, and such other relief as may be provided by law.

(G) This Ordinance shall be administered and enforced by the Office of the City Manager or by such other person (s) as designated by the City Manager.

§ ADDITIONAL PROVISIONS.

(A) Notwithstanding any provision herein, to the extent it may be determined that any provision in this Ordinance is in conflict with either the MRTMA, or the rules and regulations of LARA, or other provisions of law, then such provision of this Ordinance as is in conflict shall be subject to and preempted by the rule or provision of law of this State.

(B) Consistent with the provisions of the MRTMA, nothing herein shall prevent any employer from disciplining any employee for violation of a workplace drug policy or for working while under the influence of marihuana, nor does anything in this

Ordinance prevent an employer from developing workplace policies, or from refusing to hire a person because of that person's violation of a workplace drug policy.

(C) Consistent with the MRTMA, nothing in this Ordinance prevents a landlord from prohibiting or otherwise regulating the consumption, cultivation, distribution, processing, sale or display of marihuana and marihuana accessories on leased property except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marihuana by means other than smoking as set forth in the MRTMA and the LARA rules.

§ SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect. The provisions herein shall be construed as not interfering or conflicting with the statutory regulations for licensing recreational (adult use) marihuana establishments pursuant to Initiated Law 1 of 2018, as amended.

§ EFFECTIVE DATE.

This Ordinance shall become on 30 days after publication and recording as required by law.

This Ordinance [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.

Adopted and signed this 16th day of September, 2019.

Joe Caron, MAYOR

Trisha Nelson, City Clerk

I, Trisha Nelson, being duly sworn as the Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on September 16, 2019, 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

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Water Withdrawal Consulting Services:

Moved Wolfersberger, supported Underhill, to approve an authorization of \$71,900 for water withdrawal consulting services to Stantec Consulting that will close out the work accomplished through September 1, 2019 and approve a budget increase of \$42,500 with Stantec for upcoming services. On a roll call vote – ayes: Metzger, Traver, Underhill, Wolfersberger, Mayor Caron, Gates, and McNeil; nays: none. **MOTION CARRIED.**

B. Major Material Purchases for the Pearl Street Electric Substation Increase in Capacity Project:

Moved McNeil, supported Gates, to award the following purchases to the low bidder:

- Four (4) 15kv 1200-amp circuit breakers in the amount of \$57,148.00 to Siemens Power T&D
- One (1) 15kv 2000-amp circuit breaker in the amount of \$18,286.00 to Siemens Power T&D
- Three (3) 138kv metering units in the amount of \$37,815.00 to ABB T&D
- One (1) 138kv Circuit Switcher (1200-amp) in the amount of \$42,050.00 to Siemens Power T&D

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

C. Hydro Electric Dam Remediation Project:

Moved Metzger, supported McNeil, to award the engineering and construction management contract for the FERC required remediation of the earthen embankment of the Perrin Hydroelectric Dam to the low bidder – Lawson Fisher Associates, South Bend, IN in the amount of \$498,600.00 with a \$25,000 contingency and authorize the City Clerk to sign the contract. On a roll call vote – ayes: Underhill, Wolfersberger, Mayor Caron, Gates, McNeil, Metzger, and Traver; nays: none. **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Phillip Nager of 126 W. Prospect thanked Council for the new speed limit sign. He stated there continues to be an issue with speeders and inquired how the citizens can be of assistance.

Director Jim Schwartz announced his departure with the City and expressed his gratitude for the last 10 years with the City of Marshall.

Matt Parks, President of Local 1929, expressed his gratitude for Chief Schwartz and stated the city has some big shoes to fill.

COUNCIL AND MANAGER COMMUNICATIONS

ADJOURNMENT

The meeting was adjourned at 7:51 p.m.

Joe Caron, Mayor

Trisha Nelson, City Clerk

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
114	ACCELERANT K9 CHEMISTR	K9 TRAINING AID PREPARATION		73.20
9964330123	AIRGAS USA LLC	WELDING GASES		141.30
10024382	ALEXANDER CHEMICAL COR	CHEMICALS FOR WATER TREATMENT PLANT - CH2020.051		(100.00)
4885	ALL RELIABLE SERVICES	LINE CLEARANCE TREE TRIMMING FOR JULY 202020.050		3,946.84
4762	ALL RELIABLE SERVICES	LINE CLEARANCE TREE TRIMMING FOR JULY 202020.050		3,938.72
89990	ALL-TRONICS INC	ALARM MONITORING		81.00
1HG6-6DP3-4494	AMAZON BUSINESS	CARHART VEST		129.99
1RXF-Q6GT-N7CY	AMAZON BUSINESS	FIELD BOOK/MANHOLE COVER HOOK		44.99
4381349-00	ANIXTER	ELECTRIC METERS		860.84
4358931-00	ANIXTER	WR999 CONNECTORS		682.07
4361994-00	ANIXTER	WRENCH		45.00
02250452697	AUTO VALUE MARSHALL	T50 TORX SOCKET		17.89
02250452904	AUTO VALUE MARSHALL	TAPERED ROLLER/ OIL SEAL		33.97
02250452886	AUTO VALUE MARSHALL	LED SPOT BULBS		343.16
02250452817	AUTO VALUE MARSHALL	BATTERY/OIL FILTER/OIL		158.23
02250452759	AUTO VALUE MARSHALL	GAS/DSL ELEC FP		49.99
02250452757	AUTO VALUE MARSHALL	1/4 QUICK LINK		1.89
02250452427	AUTO VALUE MARSHALL	PTO SWITCH		96.36
02250452410	AUTO VALUE MARSHALL	ELEC FLASHER/OIL FILTER X2		31.55
02250452472	AUTO VALUE MARSHALL	HITCH EXTENDER		43.99
02250451926	AUTO VALUE MARSHALL	508 - OIL CHANGE/FRONT BRAKES/HEADLIGHTS		731.28
02250451796	AUTO VALUE MARSHALL	BRAKES/OIL CHANGE		430.74
02250452094	AUTO VALUE MARSHALL	129- BRAKES		279.71
02250452109	AUTO VALUE MARSHALL	129- BRAKE HOSE		26.05
02250452182	AUTO VALUE MARSHALL	129-BRAKE HOSE/CALIPER/ELECTRICAL TAPE		115.69
02250452116	AUTO VALUE MARSHALL	129-BRAKE HOSE		19.58
02250451108	AUTO VALUE MARSHALL	MINI LAMP		7.20
02250451152	AUTO VALUE MARSHALL	TURN SIGNAL SOCKET		9.49
02250451237	AUTO VALUE MARSHALL	302-12V BT JUNIOR		41.00
02250451511	AUTO VALUE MARSHALL	1 GAL TRAILER BRIGHT/PURPLE CLEANER		297.98
02250451847	AUTO VALUE MARSHALL	WHEEL NUTS		76.80
02250452132	AUTO VALUE MARSHALL	320- PM A W46 HYDRAULIC		128.85
02250452227	AUTO VALUE MARSHALL	BATTERIES		11.99
02250453132	AUTO VALUE MARSHALL	PUMP REPAIR		39.19
02250453438	AUTO VALUE MARSHALL	CLEANING WIPES		11.38
2265928341	AUTO ZONE INC	STP OIL		7.40
SI-1611264	AXON	POLICE TASERS PER QUOTE #168062-43252.89 2020.108		1,754.00
P18919772	BATTERIES PLUS BULBS	35W LAMP		167.88
P18417695	BATTERIES PLUS BULBS	BATTERY BACKUP		43.90
918490218	BORDER STATES INDUSTRI	ELECTRIC METERS		733.17
9162019	BOSSERD FAMILY FARM	MUMS FOR DOWNTOWN PLANTERS		288.00
5252	BUILDERS' HANDLE AND H	KEYPAD LEVER		193.75
100066	CRT, INC	KEYBOARD - MRLEC TRAINING ROOM		71.00
55435	CULVER COMPANY	PROMO TRUCKS		591.27
S3-48371	CUMMINS SALES AND SERV	ANNUAL GENERATOR MAINTENANCE	2020.109	1,255.79
154810	D & D MAINTENANCE SUPP	JANITORIAL SUPPLIES		799.02
154927	D & D MAINTENANCE SUPP	WYPAL		173.40
555161	DARLING ACE HARDWARE	TAP PLUG		7.59
555459	DARLING ACE HARDWARE	SOFT SCRUB		11.97
555396	DARLING ACE HARDWARE	FOLDING EARMUFF/APRON CHAPS		109.98
555219	DARLING ACE HARDWARE	NUTS & BOLTS/ MOBILE METRIC TLSET		114.45
554317	DARLING ACE HARDWARE	MAGNETIC NUT DRIVER		3.99
553873	DARLING ACE HARDWARE	TAPE MEASURE		22.99
554332	DARLING ACE HARDWARE	SIMPLE GREEN		10.99
554981	DARLING ACE HARDWARE	NUTS & BOLTS/RECIP BLAD/DRILL BIT		117.23
554664	DARLING ACE HARDWARE	GLOVES		15.99
554787	DARLING ACE HARDWARE	PNEUMATIC WHEEL		33.98
554875	DARLING ACE HARDWARE	TOGGLES		3.90
554974	DARLING ACE HARDWARE	LP GAS		12.21
555025	DARLING ACE HARDWARE	MOUSE BAIT		75.98
555021	DARLING ACE HARDWARE	CHLORINE TABS/DUCT TAPE		70.98
555091	DARLING ACE HARDWARE	MOTO MIX		15.49
554942	DARLING ACE HARDWARE	BOLTS		10.75
554933	DARLING ACE HARDWARE	NUTS & BOLTS		9.40
552613	DARLING ACE HARDWARE	LOCK ENTRY ACCENT		44.99
554809	DARLING ACE HARDWARE	HEDGETRIMMER SHARPENING		20.00
554715	DARLING ACE HARDWARE	WASHERS		9.98
553887	DARLING ACE HARDWARE	PHONE CABLE/PHONE PLATE		10.27
554359	DARLING ACE HARDWARE	CORDEXTN		13.99
554298	DARLING ACE HARDWARE	GLASS		43.99
554208	DARLING ACE HARDWARE	MINI HOOKS		12.99
554283	DARLING ACE HARDWARE	LED CLAMP		23.99
8212019	DAVIS CONSTRUCTION INC	EMERGENCY SEWER REPAIR - HANOVER & LINDE 2020.090		79,658.10
CI301-01	DAVIS CONSTRUCTION INC	PEDESTRIAN BRIDGE AT MONROE STREET 2020.112		2,225.00
962019	DH WIRELESS	INVOICE # EXECUIN30680/EXECUIN30750		135.00
INV46294	DORNBOS SIGN INC	3 SIGNS		134.70
INV46318	DORNBOS SIGN INC	SIGN BOLTS/HARDWARE		420.00
1144333	DUBOIS COOPER ASSOC IN	TRASH PUMP REPAIR		292.00
INV167603	F H WACHS - WATER UT	SPARE FILTER AND EXTRA ARM FOR VALVE MAI 2020.084		757.27

