

CITY COUNCIL AGENDA

Regular Meeting

November 20, 2023 at 7:00 PM



- 1) **CALL TO ORDER**
- 2) **ROLL CALL**
- 3) **INVOCATION**
- 4) **PLEDGE OF ALLEGIANCE**
- 5) **APPROVAL OF AGENDA** - Items can be added or deleted from the Agenda by City Council action.
- 6) **PUBLIC COMMENT ON AGENDA ITEMS** Persons addressing City 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 three (3) minutes. Comments shall address AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion (Item 10) of the meeting agenda. Non-Agenda items shall be addressed during the PUBLIC COMMENT-NON-AGENDA ITEMS (Item 14) portion of the meeting agenda.
- 7) **CONSENT AGENDA**
 - A. **City Council Minutes**
Regular Session - November 6, 2023
 - B. **City Bills**

Purchases 11/03/2023	\$218,038.41
Purchases 11/10/2023	\$137,801.76
Purchases 11/21/2023	\$445,922.92
October Power Invoice	\$813,625.25
TOTAL	\$1,615,388.34
 - C. **DISTRIBUTION TRANSFORMER PURCHASES**
 - D. **SET SPECIAL MEETING - DECEMBER 9, 2023 AT 9 AM**
- 8) **PRESENTATIONS AND RECOGNITIONS**
- 9) **INFORMATIONAL ITEMS**
- 10) **PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION** Persons addressing City 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 three (3) minutes per public hearing.
 - A. **EXHIBITION DRIVING ORDINANCE UPDATE**
 - B. **DEER FEEDING AND BAITING ORDINANCE**
- 11) **OLD BUSINESS**
 - A. **CREATION OF INDUSTRIAL DEVELOPMENT DISTRICT FOR FORD BOBP**
- 12) **REPORTS AND RECOMMENDATIONS**
 - A. **SET PUBLIC HEARING FOR SPECIAL LAND USE FOR TRACTOR SUPPLY-SLU#23.03**

MAYOR: Jim Schwartz CITY MANAGER: Derek N. Perry

Joe Caron, Theresa Chaney-Huggett, Jacob Gates,
Ryan Traver, Ryan Underhill, Scott Wolfersberger
Council Chambers, 323 W Michigan Ave, Marshall, Michigan 49068

- B. FEE SCHEDULE FOR DEER FEEDING AND BAITING**
- C. MICHIGAN AMP BOARD OF TRUSTEES APPOINTMENT**
- D. AT&T METRO ACT UNILATERAL PERMIT EXTENSION**

13) APPOINTMENTS / ELECTIONS

- A. BOARD OF REVIEW APPOINTMENTS**
- B. PLANNING COMMISSION APPOINTMENTS**

14) PUBLIC COMMENT ON NON-AGENDA ITEMS Persons addressing City 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 two (2) minutes. Comments shall address NON-AGENDA ITEM topics. Public Hearing items shall be addressed during the PUBLIC HEARING portion (Item 10) of the meeting agenda. Agenda items should be addressed during the PUBLIC COMMENT-AGENDA ITEMS (Item 6) portion of the meeting agenda.

15) COUNCIL AND MANAGER COMMUNICATIONS

16) ADJOURNMENT

CITY COUNCIL MINUTES

November 6, 2023
Regular Meeting - 7:00 PM

1) CALL TO ORDER

IN A REGULAR SESSION held on Monday, November 6, 2023 at 7:00 PM in the Council Chambers of City Hall, 323 West Michigan Ave, Marshall, MI 49068, the Marshall City Council was called to order by Mayor Schwartz.

2) ROLL CALL

Roll was called:

Present: Mayor James Schwartz, Joe Caron, Theresa Chaney-Huggett, Jacob Gates, Ryan Traver, Ryan Underhill

Also Present: Manager Perry and Clerk Eubank

Absent: Scott Wolfersberger

Motion by Joe Caron, supported by Ryan Traver to excuse Scott Wolfersberger. On a voice vote; **Motion carried.**

3) INVOCATION

4) PLEDGE OF ALLEGIANCE

Mayor Schwartz led the Pledge of Allegiance.

5) APPROVAL OF AGENDA - Items can be added or deleted from the Agenda by City Council action.

Moved by Caron, supported by Traver to approve the agenda as presented. On a voice vote: **Motion carried.**

6) PUBLIC COMMENT ON AGENDA ITEMS

Persons addressing City 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 three (3) minutes. Comments shall address AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion (Item 10) of the meeting agenda. Non-Agenda items shall be addressed during the PUBLIC COMMENT-NON-AGENDA ITEMS (Item 14) portion of the meeting agenda.

Lynn Sleight of the City of Marshall questioned whether she could get an itemized list of the spending in the City bills.