APPROVAL LIST FOR CITY OF MARSHALL
 EXP CHECK RUN DATES 10/11/2019 - 10/11/2019
 UNJOURNALIZED
 OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
S103227722.001	ETNA SUPPLY	3" OMNI WATER METER	2020.093	1,735.00
MIBAT280864	FASTENAL COMPANY	DRILL SET		134.24
MIBAT281750	FASTENAL COMPANY	WASHERS, BOLTS		21.50
0085036	FERGUSON WATERWORKS	#3 GATE VALVE, SWIVEL ADAPTER		1,479.70
703269	FITNESS THINGS & ALL P	SCIFIT PRO 2 EXERCISE EQUIPMENT WITH WHE	2020.023	5,710.00
FS190918480501	FS.COM INC	ORDER #FS190918480501 PATCH CABLES, AT	2020.102	229.89
FS20190919010E	FS.COM INC	ORDER #FS190918480501 PATCH CABLES, AT	2020.102	125.77
FS190918450502-P2	FS.COM INC	ORDER #FS190918480501 PATCH CABLES, AT	2020.102	359.55
15172	FUG	700 FIBERNET PENS		509.00
4312	GOODWIN'S PLUMBING, LL	INSTALLED BATTERIES IN WOMEN'S BATHROOM		131.88
1795085	GRIFFIN PEST SOLUTIONS	AUG. PEST CONTROL		51.00
1795084	GRIFFIN PEST SOLUTIONS	PEST CONTROL		35.00
20190718	GRP ENGINEERING INC	ENGINEERING SERVICES FOR PEARL STREET SU	2019.334	22,000.00
82240	HERMANS MARSHALL HARDW.	COMBO BITS/DRYSCREW/TAPE MEASURE/WIPES/W		46.01
82178	HERMANS MARSHALL HARDW.	M18- GRINDER		199.99
82204	HERMANS MARSHALL HARDW.	SHOP RAGS		7.98
82232	HERMANS MARSHALL HARDW.	SQUEEGEE		5.99
1148	IMPACT LAWN & LANDSCAP	2019 LAWN MOWING - JULY TO OCTOBER 2019	2020.042	440.00
1149	IMPACT LAWN & LANDSCAP	2019 LAWN MOWING - JULY TO OCTOBER 2019	2020.042	400.00
1154	IMPACT LAWN & LANDSCAP	2019 LAWN MOWING - JULY TO OCTOBER 2019	2020.042	375.00
1159	IMPACT LAWN & LANDSCAP	2019 LAWN MOWING - JULY TO OCTOBER 2019	2020.042	360.00
1151	IMPACT LAWN & LANDSCAP	2019 LAWN MOWING - JULY TO OCTOBER 2019	2020.042	1,690.00
M27882	IMPACT SOLUTIONS	WALL SIGN - ERIC ZUZGA		39.50
M27867	IMPACT SOLUTIONS	UTILITY BILL PAPER		15.00
10994-717759	IRVIN'S HARDWARE	HUSQVARNA SAW/BATTERY		699.97
7826	JS BUXTON	BLANKET PO FOR LIME	2020.045	1,107.22
2946	JUSTICE FENCE	LABOR AND MATERIALS FOR FENCING AT SUBST	2020.012	1,350.00
S108333717.001	KENDALL ELECTRIC INCOR	RAS VFD CONTROL BOARD		809.10
613281	KENNEDY INDUSTRIES INC	RAW PUMP CONTROL		500.00
613150	KENNEDY INDUSTRIES INC	EMERGENCY MOTOR PURCHASE FOR CHANNEL MON	2020.095	2,398.80
201715.00-2190819	LAWSON-FISHER ASSOCIAT	PERRIN DAM FERC PART 12D INSPECTION AND	2018.062	1,701.93
201843.00-2190859	LAWSON-FISHER ASSOCIAT	NUISANCE PLANT MONITORING AND REPORTING	2019.057	1,106.70
01053373	LEGG LUMBER	12FT 2X4'S		69.90
01053409	LEGG LUMBER	12FT 2X4'S		20.97
01053417	LEGG LUMBER	2X4'S		15.76
3303	M & M PAVEMENT MARKING	2019 PAVEMENT MARKINGS	2020.009	5,281.63
1502	MAIL MANAGEMENT INC	INK FOR POSTAL MACHINE		262.90
S4550620.003	MEDLER ELECTRIC COMPAN	3" COUPLING		79.53
S4551429.001	MEDLER ELECTRIC COMPAN	2" COUPLING		23.10
S4558067.001	MEDLER ELECTRIC COMPAN	2' U-GUARD		279.37
S4560974.001	MEDLER ELECTRIC COMPAN	SURGE SUPPRESSOR		530.96
83066	MERIT NETWORK INC.	ADDITIONAL BANDWIDTH JULY 2019		630.00
19845	MICHIGAN MUNICIPAL LEA	WEBSITE CLASSIFIED ADS		106.32
M 08-19	MICHIGAN SOUTH CENTRAL	NATURAL GAS - AUGUST 2019		1,065.97
55963271	MSC INDUSTRIAL SUPPLY	(SAFETY GLASSES		165.12
50311561	MSC INDUSTRIAL SUPPLY	(SAFETY GLASSES		39.48
50311551	MSC INDUSTRIAL SUPPLY	(FIRST AID KITS - METER DEPT.		52.62
53088211	MSC INDUSTRIAL SUPPLY	(SAFETY SUPPLIES		122.18
532865	NAPA OF MARSHALL	HOSE CLAMP		4.28
537210	NAPA OF MARSHALL	PINTEL HITCH/INTERLOCK TRAILER BALL		104.65
537195	NAPA OF MARSHALL	INTERLOCK TRAILER BALL		14.32
540549	NAPA OF MARSHALL	ADAPTER		11.99
428763	NORTH CENTRAL LABORATO	BLANKET PO FOR LAB SUPPLIES	2020.046	273.84
712181	NYE UNIFORM COMPANY	POLICE UNIFORM STRIPES		105.00
712671	NYE UNIFORM COMPANY	POLICE UNIFORMS		139.00
703879	NYE UNIFORM COMPANY	FIRST DEFENSE MK-9 SPRAY		448.00
710988	NYE UNIFORM COMPANY	POLISHED NAME BAR		14.00
709259	NYE UNIFORM COMPANY	POLISHED NAME BAR		14.00
712237A	NYE UNIFORM COMPANY	UNIFORM PANTS		718.00
712242	NYE UNIFORM COMPANY	UNIFORM SHIRT		151.80
95242	O'LEARY WATER CONDITIO	SOFTNER SALT		416.50
4940	OERTHERS	STRAW BALES FOR CTN CLEAN UP		11.78
4941	OERTHERS	50# GRASS SEED		133.89
1446645B1	OFFICE 360	PENS		1.10
1448323	OFFICE 360	STENO PADS		9.27
1435958	OFFICE 360	HANGING FOLDERS/FRAME/FOLDERS		16.84
1446645	OFFICE 360	MARKER/HIGHTLIGHTER/PEN		8.89
207059	PARAGON LABORATORIES,	WHOLE EFFLUENT TOXICITY TESTING	2020.087	1,681.00
9102019	PARKS COMMUNICATION SO	HDMI & VGA EXTENDER		245.00
2019080143	PEOPLEFACTS LLC	BACKGROUND FOR HIRE		14.56
56399940	POWER LINE SUPPLY	RUBBERGOODS- SAFETY GLOVES AND SLEEVES	2020.092	1,516.00
56397795	POWER LINE SUPPLY	HARD HAT, VEST - LEVI		84.43
56399857	POWER LINE SUPPLY	WORK GLOVES		166.80
56400652	POWER LINE SUPPLY	P.G. CLAMP		71.20
56398975	POWER LINE SUPPLY	WORK GLOVES		182.29
56401647	POWER LINE SUPPLY	LEATHER GLOVES		351.80
56402077	POWER LINE SUPPLY	LAG SCREW		8.00
56401649	POWER LINE SUPPLY	FR COAT - LEVI		146.00
54601719	POWER LINE SUPPLY	LEATHER GLOVES		182.32

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
19-10057	QUALITY EXCAVATORS, IN	HANOVER SEWER REPAIR	2020.089	7,328.30
13984	R-S TRUCK & DIESEL, IN	REPAIR TRUCK # 319	2020.103	2,197.43
13572	RADIO COMMUNICATIONS	RADIO SERVICING		379.26
13576	RADIO COMMUNICATIONS	RADIO SERVICING		693.31
761552-00	RESCO	HUSKIE TOOL PROMO- 15 TON COMPRESSION TO 2020.083		5,479.41
1167	RIGHT WAY CONTROL LLC	CRACK AND CREVICE SERVICES		460.00
0091753	ROWE PROFESSIONAL SERV	CE SERVICES MONROE STREET BRIDGE	2019.295	44,914.32
91684	ROWE PROFESSIONAL SERV	S MARSHALL BRIDGE @ RICE CREEK HANDRAIL/	2020.008	17,500.00
21432	RS TECHNICAL SERVICE	ICL2 & SO2 FEED SYSTEM SERVICE	2020.064	4,106.71
05492-535278	SAFELITE FULFILLMENT,	SOLAR PAINT BAND		324.44
81043181-190474650	SAFETY-KLEEN	RECYCLE USED OIL		252.50
12105	SHOULDICE INDUSTRIAL M.	TROUBLE SHOOT BREAKER TRIPPING		175.00
9610FINAL	SIGNWORLD CONCEPTS	ADDITIONAL BROOKS INDUSTRIAL SIGN	2020.006	2,800.00
9303	SONAR	SONAR SOFTWARE MONTHLY SERVICE. \$1.25/C	2020.061	1,411.25
1566864	STANTEC CONSULTING MIC	WATER WITHDRAWL ON-GOING CONSULTING	2019.123	14,683.25
1566632	STANTEC CONSULTING MIC	MICHIGAN AVE WATERMAIN DESIGN/CONSTRUCTI	2019.124	28,534.86
1566862	STANTEC CONSULTING MIC	PERRIN DAM WATERMAIN DESIGN/CONSTRUCTION	2019.126	23,798.50
1566865	STANTEC CONSULTING MIC	N. MARSHALL STORAGE TANK PDR	2019.125	1,632.25
1552920	STANTEC CONSULTING MIC	WATER WITHDRAWL ON-GOING CONSULTING	2019.123	5,524.96
591-10431860	STATE OF MICHIGAN	OVERPAYMENT FROM MDOT FOR BREWER ST PROJ	2020.097	4,941.38
761-10435194	STATE OF MICHIGAN	WATER TESTING		598.00
639089	STEENSMA	729- IGNITION/GASKET/OIL CHANGE		495.45
0015633-IN	STOP STICK	STOP STICK TRAINING KIT		318.00
5290813-02	SUNSOURCE	THICKENER PUMP		42.07
9132019	THOMAS NEIDLINGER MD	DOT PHYSICAL- GARZA/PUTNAM/WISE		225.00
MAR18410	TIRE CITY TIRE PROS	M6- TIRES/HUB ASSEMBLY/SWAY BAR KIT		1,181.78
MAR18276	TIRE CITY TIRE PROS	VEHICLE REPAIR #325 FRONT END AND NEW TI	2020.094	2,444.85
5067768	TOSHIBA AMERICA BUSINE	MRLEC COPIER		56.85
154 0070725	UNIFIRST CORPORATION	DPW GARAGE UNIFORMS		59.76
154 0071321	UNIFIRST CORPORATION	DPW GARAGE UNIFORMS		59.76
154 0071322	UNIFIRST CORPORATION	ELECTRIC UNIFORMS		162.16
154 0069516	UNIFIRST CORPORATION	ELECTRIC UNIFORMS		285.41
154 0070124	UNIFIRST CORPORATION	DPW GARAGE UNIFORMS		59.76
154 0069515	UNIFIRST CORPORATION	DPW GARAGE UNIFORMS		59.76
154 0070726	UNIFIRST CORPORATION	ELECTRIC UNIFORMS		228.36
154 0070125	UNIFIRST CORPORATION	ELECTRIC UNIFORMS		162.16
154 0069517	UNIFIRST CORPORATION	POWER HOUSE UNIFORMS		52.87
154 0069519	UNIFIRST CORPORATION	MARSHALL HOUSE UNIFORMS		39.88
154 0069518	UNIFIRST CORPORATION	WATER UNIFORMS		34.82
154 0069514	UNIFIRST CORPORATION	WATER WATER UNIFORMS		31.45
154 0070126	UNIFIRST CORPORATION	POWER HOUSE UNIFORMS		52.87
154 0070123	UNIFIRST CORPORATION	WASTE WATER UNIFORMS		31.45
154 0070128	UNIFIRST CORPORATION	MARSHALL HOUSE UNIFORMS		39.88
154 0070127	UNIFIRST CORPORATION	WATER UNIFORMS		34.82
154 0070729	UNIFIRST CORPORATION	MARSHALL HOUSE UNIFORMS		39.88
154 0070728	UNIFIRST CORPORATION	WATER UNIFORMS		34.82
154 0070727	UNIFIRST CORPORATION	POWER HOUSE		52.87
154 0070724	UNIFIRST CORPORATION	WASTE WATER UNIFORMS		31.45
154 0071320	UNIFIRST CORPORATION	WASTE WATER UNIFORMS		31.45
154 0071323	UNIFIRST CORPORATION	POWER HOUSE UNIFORMS		57.87
154 0071325	UNIFIRST CORPORATION	MARSHALL HOUSE UNIFORMS		39.88
154 0071324	UNIFIRST CORPORATION	WATER UNIFORMS		34.82
072838	VERMEER OF MICHIGAN, I	CHINESE FINGER		80.27
16383	WAGNER ENTERPRISE, INC	LIME DAY TANK MIXER	2020.076	757.52
103702	WALTERS-DIMMICK PETROL	GREASE		108.13
027742	WESCO DISTRIBUTION INC	AUTO SPLICE		480.00
56517	WEST MICHIGAN LAWN SER	'SPRINKLER MAINTENANCE		352.75
GRAND TOTAL:				341,140.72