Barry Wayne Adams of 622 W Green St stated that the time limit for public comment was a violation of their first amendment rights, that there is no authority to curtail Freedom of Speech and that the restrictions need to be lifted to fully express themselves.

7) CONSENT AGENDA

Moved by Jacob Gates, supported by Theresa Chaney-Huggett to approve the consent agenda as presented. On a roll call vote:

Ayes: Joe Caron, Theresa Chaney-Huggett, Jacob Gates, Ryan Traver, Ryan Underhill, James Schwartz

Nays: None

Abstain: None

Motion carried.

A. City Council Minutes
Regular Session - October 16, 2023

B. <u>City Bills</u>	
Purchases 10/13/2023	\$441,074.67
Purchases 10/17/2023	\$144,156.65
Purchases 10/20/2023	\$167,626.18
Purchases 10/27/2023	\$87,546.45
Purchases 10/30/2023	\$2,785.00
Purchases 11/07/2023	\$234,757.78
TOTAL	\$1,077,946.73

C. MMEA EGLE WOODEN POLES GRANT APPLICATION AUTHORIZATION

D. CRONIN FOUNDATION AND EATON GRANT REQUEST- EATON PARK

E. HANOVER STREET UTILITY EASEMENT

F. FIRST QUARTER FY2024 FINANCIAL REPORT

G. FIRST QUARTER FY2024 INVESTMENT PORTFOLIO

H. FIRST QUARTER FY2024 CASH POSITION REPORT

I. FIRST QUARTER FY2024 BUDGET AMENDMENTS

8) PRESENTATIONS AND RECOGNITIONS

9) INFORMATIONAL ITEMS

10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION Persons addressing City 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 three (3) minutes per public hearing.

11) OLD BUSINESS

12) REPORTS AND RECOMMENDATIONS

A. DISTRIBUTION TRANSFORMER PURCHASES

Moved by Jacob Gates, supported by Theresa Chaney-Huggett to approve the distribution transformer purchases from UTB Transformer in the amount of \$124,852,

Stuart C. Irby Distribution in the amount of \$168,518, Sunbelt Solomon in the amount of \$37,390 and authorize the Purchasing Agent to issue the necessary purchase order documents. On a roll call vote:

Ayes: Theresa Chaney-Huggett, Jacob Gates, Ryan Traver, Ryan Underhill, James Schwartz, Joe Caron

Nays: None

Abstain: None

Motion carried.

B. GRP ENGINEERING SETTLEMENT AGREEMENT & RELEASE FOR BROOKS SUBSTATION

Moved by Joe Caron, supported by Ryan Underhill to approve the Settlement Agreement and Release with GRP Engineering Inc. and authorize the City Manager and City Clerk to sign the necessary documents. On a roll call vote:

Ayes: Jacob Gates, Ryan Traver, Ryan Underhill, James Schwartz, Joe Caron, Theresa Chaney-Huggett

Nays: None

Abstain: None

Motion carried.

C. OPRA DISTRICT ESTABLISHMENT FOR 135 WEST MANSION STREET - SET PUBLIC HEARING

Moved by Ryan Underhill, supported by Joe Caron to schedule a public hearing for December 4, 2023 to consider the creation of an OPRA district at 135 West Mansion Street. On a voice vote: **Motion carried.**

D. EXHIBITION DRIVING ORDINANCE UPDATE

Moved by Jacob Gates, supported by Joe Caron to introduce Ordinance 2023-12, An Ordinance amending City of Marshall Code of Ordinances Section 70.06, Exhibition Driving, Publish a summary in the local newspaper and set a Public Hearing for November 20, 2023. On a voice vote: **Motion carried.**

E. DEER FEEDING AND BAITING ORDINANCE

Moved by Ryan Traver, supported by Theresa Chaney-Huggett to introduce Ordinance 2023-13, An Ordinance adding section 97.08, Deer Feeding and Baiting Prohibited, to the City of Marshall Code of Ordinances, Publish a summary in the local newspaper and set a Public Hearing for November 20, 2023. On a voice vote: **Motion carried.**

F. TRANSPORTATION ADMINISTRATION SERVICES AGREEMENT

Moved by Joe Caron, supported by Ryan Traver to approve the Transportation Service Agreement with the City of Battle Creek to provide Marshall DART administrative services and authorize the City Manager and City Clerk to sign the necessary documents. On a roll call vote:

Ayes: Ryan Traver, Ryan Underhill, James Schwartz, Joe Caron, Theresa Chaney-Huggett, Jacob Gates

Nays: None

Abstain: None

Motion carried.

13) APPOINTMENTS / ELECTIONS

A. TRANSIT AUTHORITY OF CALHOUN COUNTY- BOARD APPOINTMENT

Moved by Joe Caron, supported by Jacob Gates to recommend Tom Tarkiewicz to the Calhoun County Board of Commissioners for appointment to the Transportation Authority of Calhoun County (TACC) for a three-year term. On a voice vote: **Motion carried.**

14) PUBLIC COMMENT ON NON-AGENDA ITEMS Persons addressing City 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 two (2) minutes. Comments shall address NON-AGENDA ITEM topics. Public Hearing items shall be addressed during the PUBLIC HEARING portion (Item 10) of the meeting agenda. Agenda items should be addressed during the PUBLIC COMMENT-AGENDA ITEMS (Item 6) portion of the meeting agenda.

Gretchen Esser of 219 N Eagle stated with the new parking downtown on Green St, it is hard to see to leave the parking lot around the cars parked in the street, and that although there is a lot of money coming in, the parks seem to be in a state of disrepair.

Barry Wayne Adams of 622 W Green St stated that not having a public hearing in item 10 was a violation of rights, and that the Committee case against the city was to be heard on November 15. He further stated that the lawsuit against the committee was bogus, that once the case gets out of the county, the committee will prevail, and that it should be changed to a state park.

Shavon Tindall of 558 N Marshall stated that people are speeding through the 4 way stop by the high school and that while there is things for adults to do, there isn't much for kids to do in town. She further stated she would like to see opportunities for kids to serve each other, as well as gardens at each school.

Jerry Bossard of 14 Mile Rd questioned why the city would spend money on a new road and parking just to benefit Schuler's, that when Ford walks away, everyone will have egg on their face, and that the township didn't want the zoning to I-3.

Shavon Tindall questioned the construction cones by Family Fare.

15) COUNCIL AND MANAGER COMMUNICATIONS

Gates stated that he believed the Brooks Fountain had money set aside for repairs. Perry stated that Brooks had money allocated for a consultant to see what needed to be done, and is now awaiting money for the needed repairs. He further stated that the riverwalk will see repairs to the most needed sections, hopefully this spring. Caron stated that Kid's Kingdom will also see repairs and improvements.

Perry stated that the pavement markings for Green St were scheduled for this week.

16) ADJOURNMENT

The meeting was adjourned at 7:46 p.m.

Respectfully submitted by,

Michelle Eubank
City Clerk

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 11/03/2023 - 11/03/2023
JOURNALIZED
PAID