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
301458	AD-VISOR & CHRONICLE	FIBER ADS		427.68
301983	AD-VISOR & CHRONICLE	AUGUST ADS		566.46
9122019	ADAMS, ANN	ENERGY OPTIMIZATION - APPLIANCES		25.00
269789901109	AT&T MOBILITY	ACCT 26978990115991		165.30
269781981509	AT&T MOBILITY	ACCT 26978198152670		7,016.50
269781907009	AT&T MOBILITY	ACCT 26978190705731		895.00
269781444709	AT&T MOBILITY	ACCT 26978144477494		475.78
09/12/2019	BENNETT, PHIL	UB refund for account: 1701620002		7.51
942019	BRONSON HEALTHCARE GRO	DRUG SCREEN/PHYSICAL - RIGGS, JAY		120.00
9062019	CHEMICAL BANK SOUTH	HSA ACCT - 2551718576 - MATT PARKS		900.00
STREETS-2020-00000	CITY OF BATTLE CREEK	TRAFFIC SIGNAL MAINTENANCE		146.20
206968001328	CONSUMERS ENERGY	ACCT 103015800248		117.34
9132019	CORELOGIC CENTRALIZED	DUPLICATE PAYMENT		9,900.81
100044	CRT, INC	CLOUD STORAGE		1,091.72
71584154	CRYSTAL FLASH MARSHALL	DIESEL DELIVERY		105.22
071633071	CRYSTAL FLASH MARSHALL	DIESEL DELIVERY		423.76
71604461	CRYSTAL FLASH MARSHALL	DIESEL DELIVERY ACCT 051300000		67.54
71606078	CRYSTAL FLASH MARSHALL	DIESEL DELIVERY		307.72
001072819	CRYSTAL FLASH MARSHALL	DIESEL DELIVERY		236.44
071572770	CRYSTAL FLASH MARSHALL	DIESEL DELIVERY		508.06
071585031	CRYSTAL FLASH MARSHALL	DIESEL DELIVERY		488.44
071571763	CRYSTAL FLASH MARSHALL	DIESEL DELIVERY		556.03
071612166	CRYSTAL FLASH MARSHALL	DIESEL DELIVERY		348.76
071626639	CRYSTAL FLASH MARSHALL	DIESEL DELIVERY		350.86
09/13/2019	GRAHAM ROWE-BULTINCK	UB refund for account: 1542		20.97
09/12/2019	GRAHAM ROWE-BULTINCK	UB refund for account: 1542		50.00
9132019	GREAT LAKES METAL WORK	PROPERTY TAX REFUND - OVERPAYMENT		27.92
9032019	GWIN, DARWIN	MOWING BROOKS NATURE AREA		150.00
09/12/2019	JANET OCONNELL	UB refund for account: 1719		50.00
09/12/2019	JEFF ONKKA	UB refund for account: 794		50.00
09/12/2019	JOEL JOLINK	UB refund for account: 1220		50.00
20203	K DRIVE GREENHOUSE CO.	SUNFLOWERS/PANSY ASSORTED		73.28
612009B	KENNEDY INDUSTRIES INC	LIFT STATION LEVEL CONTROL		1,050.00
9132019	LERETA, LLC	DUPLICATE PAYMENT		2,477.21
95179	LOWES BUSINESS ACCOUNT	ACCT 7982130231059095		146.30
N7895853	MAILFINANCE INC	POSTAGE MACHINE RENT		584.52
14321C11831	MARSHALL MEDICAL ASSOC	DRUG SCREEN - CARR, LEVI		57.00
8810	MARSHALL WELDING & FAB	FORKLIFT ASSISTANCE		90.00
09/13/2019	MARTIN, MICHAEL	UB refund for account: 900400049		32.77
9042019	MCCALL, SHARON	DEPOSIT REFUNDED		43.00
68901	MERSINO	EMERGENCY BYPASS PUMPING FOR SEWER COLLA 2020.019		34,805.00
69403	MERSINO	EMERGENCY BYPASS PUMPING FOR SEWER COLLA 2020.019		5,815.00
09/13/2019	MICHAEL MARTIN	UB refund for account: 1638		50.00
1450143	MILLER CANFIELD PADDOC	PROFESSIONAL SERVICES		285.00
09/12/2019	MORGAN MALLOY	UB refund for account: 1470		50.00
09/12/2019	NEILL, JORDAN & LITTLE	UB refund for account: 3003150042		39.33
9032019	NEOFUNDS	POSTAGE ACCT 7900044055829307		3,000.00
206120	PARAGON LABORATORIES,	MERCURY ANALYSIS		279.00
09/12/2019	PEGGY REUSS-MCCANN	UB refund for account: 476		50.00
09/12/2019	PENNY MILLER	UB refund for account: 1253		50.00
09/12/2019	PETRUCCI, ADRIANA	UB refund for account: 3005980046		69.65
0091529	ROWE PROFESSIONAL SERV	CE SERVICES MONROE STREET BRIDGE	2019.295	28,848.00
9112019	RUSSELL, MATTHEW	ENERGY OPTIMIZATION - FURNACE/AC		210.00
9162019	SONAR	SONAR SOFTWARE MONTHLY SERVICE. \$1.25/C 2020.061		1,396.25
141849	SPARTAN BARRICADE INCO	TRAFFIC CONTROL		544.05
591-10431356	STATE OF MICHIGAN	TRAFFIC SIGNAL ENERGY		196.31
09/13/2019	TAYLOR, DORIS	UB refund for account: 2701840000		10.21
9132019	TENNECO AUTOMOTIVE	PROPERTY TAX REFUND - OVERPAYMENT		3,092.61
9112019	TROJANOWSKI, LAURA	ENERGY OPTIMIZATION - ENERGY STAR APPLIA		25.00
9837245595	VERIZON WIRELESS	ACCT 987146080-00001		1,065.92
12241	WATERTAP INC	EMERGENCY VALVE INSTALLATION FOR SEWER R 2020.026		5,055.00
09/12/2019	WEERS, CLIFFORD & MARC	UB refund for account: 2705840003		45.45
61275239	WEX BANK	ACCT 0470004620761		9,369.95
8292019	WHITESSELL, TOM	FARMERS MARKET ENTERTAINMENT 9/14		35.00
932019	WOW! INTERNET-CABLE-PH	ACCT 010040764		1,359.80
1755128	XEROX FINANCIAL SERVICE	EQUIPMENT LEASE - CONTRACT NO - 010-0069		1,382.18
GRAND TOTAL:				127,329.81

Check Date	Bank	Check #	Vendor Code	Vendor Name	Invoice Total	Credit Total	Total Amount	# Invoices
09/20/2019	MAIN	00000122390	502052	WARNER, JOYCE			299.00	1
09/20/2019	MAIN	00000122389	400284	UPRIGHT, CINDY			400.00	1
09/20/2019	MAIN	00000122388	UBRFD	TROUTNER, ISABELLA & HAYS, CASEY			29.23	1
09/20/2019	MAIN	00000122387	500796	TELNET WORLDWIDE			1,971.54	1
09/20/2019	MAIN	00000122386	2169	STATE OF MICHIGAN			12,595.05	1
09/20/2019	MAIN	00000122385	9656	SPARTAN STORES			138.57	1
09/20/2019	MAIN	00000122384	500200	SEARS, THERESA			423.99	2
09/20/2019	MAIN	00000122383	UBRFD	RUSSELL, WILLIAM E			100.04	1
09/20/2019	MAIN	00000122382	UBRFD	ROBERT HOLLEBRANDS			50.00	1
09/20/2019	MAIN	00000122381	501533	RAUTH, PAUL			35.00	1
09/20/2019	MAIN	00000122380	UBRFD	PIFER, MEGGAN			52.42	1
09/20/2019	MAIN	00000122379	UBRFD	NOLAN SOLLENBERGER			10.00	1
09/20/2019	MAIN	00000122378	7558	MARSHALL COMMUNITY CU			3,327.18	5
09/20/2019	MAIN	00000122377	UBRFD	MALLOY, MORGAN			52.30	1
09/20/2019	MAIN	00000122376	UBRFD	KIMBALL, WALTER			84.24	1
09/20/2019	MAIN	00000122375	7501	K-MART			103.90	1
09/20/2019	MAIN	00000122374	UBRFD	HULL, LUANN			14.74	1
09/20/2019	MAIN	00000122373	502051	GALLAGHER, PAUL			85.00	1
09/20/2019	MAIN	00000122372	500570	FIRST ADVANTAGE LNS OCC. HEALTH			38.28	1
09/20/2019	MAIN	00000122371	UBRFD	ELDRED, CASEY-ANN			70.19	1
09/20/2019	MAIN	00000122370	400445	EARTHLINK BUSINESS			71.04	1
09/20/2019	MAIN	00000122369	7951	CONSUMERS ENERGY			1,539.84	3
09/20/2019	MAIN	00000122368	2648	COMFORT INN-MT PLEASANT			414.75	1
09/20/2019	MAIN	00000122367	2648	COMFORT INN-MT PLEASANT			373.80	1
09/20/2019	MAIN	00000122366	7595	CITY OF MARSHALL			30.00	1
09/20/2019	MAIN	00000122365	7233	CITY OF COLDWATER			1,231.95	1
09/20/2019	MAIN	00000122364	7218	CHEMICAL BANK SOUTH			900.00	1
09/20/2019	MAIN	00000122363	7177	CALHOUN COUNTY TREASURER			8,597.08	1
09/20/2019	MAIN	00000122362	7176	CALHOUN COUNTY CONS DISPATCH			29,898.58	1
09/20/2019	MAIN	00000122361	21627	CALHOUN COUNTY CLERK			30.00	1
09/20/2019	MAIN	00000122360	501904	AT&T MOBILITY			42.25	1

Num Checks: 31 Num Stubs: 0 Num Invoices: 38 Total Amount: 63,009.96

APPROVAL LIST FOR CITY OF MARSHALL
 EXP CHECK RUN DATES 09/27/2019 - 09/27/2019
 UNJOURNALIZED
 OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
09/26/2019	BRODA, AUSTIN	UB refund for account: 2900740053		58.27
9282019	BUTTERS, SCOTTY	FARMERS MARKET ENTERTAINMENT 9/28		35.00
8222019	CALHOUN COUNTY CLERK	REIMBURSEMENT COST CONDUCT 8/6/19 SPECIA		182.00
203141723361	CONSUMERS ENERGY	ACCT 103013521119		16.19
202785745000	CONSUMERS ENERGY	ACCT 103018520884		14.55
204120649842	CONSUMERS ENERGY	ACCT 100009163708		14.55
202874733392	CONSUMERS ENERGY	ACCT 100009163435		96.05
201806840721	CONSUMERS ENERGY	ACCT 100072243312		29.99
205544499162	CONSUMERS ENERGY	ACCT 100007594680		14.55
205366529399	CONSUMERS ENERGY	ACCT 100067101772		14.55
202518781797	CONSUMERS ENERGY	ACCT 103009157670		16.22
202874733393	CONSUMERS ENERGY	ACCT 100009163971		100.50
0142001	GOVERNMENT FINANCE OFF	MEMBERSHIP RENEWAL FOR 12/2019-11/2020		170.00
9192019	GRAND HOTEL	MARSHALL REC: 20 ROOMS, PLUS 1 LEADER RO 2020.104		18,110.00
9232019	ISAACSON, BEN & MARLEE	ENERGY OPTIMIZATION-FURNACE		100.00
9252019	KINNEY, LOUISA	ENERGY OPTIMIZATION-FURNACE		110.00
9022019	LOWES BUSINESS ACCOUNT	ACCT 99007320387		186.24
2018-2019	MARSHALL PUBLIC SCHOOL	WINTER 2019 GYM RENTAL	2020.113	2,565.95
200006311	MICHIGAN ASSOC. OF CHI	AMT SESSION - KRIS AMBROSE		25.00
200006312	MICHIGAN ASSOC. OF CHI	AMT-ANTHONY PHILPOTT		25.00
200006286	MICHIGAN ASSOC. OF CHI	WIN 20 CONFERENCE REGISTRATION- SCOTT MC		230.00
9252019	MICHIGAN SOUTH CENTRAL	REIMBURSEMENT FOR ED RICE'S ROOM AT AMP		688.55
09/26/2019	MIMA SPRUCE MHP LLC	UB refund for account: 3101710000		116.63
09/23/2019	ROSENBAUM, ANN	UB refund for account: 2706800004		144.38
09/26/2019	ROWE-BULTINCK, GRAHAM	UB refund for account: 400640021		23.17
09/26/2019	SMAK, JOHN	UB refund for account: 3004260022		33.85
591-10431627	STATE OF MICHIGAN - MD	AIRPORT LICENSE FEE		50.00
9252019	TARKIEWICZ, TOM	GAS FOR #118 IN DUNDEE		36.55
9232019	THOMPSON, ROBERT	ENERGY OPTIMIZATION - AC TUNE UP		15.00
110611494	TRUGREEN	LAWN SERVICE		168.54
09/23/2019	WALSH, JOHN	UB refund for account: 300570010		16.58
09/23/2019	WALSH, JOHN	UB refund for account: 300560000		6.10
GRAND TOTAL:				23,413.96



ADMINISTRATIVE REPORT
October 7, 2019 - CITY COUNCIL MEETING

To: Honorable Mayor and City Council

From: Marshall Area Farmer's Market Advisory Board
(Martin Overhiser Vice Chair)

Subject: Appointment of Board Members and Hiring of new Market Manager

1. The Marshall Area Farmer's Market Advisory Board has recommended the reappointment of Kathy Miller and Martin Overhiser to terms ending 10/20/2022 and appointment of Ronald Ducheney for a term ending 10/20/2022. Other board members continuing to serve are Suzette Little, Lynne Meservey, Jason Killoran, and Barbara Cooke (terms ending 10-20-2020). Also, Lora Finch, Ken Harshman, Patty Parker, and Lisa Reed (terms ending 10-20-2021).

2. The Market Advisory Board recommends the hiring of Pam Wolfersberger as the Marshall Area Farmer's Market Manager starting November 1, 2019 for \$850 per month as a contract employee.

Jen Rice is the current Market Manager. She has done an outstanding job of growing the number of vendors and increasing the customer base. She, however, finds that her responsibilities as Fair Manager are taking much more of her time than she anticipated.

Pam Wolfersberger graduated from nursing school in 1981, worked as an ICU and trauma flight nurse 1981-88, nurse manager surgical ICU 1988-94, Nurse anesthetist 1996 to present, involved with basic nursing education 1981-94, and taught as adjunct faculty for KU and Oakland nurse anesthetist students 1996-2019. She was chief CRNA 2000 - 2007 in Joplin Missouri. Pam is originally from Nashville TN and moved to Marshall in 2008. Pam has been an active volunteer at the Farmer's Market for the past two years. She knows the market operation and will have Jen Rice and board members available to assist as needed.

Marshall Area Farmer's Market:

- The Summer Market is held Saturday mornings from 8am until 1 pm, May through October in the Green Street City Parking Lot.
- The 2019-2020 Winter Market will be at the Fairgrounds Floral Hall Saturday mornings from 9 until 1 pm November through April.

323 W. Michigan Ave.

Marshall, MI 49068

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cityofmarshall.com

AGREEMENT FOR FARMERS' MARKET MANAGEMENT

WHEREAS, the City of Marshall ("City" or "Client") is a Michigan municipal corporation with offices at 323 West Michigan Avenue, Marshall, Michigan 49068; and,

WHEREAS, Pam Wolfersberger ("Contractor") of 911 Forest Street, Marshall, Michigan with experience and knowledge of the Marshall Area Farmers' Market; and,

WHEREAS, City desires to utilize Contractor's skills, knowledge and experience with the operation and management of the City's Marshall Area Farmers' Markets,

NOW THEREFORE, the City and Contractor agree as follows;

ARTICLE 1 TERM OF CONTRACT

1.01. This agreement will become effective on November 1, 2019 and will continue in effect until the services provided under this Agreement have been performed or until terminated as provided in this agreement.

ARTICLE 2 SERVICES TO BE PERFORMED BY CONTRACTOR

2.01. Contractor agrees to be responsible for the overall operation of the Marshall Area Farmers' Market on a yearly basis interfacing effectively with customers, vendors, volunteers, interns, media, the Market Advisory Board, and the City and its applicable departments. Key responsibilities to include:

2.01. 1. Annually securing the Marshall City Council approval for the market to operate.