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
10202023	A.R.M. SOLUTIONS, INC.	CLIENT ACCOUNT #3422841 (GRIFFIN PEST SO		102.00
11/03/2023	ACKER, ANN	UB refund for account: 1101600000		116.67
11/03/2023	ACKER, ANN	UB refund for account: 1101600000		131.05
SSI/392312	ALTA INDUSTRIAL EQUIPMENT	EQUIPMENT MAINTENANCE KOMATSU FORK TRUCK		223.09
2338754	APPLIED INNOVATION	ACCT NO. LAG783 MARSHALL HOUSE PRINTER C		820.25
10172023	AT&T	ACCT NO. 145970911 MRLEC INTERNET OCT 20		105.69
225-512813	AUTO VALUE MARSHALL	OIL FILTER, AIR FILTER, WIPER BLADES, OI		123.97
225-512659	AUTO VALUE MARSHALL	M18 1/2 IMPACT K		366.69
225-512830	AUTO VALUE MARSHALL	AIR FILTER, OIL FILTER		41.83
225-512836	AUTO VALUE MARSHALL	GLAZE BREAKER, BRAKE HONE		58.68
225-512866	AUTO VALUE MARSHALL	OIL FILTER, AIR FILTER, OIL		87.14
225-512884	AUTO VALUE MARSHALL	HOIST SWITCH		28.59
155158	BALTIC NETWORKS	RB962 MIKROTIK ROUTERS		2,542.80
11/03/2023	BEHNKE, KARL	UB refund for account: 2705380013		333.00
85119007	BOUND TREE MEDICAL, LLC	LIFEPAK BATTERY REPLACEMENT KITS		1,891.56
10252023	BURGHODORF, CODY	BOOT ALLOWANCE - BURGHODORF, CODY		165.33
131209823CML-1	CHICAGO TITLE OF MICHIGAN	OWNER'S POLICY FOR PARCEL #53-360-003-00		2,150.00
764817	CHR SOLUTIONS	FIBERNET SUPPORT CONTRACT - JULY 2023	2024.046	5,100.00
766052	CHR SOLUTIONS	FIBERNET SUPPORT CONTRACT - OCT 2023	2024.046	5,100.00
4170374115	CINTAS CORP	UNIFORM SERVICES - ELECTRIC & FIBER 10/1		55.11
4170374059	CINTAS CORP	UNIFORM SERVICES - POWER HOUSE 10/10/23		98.39
4170374056	CINTAS CORP	UNIFORM SERVICES - WASTE WATER 10/10/23		62.71
4170374182	CINTAS CORP	UNIFORM SERVICES - WATER 10/10/23		64.85
177887	D & D MAINTENANCE SUPPLY	PAPER TOWELS		112.60
177982	D & D MAINTENANCE SUPPLY	PAPER TOWEL		112.60
625417	DARLING ACE HARDWARE	NUTS, BOLTS, FASTENERS		1.66
625534	DARLING ACE HARDWARE	WOODEN RAKE		26.99
625561	DARLING ACE HARDWARE	AIR FRESHENER, PEA GRAVEL, BLACKTOP REPA		134.43
625623	DARLING ACE HARDWARE	PACKAGING TAPE, TRASH BAGS		87.94
625621	DARLING ACE HARDWARE	TOILET REPAIR KIT, FLUSH VALVE, PUTTY KN		58.97
625689	DARLING ACE HARDWARE	WALL PLATES		11.85
625573	DARLING ACE HARDWARE	TOOLBOX 16"		17.99
SI24-22463	DETROIT SALT COMPANY	ROAD SALT FOR 2023/2024 SEASON - MIDEAL	2024.113	6,612.29
SI24-22511	DETROIT SALT COMPANY	ROAD SALT FOR 2023/2024 SEASON - MIDEAL	2024.113	13,163.13
20212545	DEVON TITLE AGENCY	SEARCH FEE FOR 107 N. FOUNTAIN STREET		225.00
10272023	EUBANK, MICHELLE	MEAL REIMBURSEMENT FOR TRAINING		13.74
1760	FAMILY TREE DOCTOR, LLC	TRIM DOWNTOWN TREES	2024.107	3,900.00
10302023	FINNEY, KENNETH	BOOT ALLOWANCE - FINNEY, KEN		46.60
11/03/2023	GALLOWAY, EMMA & YEAGER	UB refund for account: 1602220004		15.94
9870519734	GRAINGER	PAPER TOWELS		57.52
11/03/2023	HODGES, DR JEFFERY OR	UB refund for account: 3003410026		103.42
43395	LAKELAND ASPHALT CORP	1.12 TONS BITUMINOUS AGGREGATES		79.52
44519	MANER COSTERISAN	FY2023 FINANCIAL STATEMENT AND SINGLE AU	2024.025	5,000.00
10172023	MCGINTY, HITCH, PERSON	CLIENT NO. 4030.001 SERVICES THROUGH 9/3		13,031.50
23-039-4	MCKENNA	BUILDING INSPECTION CONTRACT FOR FORD TH	2024.015	106,944.44
S5253773.001	MEDLER ELECTRIC COMPANY	VALLEY VIEW UNDERGROUND		283.45
S5253773.002	MEDLER ELECTRIC COMPANY	VALLEY VIEW SUB		420.69
S5273675.003	MEDLER ELECTRIC COMPANY	METER PVC ENTRANCE CAP		19.02
S5274451.001	MEDLER ELECTRIC COMPANY	100W HPS BULBS		467.63
2022742	MICHIGAN URBAN SEARCH	CONFINED SPACE TECHNICIAN TRAINING OCT 9	2024.114	13,510.00
17089	MIDWEST COMMUNICATION	LABOR AND MATERIALS FOR S. KALAMAZOO AND	2024.129	10,496.97
1898721	MILLER JOHNSON ATTORNEY	CLIENT NO. 52636 SERVICES THROUGH 9/30/2		198.00
644795	MKD KITCHEN & BATH	INSTALL NEW COUNTERTOPS IN COUNCIL CHAMB	2024.047	5,494.15
E33200	MWEA	MI-AWWA MAINTENANCE SEMINAR 10/26/23 (FI		540.00
494311	NORTH CENTRAL LABORATORY	LAB SUPPLIES	2024.005	188.28
56775642	POWER LINE SUPPLY	BOLT MACHINE, SCREW LAG		275.09
56775643	POWER LINE SUPPLY	DUSK TO DAWN FIXTURES		1,228.84
56775644	POWER LINE SUPPLY	STANDOFF BUSHINGS		133.95
56775645	POWER LINE SUPPLY	GRAIN LEATHER DRIVERS GLOVES		288.00
56775646	POWER LINE SUPPLY	WORK GLOVES		377.82
56775559	POWER LINE SUPPLY	ONE POINT CLEVIS		535.01
65842	R&R FIRE TRUCK REPAIR,	SERVICE CALL TO REPAIR AIR COMPRESSOR 7/		1,341.09
65880	R&R FIRE TRUCK REPAIR,	SERVICE CALL TO REPAIR AIR COMPRESSOR 7/		474.30
304328	THE IRRIGATOR, INC.	REPAIRS DUE TO CITY DAMAGE AT 208 W. PRO		719.22
15942	TIRE CITY TIRE PROS	NEW TIRES & REPAIR 2017 CHEVY EQUINOX		1,315.51
187-A	TOP TO BOTTOM TREE SERVICE	ELECTRIC LINE CLEARANCE 10/23/23 - 10/29	2024.007	3,234.00
187-B	TOP TO BOTTOM TREE SERVICE	TREE REMOVAL AT 401 N. LIBERTY STREET		1,848.00
11032023	V & V ASSESSING LLC	ASSESSING SERVICES NOVEMBER 2023	2024.104	4,700.00
11/03/2023	VOIGT, ROBERT	UB refund for account: 2500280002		375.16
10242023	WOW! BUSINESS	ACCT NO. 013934621 DPW OCT 2023		46.70
GRAND TOTAL:				218,038.41