2.01. 2. Developing and maintaining accurate records and documentation of ongoing Market operations including finances, fund raising efforts, marketing, events, and recruitment of vendors and volunteers, and others as needed.

2.01.3. Attracting, retaining, and managing a diverse mix of vendors and requiring that they comply with City, regulatory and Market rules and procedures.

2.01.4 Presenting a monthly report of the Market's activities to the Market's Advisory Board and playing an active role in the support the Board's goals and mission.

2.01.5 Expanding the market customer base by contributing to marketing, social media, advertising, public speaking, events, and other promotionally activities of the market.

2.01.6 Serving as on-site Manager on market days.

2.01.7 Developing a team of market volunteers to contribute to the effective management of the market.

2.01.8 Securing approval for capital outlay purchases from the Advisory Board and placing the orders with the City's purchasing department.

Method of Performing Services

2.02 Contractor will determine the method, details and means of performing the services described in Section 2.01. Client may specify only the results desired in regard to specified services.

2.03 Nothing in this agreement shall be construed to prohibit Contractor from performing services on behalf of other clients.

ARTICLE 3 COMPENSATION

3.01. In consideration for services to be performed by Contractor, Client agrees to pay Contractor \$850 per month. In no event will the compensation paid to the Contractor be more than the established monthly amount, unless the parties agree otherwise in writing.

3.02. At the end of each month, Contractor will submit to Client a statement of services rendered that month. Client agrees to pay the amount due to Contractor promptly.

ARTICLE 4 OBLIGATIONS OF CONTRATOR

4.01. Contractor agrees to hold harmless and indemnify Client for any and all claims arising of any injury, disability or death of Contractor or any of Contractor's employees or agents.

Assignment by Contractor

4.03 Neither this agreement nor any duties or obligations under this agreement may be assigned by the Contractor without the prior written consent of the Client.

Indemnification by Contractor

4.04 Contractor agrees to indemnify and hold harmless from all costs, including but not limited to reasonable attorney fees, the Client from any employer matching contributions required under any state or federal law or regulation.

ARTICLE 5 OBLIGATIONS OF CLIENT

Cooperation of Client

5.01. Client agrees to comply with all reasonable requests of Contractor and provide access to all documents reasonably necessary to the performance of Contractor's duties under this Agreement.

Place of Work

5.02 Contractor will work from a home office. Client agrees to furnish an internal mailbox located at the City Hall, a public phone number for Farmer's Market calls, copier access on City's premises and a portable digital, Wi-Fi compatible tablet for the Contractor's use for work related to the Marshall Area Farmers' Market during the course of this Agreement. At the termination of this Agreement, all City owned equipment will be immediately returned to the City.

Assignment by Client

5.03 Neither this Agreement nor any duties or obligations under this Agreement may be assigned by Client without prior written consent of the Contractor.

ARTICLE 6 TERMINATION OF AGREEMENT

Expiration of Agreement

6.01 Unless otherwise terminated as provided in this Agreement, this Agreement shall continue in force until the services provided for have been fully and completely performed and shall then terminate unless renewed in a writing executed by both parties.

6.02 Either party may terminate this Agreement by notifying the other party in writing of the termination at the following addresses:

City of Marshall
323 Michigan Avenue
Marshall, MI 49068

Pam Wolfersberger
911 Forest Street
Marshall, MI 49068

Entire Agreement of the Parties

7.01. This agreement supersedes any and all agreements, both oral and written, between the parties with respect to the rendering of services by the Contractor for Client and contains all of the covenants and agreements between the parties with respect to rendering of these services in any manner whatsoever. Each party acknowledges that no representations, inducements, promises, or agreements, written or oral have been made by either party, or by anyone acting on behalf of either party, that are not embodied

in this Agreement. Any modification of this Agreement will be effective only if it is in a writing signed by the party to be charged.

Partial Invalidity

7.02. If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.

Payment of Monies due Deceased Contractor

7.03. If Contractor dies or is dissolved prior to completion of this Agreement, any monies that may be due to the Contractor from Client for services rendered prior to the date of death or dissolution shall be paid to Contractor’s executors, administrators, heirs, successors, or assigns.

Governing Law

7.04. This Agreement will be governed by and construed in accordance with the laws of the State of Michigan.

Executed at Marshall, Michigan, on _____, 2019.

CITY OF MARSHALL

PAM WOLFERSBERGER

BY: Trisha Nelson, City Clerk

BY: Pam Wolfersberger



ADMINISTRATIVE REPORT
October 7, 2019 – CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: Jon B. Bartlett, Finance Director
Aaron Ambler, Water Superintendent
Tom Tarkiewicz, City Manager

SUBJECT: Perrin Dam Water Main Relocation

BACKGROUND: During investigation of the Perrin Dam Remediation Project, it was revealed that an existing 12-inch water main, installed in 1970, was installed in close proximity to the Perrin Dam structure. Staff concluded that the water main would be at risk of rupture during remediation of the dam.

Perrin Dam Water Main Re-Location Construction: Currently there is a 12-inch water main that is under or in the close proximity of the Perrin Hydroelectric Dam that serves the industrial park. The relocation project consists of boring a new water main under the Kalamazoo River east of the DPW garage, construction of the new watermain, and then disconnecting the existing water main. This relocation must be done prior to any improvements or alterations to the dam. Original construction costs were estimated to be \$833,706. Bids were sought and due on September 20, 2019, in the following amounts:

Dunnigan Brothers of Jackson MI	\$701,112.60
Harris ConAg, LLC of Bloomingdale MI	\$796,885.00
Bailey Excavating of Jackson MI	\$828,407.58

Perrin Dam Construction Engineering: Stantec Consulting of Ann Arbor MI was contracted to design the new water main (approved by Council on September 17, 2018) and has submitted a proposal for construction engineering services in an amount of \$114,100.00.

RECOMMENDATION: It is recommended that the City Council approve the bid from Dunnigan Bros. of Jackson MI, in an amount of \$701,112.60, with a contingency of \$140,222.00, for water main construction and to approve construction engineering services from Stantec Consulting of Ann Arbor MI in an amount of \$114,100.00. It is also asked that Council approve a budget amendment in an amount of \$1,081,589.00 for account 591-900-970.13 Capital Outlay – Perrin Dam Watermain Relocation. This amount represents the construction costs, contingency, construction engineering services, and the \$126,154 design costs that were approved in 2018.

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FISCAL EFFECTS: This project will be funded as part of the July 2019, Water Bond Issue.

ALTERNATIVES: As suggested by City Council.

CITY GOAL CLASSIFICATION:

GOAL AREA 4 – INFRASTRUCTURE

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

Respectfully Submitted,



Jon B. Bartlett
Finance Director



Aaron Ambler
Water Superintendent



Tom Tarkiewicz
City Manager



ADMINISTRATIVE REPORT

October 7, 2019 – CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: Jon B. Bartlett, Finance Director
Eric Zuzga, Director of Special Projects
Tom Tarkiewicz, City Manager

SUBJECT: Possible creation of a South and North Neighborhood Improvement Authority.

BACKGROUND:

Administrative staff previously completed research on how the City of Marshall, if asked, could assist in the development of additional residential properties by providing public improvements. Staff determined that the Neighborhood Improvement Authority (NIA) was the best solution and created a district in the northeast position of the city which is currently operating and working towards development of properties. City staff are currently working in two additional areas to assist in the development of housing and associated improvement of infrastructure. These additional areas will require the creation of two new NIAs to assist in building out the new infrastructure necessary to support additional housing.

RECOMMENDATION:

That Council pass the attached Resolutions of Intent to create a South NIA and North NIA and to set a public hearing in order to receive public comment concerning the creation of the South NIA on November 18, 2019 and the North NIA on December 16, 2019.

FISCAL EFFECTS:

The Neighborhood Improvement Authority not only has a Development Plan, it also has a corresponding Tax Increment Financing Plan, which would allow the NIA to begin capturing taxes in 2020 if the plan is adopted prior to May 1, 2020. The NIA would only have the ability to capture City taxes, County taxes, Kellogg Community College taxes, and Ambulance Authority taxes. Each of these taxing jurisdictions has the ability to decide whether their taxes are captured or not. The capturing of taxes by the NIA operates just like the DDA and the LDFA where there is a base initial taxable value and any annual increase of the taxable value of the properties within the development area would be the only amount captured. The taxing jurisdictions would continue to receive the current amount of tax they are receiving from all of the properties within the development area. Staff is reaching out to the affected taxing jurisdictions to determine their stance on opting out.

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ALTERNATIVES:

As suggested by City Council.

CITY GOAL CLASSIFICATION:

GOAL AREA 1 – ECONOMIC DEVELOPMENT

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

GOAL AREA 4 – INFRASTRUCTURE

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

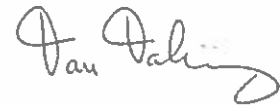
Respectfully Submitted,



Jon B. Bartlett
Finance Director



Eric Zuzga
Director of Special Projects



Tom Tarkiewicz
City Manager

**CITY OF MARSHALL, MICHIGAN
RESOLUTION # 2019-**

**A RESOLUTION OF INTENT TO CREATE THE SOUTH
NEIGHBORHOOD IMPROVEMENT AUTHORITY**

WHEREAS, the City Council of the City of Marshall has determined that it is necessary and in the best interest of the public to promote residential growth and economic growth in the southern area of the City; and

WHEREAS, there presently exists within the City of Marshall a residential area which could greatly benefit from the creation of a Neighborhood Improvement Authority (NIA) that is authorized by Public Act 57 of 2018 (the "Act"). Through proper short and long-range planning, the South NIA would have the ability to repair, rehabilitate, and construct public improvements and infrastructure within the development area; and

WHEREAS, tax incremental financing is one of the many tools available to the NIA to help finance the above-mentioned improvements; and

WHEREAS, the City Council understands that there is a great need for additional affordable housing within the proposed area and by creating an NIA which could be a catalyst to spur new development and other potential benefits that may be realized through the Act. Council is determined to proceed with the creation and provide for the operation of South NIA within the City pursuant to and in accordance with the Act; and

WHEREAS, pursuant to the Act, Council is required by its resolution of intent: a) to set a public hearing date on the adoption of a proposed ordinance creating the NIA under the Act, and b) to designate the boundaries of the development area.

THEREFORE, BE IT RESOLVED:

1. The Marshall City Council determines that it is necessary and in the best interest of the City to help spur development in its residential neighborhoods and to promote economic growth.
2. The Marshall City Council declares its intention to create and to provide for the operation of the South NIA within the City pursuant to and in accordance with the provisions of the Act.
3. To comply with the Act, Marshall City Council designates as the *proposed* boundaries of the development area, the real property as depicted on the attached map referenced as "Attachment A".
4. A public hearing shall be set by Council for Monday, November 18, 2018, at 7 p.m. at Marshall City Hall, to hear comments on the adoption of an ordinance creating the South Neighborhood Improvement Authority and to designate the boundaries of the development area which the South NIA shall exercise its powers.
5. The Marshall City Clerk shall give notice of the public hearing by causing notice:
 - a. To be published in the Marshall Ad-Visor, a weekly publication of general circulation on Saturday, October 12, 2019 and Saturday, October 19, 2019.

- b. To be mailed to the property taxpayers of record in the proposed development area and to the governing body of each taxing jurisdiction levying taxes that would be subject to capture on or before October 14, 2019.
- c. To be posted in not less than twenty (20) conspicuous and public places in the proposed development area on or before October 14, 2019.

Voting For:

Voting Against:

Absent:

CERTIFICATION OF CITY CLERK

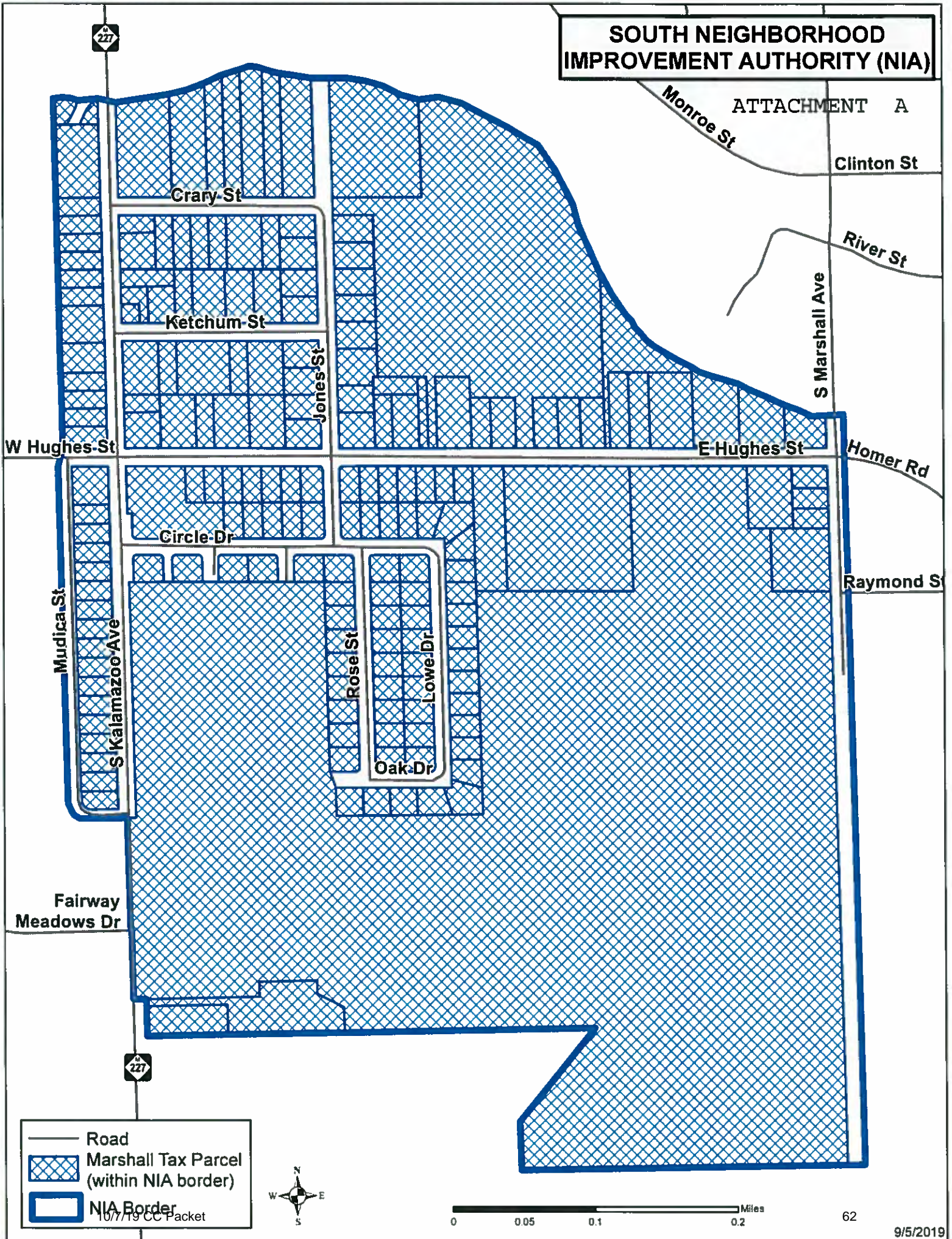
I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Marshall at a regular meeting held on the 7th day of October, 2019.

Trisha Nelson, City Clerk

Date

SOUTH NEIGHBORHOOD IMPROVEMENT AUTHORITY (NIA)

ATTACHMENT A



- Road
 - ▨ Marshall Tax Parcel (within NIA border)
 - ▭ NIA Border
- 10/7/19 CC Packet



**CITY OF MARSHALL, MICHIGAN
RESOLUTION # 2019-**

**A RESOLUTION OF INTENT TO CREATE THE NORTH
NEIGHBORHOOD IMPROVEMENT AUTHORITY**

WHEREAS, the City Council of the City of Marshall has determined that it is necessary and in the best interest of the public to promote residential growth and economic growth in the northern area of the City; and

WHEREAS, there presently exists within the City of Marshall a residential area which could greatly benefit from the creation of a Neighborhood Improvement Authority (NIA) that is authorized by Public Act 57 of 2018 (the "Act"). Through proper short and long-range planning, the NIA would have the ability to repair, rehabilitate, and construct public improvements and infrastructure within the development area; and

WHEREAS, tax incremental financing is one of the many tools available to the NIA to help finance the above-mentioned improvements; and

WHEREAS, the City Council understands that there is a great need for additional affordable housing within the City and by having an NIA may be a catalyst in which to spur new development and other potential benefits that are to be realized through the Act. Council is determined to proceed with the creation and provide for the operation of a NIA within the City pursuant to and in accordance with the Act; and

WHEREAS, pursuant to the Act, Council is required by its resolution of intent: a) to set a public hearing date on the adoption of a proposed ordinance creating the North NIA under the Act, and b) to designate the boundaries of the development area.