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 11/10/2023 - 11/10/2023
JOURNALIZED
PAID

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
1K43-WJ9D-D4R6	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 SOCKET ADAPTERS		21.98
19WP-7DJX-99WJ	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 HEAT LAMPS		38.60
1J1C-KQFL-KRHQ	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 WIFI ADAPTER, WI		251.52
1FCF-9KFP-QYCP	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 REFRIGERATOR DOO		124.90
14HG-HCFG-VCJQ	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 STEP LADDER		69.53
1CR4-WYFC-1MRF	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 RAISED TOILET SE		47.99
11/10/2023	ANDERSON, JALEN	UB refund for account: 3005980054		67.86
35162028	APPLIED CAPITAL, LLC	CONTRACT NO. 132-1753516-000 MRLEC COPIE		117.52
12232259	AUTO VALUE MARSHALL	CREDIT MEMO FOR STORE PROMO 1/18/23		(53.99)
225-513076	AUTO VALUE MARSHALL	OIL FILTER, AIR FILTER, MINI BULB CARDED		54.12
225-513114	AUTO VALUE MARSHALL	ATF PROTECTANT, DIESEL ADD QT		55.75
225-513120	AUTO VALUE MARSHALL	DIESEL ADD QT		388.44
225-513126	AUTO VALUE MARSHALL	WIPER BLADES		40.74
225-513149	AUTO VALUE MARSHALL	ADAPTER, 2 HDGM CLAMPS		19.74
11072023	BLATTER BETTER BID CON:6"	CONCRETE PAD FOR FUEL DELIVERY APPROX 2024.074		7,760.00
641061	BOSHEARS FORD SALES, I	ACCT NO. 51086 LB5Z 14529 AA SWITCH - D		246.90
161682	BOSHEARS FORD SALES, I	ACCT NO. C51086 SERVICE REPAIR 2017 FORD		932.10
4194	BRUNNER LAWN CARE, LLC	REPAIRS TO CALHOUN COUNTY BUILDING SPRIN		620.00
11/10/2023	BURKE, ALEXANDER & YOU	UB refund for account: 3002870035		50.00
11102023	CASAREZ JR, ISADORE	PAY FOR PERIOD ENDING: 11/04/2023		60.00
11102023	CAZAL, EDGARD	FOR PAYROLL ENDING: 11/04/2023		24.00
11092023	CB HALL ELECTRIC COMP	INSPECTION SERVICES 10/1/23 - 10/31/23		1,000.00
69380744	COMFORT INN (CADILLAC)	HOTEL FOR ERB 9/17/23 - 9/22/23		472.50
PROW22-008REISSUED	CONSUMERS ENERGY	PROW22-008 RETURN BOND #1060901778 REPLA		5,500.00
PROW21-047REISSUED	CONSUMERS ENERGY	PROW21-047 RETURN BOND #1059455787 REPLA		4,000.00
PROW21-048REISSUED	CONSUMERS ENERGY	PROW21-048 RETURN BOND #1059455788 REPLA		1,000.00
PROW21-049REISSUED	CONSUMERS ENERGY	PROW21-049 RETURN BOND #1059455776 REPLA		5,500.00
PROW22-002REISSUED	CONSUMERS ENERGY	PROW22-002 RETURN BOND #1059455774 REPLA		3,000.00
PROW22-004REISSUED	CONSUMERS ENERGY	PROW22-004 RETURN BOND #1059455782 REPLA		3,000.00
PROW21-001	CONSUMERS ENERGY	PROW21-001 RETURN BOND REPLACE & MOVE RE		500.00
PROW22-034	CONSUMERS ENERGY	PROW22-034 RETURN BOND #1064836605 PAVEM		500.00
PROW19-032	CONSUMERS ENERGY	PROW19-032 RETURN BOND INSTALL GAS MAIN		500.00
PROW21-036	CONSUMERS ENERGY	PROW21-036 RETURN BOND #1058832947		500.00
PROW21-040	CONSUMERS ENERGY	PROW21-040 RETURN BOND #1058968317 BETWE		500.00
PROW22-003	CONSUMERS ENERGY	PROW22-003 RETURN BOND #1060530471 REPLA		500.00
PROW21-027	CONSUMERS ENERGY	PROW21-027 RETURN BOND #1056333860 REPAI		500.00
PROW19-017	CONSUMERS ENERGY	PROW19-017 RETURN BOND #1047902762 REPLA		500.00
PROW22-029	CONSUMERS ENERGY	PROW22-029 RETURN BOND #1064445189 REPLA		500.00
PROW21-022	CONSUMERS ENERGY	PROW21-022 RETURN BOND #1057355818 REPLA		500.00
PROW22-033	CONSUMERS ENERGY	PROW22-033 RETURN BOND #1064887833 REPLA		500.00
PROW21-021	CONSUMERS ENERGY	PROW21-021 RETURN BOND #1054573374 REPLA		500.00
PROW22-011	CONSUMERS ENERGY	PROW22-011 RETURN BOND #1061161060 REPLA		500.00
PROW21-008	CONSUMERS ENERGY	PROW21-008 RETURN BOND #1052432074 REPLA		500.00
594095	CRYSTAL FLASH MARSHALL	ACCT NO. 149759-1 REC GAS 10/2/23		2,214.40
588099	CRYSTAL FLASH MARSHALL	ACCT NO. 149759-2 DYED DIESEL 9/26/23		2,028.75
C41964	DARLING ACE HARDWARE	CREDIT MEMO FROM OVERPAYMENT 11/29/22		(0.11)
624088	DARLING ACE HARDWARE	BRUSH TRIMMER, PAINT ROLLER, PAINT TRAY		42.34
624232	DARLING ACE HARDWARE	RED MARKING PAINT		19.98
624681	DARLING ACE HARDWARE	STORAGE BOX, VELCRO		36.97
624707	DARLING ACE HARDWARE	CARPET CLEANER RENTAL, CARPET SHAMPOO		77.97
625211	DARLING ACE HARDWARE	SPRAY PAINT		21.98
625552	DARLING ACE HARDWARE	SILICONE		38.97
625536	DARLING ACE HARDWARE	SPARK PLUG, HARDWARE		30.49
625658	DARLING ACE HARDWARE	BATTERIES		9.99
11102023	DAVID J DEGRAW	CASE # 2015-3466 CH--REBECCA SPARKS		45.75
11102023	DOUVILLE, ANDREW L	PAY FOR PERIOD ENDING 11/04/2023		1,728.00
11102023	DUNN, BARBARA	FOR PAY PERIOD ENDING: 11/04/2023		60.00
11/10/2023	GALLOWAY, PETER	UB refund for account: 192600		40.00
121154133	GLOBAL INDUSTRIAL	CUST NO. 688867 TRAFFIC CONES		437.99
121137853	GLOBAL INDUSTRIAL	CUST NO. 688867 TRASH CANS (OAKRIDGE CEM		2,364.60
121129838	GLOBAL INDUSTRIAL	CUST NO. 688867 FIRST AID REFILL KIT		52.75
11102023	GOBLE, KARLIE	FOR PAYROLL ENDING: 11/04/2023		105.00
PROW21-035REISSUED	GRAND RIVERY BREWERY	PROW21-035 DEPOSIT REFUND FOR EVENT TENT		500.00
22958386	GUARDIAN ALARM COMPANY	SERVICE WORK AT MRLEC WO# 634346		1,135.74
898668	GWIN, DARWIN	MOWING & TRASH AT BROOKS NATURE OCT 2023		180.00
11032023	HOFFMAN, STEFANI	MILEAGE REIMBURSEMENT TO WASTE WATER EXA		73.36
11072023	HOFFMAN, STEFANI	BOOT ALLOWANCE - HOFFMAN, STEFANI		211.98
3393191	HUB INTERNATIONAL MIDW	ACCT NO. MARSHAL-01 AIRPORT LIABILITY IN 2024.134		3,869.00
39012151	LINDE GAS & EQUIPMENT,	CUST NO. 59879658 GASES		138.15
23.11.01-DARIDE	LINE1 COMMUNICATIONS	IACCT NO. DARIDE - ANNUAL TEXTING SERVICE		529.20
11/10/2023	LINNABARY-SMITH, RICH	UB refund for account: 2900480034		8.86
11022023	LOWES BUSINESS ACCOUNT	ACCT NO. 821 3023 902596 5 TUBSPOUT/DOOR		1,278.78
47908	MARSHALL CUSTOM EMBROI	SAFETY SWEATSHIRTS		245.00
002742	MARSHALL HARDWARE, LLC	AMERICAN FLAG		57.99
002791	MARSHALL HARDWARE, LLC	PUSH BROOM, RAKES, GLOVES, MAILBOX, ANTI		345.58
002797	MARSHALL HARDWARE, LLC	MOLD CLEANER, BATHROOM CLEANER		14.28
002792	MARSHALL HARDWARE, LLC	SPRAY BOTTLES, MOWER BLADE, BLADE ADAPTO		98.42
002823	MARSHALL HARDWARE, LLC	PROPANE HEATER		199.99
11102023	NORFOLK HOMES OF ALWYN	REFUND FOR FENCE PERMIT AT 109 N. FOUNTA		100.00