THEREFORE, BE IT RESOLVED:

1. The Marshall City Council determines that it is necessary and in the best interest of the City to help spur development in its residential neighborhoods and to promote economic growth.
2. The Marshall City Council declares its intention to create and to provide for the operation of the North NIA within the City pursuant to and in accordance with the provisions of the Act.
3. To comply with the Act, Marshall City Council designates as the *proposed* boundaries of the development area, the real property as depicted on the attached map referenced as "Attachment A".
4. A public hearing shall be set by Council for Monday, December 16, 2019, at 7 p.m. at Marshall City Hall, to hear comments on the adoption of an ordinance creating the North Neighborhood Improvement Authority and to designate the boundaries of the development area which the North NIA shall exercise its powers.
5. The Marshall City Clerk shall give notice of the public hearing by causing notice:
 - a. To be published in the Marshall Ad-Visor, a weekly publication of general circulation on Saturday, November 16, 2019 and Saturday, November 23, 2019

- b. To be mailed to the property taxpayers of record in the proposed development area and to the governing body of each taxing jurisdiction levying taxes that would be subject to capture on or before November 18, 2019.
- c. To be posted in not less than twenty (20) conspicuous and public places in the proposed development area on or before November 18, 2019.

Voting For:

Voting Against:

Absent:

CERTIFICATION OF CITY CLERK

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Marshall at a regular meeting held on the 7th day of October, 2019.

Trisha Nelson, City Clerk

Date

NORTH NEIGHBORHOOD IMPROVEMENT AUTHORITY (NIA)

ATTACHMENT A



N Marshall Ave

N Marshall Ave

N Liberty St

N Gordon St

N Gordon St

North Dr E

Schuyler St

Ferguson Rd

Gorham St

Forest St

East Dr

Sibley Ln

East Dr

- Road
- ▨ Marshall Tax Parcel (within NIA border)
- ▭ NIA Border



10/7/19 UC Packet

10/3/2019



ADMINISTRATIVE REPORT
October 7, 2019 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members
FROM: Tom Tarkiewicz, City Manager
SUBJECT: Creation of Fire Chief and Police Chief Positions

BACKGROUND: In 1992, the City Manager created the position of Director of Public Safety and eliminated the position of Fire Chief. In 2009, the City Manager appointed Robert Kiessler as Fire Chief until his retirement in 2013. The Director position was reinstated in 2013 along with a Deputy Fire Chief and a Deputy Police Chief. The Deputy Fire Chief position was eliminated in May 2017.

With the retirement of Director of Public Safety James Schwartz, I have offered and Deputy Chief Scott McDonald has accepted the Director position. I feel the need for a Fire Chief to supervise the day to day operations of the Fire Department. This position will report to the Director of Public Safety. I would also like to change the Deputy Police Chief title to Police Chief. This position is equal to the Fire Chief position and will supervise the day to day operations of the Police Department.

With the possibility of over \$1 billion of industrial development, a growing downtown commercial/residential district, and several new proposed residential developments, it is felt that a trained, fire safety leader is needed. Director McDonald does not have fire science education or experience. With the two chief positions, Director McDonald will be able to coordinate relationships between the Police & Fire Departments, and the community. A review of the Michigan Municipal League salary study shows a salary range for Fire Chief of \$68,000 – 84,000.

RECOMMENDATION: It is recommended that the City Council support the creation of a Fire Chief position at a not to exceed salary of \$76,000, and change the title of Deputy Police Chief to Police Chief. It is also recommended that Council approve a budget increase in an amount of \$98,200.00 in the Fire Department budget. There will be no increase need for the Police Department.

FISCAL EFFECTS: Based on a salary of \$76,000, FICA, healthcare, and life insurance the fiscal effect is approximately \$98,200.

ALTERNATIVES: As suggested by Council.

323 W. Michigan Ave.
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cityofmarshall.com

Respectfully submitted,

Tom Tarkiewicz
City Manager



ADMINISTRATIVE REPORT

October 7, 2019 – CITY COUNCIL MEETING

TO: Honorable Mayor and City Council
FROM: Tom Tarkiewicz, City Manager
SUBJECT: Marshall Ave Bridge over Rice Creek – Guard rail repair

BACKGROUND: During the summer a section of the west wall of the Marshall Ave Bridge over Rice Creek collapsed. The structure was stabilized but the west wall needed to be repaired. Rowe Engineering designed a repair for the loss of the guard rail. Bids were requested and were submitted as follows:

Nationwide Construction Richmond, MI	\$45,315.06
Grand River Construction Hudsonville, MI	\$67,849.50
Nashville Construction Nashville, MI	\$69,352.10

RECOMMENDATION: It is recommended that City Council accept the bid from Nationwide Construction of Richmond, MI in an amount of \$45,315.06 plus a contingency of \$5,000.00 for repairs to the guard rail on the Marshall Ave Bridge over Rice Creek. It is also recommended that Council approve a budget amendment increase for account 202-900-970.00 Major Streets Capital Outlay of \$50,315.06.

FISCAL EFFECTS: This repair was not budgeted for FY 2020, therefore it is asked that the budget for 202-900-970.00 Major Streets Capital Outlay be increased by \$50,315.06.

ALTERNATIVES: As suggested by City Council.

CITY GOAL CLASSIFICATION:

GOAL AREA 4 – INFRASTRUCTURE

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

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
BOARDS & COMMISSIONS
APPLICATION**

Your interest and willingness to serve the City of Marshall is appreciated. The purpose of this application is to provide the Mayor and Council with basic reference data and information pertaining to residents being considered for appointment to a City board or commission. The information supplied on this form will be available for the Mayor and Council and may be used for their deliberation concerning such appointments.

Date 9/19/19

Applicant Name M.J. Harting-Minkwic

Address 538 HILL ROAD

Home Phone CELL 269 967 2330 Work Phone _____

E-Mail Address mjhmm@sbcglobal.net

How long have you lived in the City of Marshall? 41 yrs

Education BS IN ED - CMU, some post studies

Community Experience and Affiliations:
City Council, Church (MUMC) hospitality chair,
Human Resources Board Church (SPRC)

Please specify the Board/Committee sought: Library

Why would you like to serve in this capacity? Include experience or expertise relevant to board or committee for which you are applying.
FIRST I AM A REGULAR PATRON OF THE LIBRARY,
I AM THRILLED WITH THE LIBRARY'S RESOURCES,
SPECIALLY IN TECHNOLOGY. I WOULD LIKE TO
BE A PART OF THE DECISION MAKING PROLESS
FOR THE FUTURE. I BELIEVE LIBRARIES ARE
A CRITICAL RESOURCE FOR ANY COMMUNITY.
THANK YOU FOR YOUR CONSIDERATION - I WOULD ENJOY

Can you commit to attend all meeting: Yes or No THE OPPORTUNITY TO SERVE

Please feel free to attach a resume, brief bio, hobbies, former committee work, etc.



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Date 9/20/19

Applicant Name RONALD F. DUCHENEFY

Address 231 CHAUNCEY COURT, MARSHALL, MI 49068

Home Phone 269-420-0619 Work Phone _____

E-Mail Address RONS TREE FARM @ AOL.COM

How long have you lived in the City of Marshall? 1 YR

Education ASSOCIATE DEGREE - HEALTH SCIENCE

Community Experience and Affiliations: _____

MARSHALL ROTARY CLUB 24 YRS

BREWER WOODS CONDO ASSOCIATION BOARD OF DIRECTORS

MEMBER OF MARSHALL'S FARMERS MARKET PREVIOUS TO CITY
TAKING OVER CONTROL 5 YEARS

Please specify the Board/Committee sought: MARSHALL'S FARMERS MARKET

Why would you like to serve in this capacity? Include experience or expertise relevant to board or committee for which you are applying.

THE FARMERS MARKET IS A VALUABLE ASSET TO
OUR CITIZENS. MAKING THE MARKET AS GOOD
AS IT CAN BE IS MY GOAL!

Can you commit to attend all meetings: Yes or No