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APPROVAL LIST FOR CITY OF MARSHALL
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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
4788-372749	O'REILLY FIRST CALL	STEERING WHEEL COVER		19.99
344378	PVS TECHNOLOGIES, INC.	FERRIC CHLORIDE	2024.004	9,476.22
11082023	QUALITY EXCAVATORS INC	2022 S. MARSHALL AVE WATERMAIN REPLACEMENT	2023.074	47,498.89
11/10/2023	RIVERS, DEMETRIUS	UB refund for account: 2900800037		40.60
145072	SME	GREEN STREET RECONSTRUCTION TESTING 8/24	2024.019	3,900.95
37152	SONAR SOFTWARE	FIBERNET CUSTOMER MANAGEMENT SOFTWARE -	2023.243	2,056.25
11102023	SPARKS, REBECCA	PAY FOR PERIOD ENDING 11/04/2023		137.25
120922	ST. REGIS CULVERT, INC	PLOW BLADES	2024.130	3,096.50
2145774	STANTEC CONSULTING MIC	BOBP SITE PLAN REVIEW & NOISE STUDY THRO		1,305.05
761-11161012	STATE OF MICHIGAN	COMMUNITY PUBLIC WATER SUPPLY ANNUAL FEE	2024.126	3,842.88
591-11161294	STATE OF MICHIGAN - MD	CUST ID: 114063 AIRPORT LICENSE FEE 2024		50.00
1073417	STEENSMA	CUST NO. 5154 ELASTOSTART ASSEMBLY		20.46
1073428	STEENSMA	CUST NO. 5154 TS 500I STIHL CUTQUIK 14"		1,320.00
11102023	TANNER, JONATHAN	PAYROLL ENDING 11/04/2023		27.00
S020628810	TELEDYNE INSTRUMENTS,	SAMPLER TUBING & SAMPLE CHAMBER PARTS		1,097.00
188	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE 10/30/23 - 11/5/2024	007	4,026.00
10292023	WOW! BUSINESS	ACCT NO. 014226414 FIRE STATION NOVEMBER		134.37
GRAND TOTAL:				137,801.76

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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
10242023-A	5 STAR SPRINKLERS	WINTERIZING AT FOUNTAIN		85.00
10242023-B	5 STAR SPRINKLERS	WINTERIZING AT GRAND STREET PARK		85.00
471747	AD-VISOR & CHRONICLE	AD NO. 8102266 ABANDONED VEHICLE AUCTION		20.35
471898	AD-VISOR & CHRONICLE	ACCT NO. 6100458 ADS 10/7, 10/14, 10/21,		1,294.20
14TW-XM73-31WQ	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 FILE CABINET		259.99
1KF7-6434-1XK9	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 FLASHLIGHT		36.88
1XC4-KLT4-1R3G	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 UNIFORMS - LONG,		79.68
1NCF-NJKN-19YY	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 MIMOSAS, IMPACT		2,952.86
1GL6-73RW-4MLQ	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 BATTERIES		49.35
1CXP-GLV1-49DC	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 MEASURING WHEEL		68.06
1GL6-73RW-7MWW	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 BRACKETS		196.78
16D4-7677-4XVJ	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 CLIP ON FLASHLIG		59.78
1473-9YJF-NP4T	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 SAFETY JACKETS		434.08
1QY3-F1XD-DW3X	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 BASKETBALLS		314.78
225-513478	AUTO VALUE MARSHALL	32OZ STABILIZER		38.78
225-513595	AUTO VALUE MARSHALL	BRAKES, BRAKE PADS, AIR FILTER, WIPER BL		355.93
225-513635	AUTO VALUE MARSHALL	TOUCH UP PAINT		22.29
225-513671	AUTO VALUE MARSHALL	OIL, 16-14 GAUGE TERMINAL, OIL FILTER		98.84
225-513713	AUTO VALUE MARSHALL	OIL FILTERS, AIR FILTER, OIL		100.28
225-513727	AUTO VALUE MARSHALL	REVISION GLASS C, PROTECTANT, BRAKE CLEA		79.66
155774	BALTIC NETWORKS	RB962 MIKROTIK ROUTERS	2024.137	3,178.50
23-0609	BATTLE CREEK TILE & MO	CITY HALL COUNCIL STAGE REMODEL		2,908.00
0364132-IN	BEAVER RESEARCH COMPAN	CHEMICALS FOR ENGINE 6 COOLING TOWER	2024.128	3,275.47
150430	BS& A SOFTWARE	ANNUAL SERVICE & SUPPORT FEE 11/1/23 - 1	2024.124	9,707.00
INV3289178	CARDIO PARTNERS INC	PHYSIO-CONTROL LIFEPAK CR PLUS CHARGE-PA		342.00
766268	CHR SOLUTIONS	FIBERNET SUPPORT CONTRACT - NOV 2023	2024.046	5,100.00
4172502876	CINTAS CORP	UNIFORM SERVICES - ELECTRIC & FIBER 10/3		55.11
4172502822	CINTAS CORP	UNIFORM SERVICES - POWER HOUSE 10/31/23		98.39
4172502832	CINTAS CORP	UNIFORM SERVICES - WASTE WATER 10/31/23		65.63
4172502851	CINTAS CORP	UNIFORM SERVICES - WATER 10/31/23		64.85
4173213160	CINTAS CORP	UNIFORM SERVICES - ELECTRIC & FIBER 11/7		55.11
4173213177	CINTAS CORP	UNIFORM SERVICES - POWER HOUSE 11/7/23		98.39
4173213224	CINTAS CORP	UNIFORM SERVICES - WASTE WATER 11/7/23		65.63
4173213148	CINTAS CORP	UNIFORM SERVICES - WATER 11/7/23		64.85
280530	CIVICPLUS LLC	SOCIAL MEDIA ARCHIVING SUBSCRIPTION 10/2	2024.132	3,641.00
10049	COURTNEY & ASSOCIATES	MONTHLY RETAINER SERVICE OCTOBER 2023		250.00
13867	CRYSTAL FLASH MARSHALL	ACCT NO. 149759-1 REC GAS 10/27/23		1,278.20
13855	CRYSTAL FLASH MARSHALL	ACCT NO. 149759-2 DYED DIESEL 10/27/23		449.39
14073	CRYSTAL FLASH MARSHALL	ACCT NO. 149759-1 REC GAS 10/30/23		801.73
625987	DARLING ACE HARDWARE	CONN BUTT INS22-16G PK10		3.99
626104	DARLING ACE HARDWARE	KEYS		11.95
626186	DARLING ACE HARDWARE	HAMMER DRILL BIT, FLAT BORING BIT, ELECT		92.49
626188	DARLING ACE HARDWARE	DRAIN CLEANER, DISINFECTANT WIPES, TRAY		51.74
626225	DARLING ACE HARDWARE	KEYS, M18 FUEL IMP DRIVER 2BAT		323.89
626275	DARLING ACE HARDWARE	CONDUIT STRAPS, MULTIBIT SCREWDRIVER SET		27.97
626484	DARLING ACE HARDWARE	BATTERIES		17.99
626420	DARLING ACE HARDWARE	DROPCLOTH 12X15		41.99
626411	DARLING ACE HARDWARE	TAPCUBE HD GRND ORG BULK		15.18
626416	DARLING ACE HARDWARE	SCREWDRIVER, BATTERIES, ELECTRIC TAPE, P		101.93
626544	DARLING ACE HARDWARE	SPARK PLUGS		51.54
626539	DARLING ACE HARDWARE	PROPANE (FORK TRUCK)		55.75
626623	DARLING ACE HARDWARE	HEDGE SHEARS		35.99
626649	DARLING ACE HARDWARE	AIR FILTERS		20.98
626778	DARLING ACE HARDWARE	CERAMIC DISC MAGNETS		13.77
626865	DARLING ACE HARDWARE	175W MERCURY VAPOR BULB, LIGHT CONTROL		25.98
626869	DARLING ACE HARDWARE	FLY TRAPS		29.97
626885	DARLING ACE HARDWARE	GREASE, MULTI-PURPOSE CLEANER		41.95
626984	DARLING ACE HARDWARE	TARP STRAPS		20.72
354212	FAIRBANKS MORSE, LLC	GASKETS FOR ENGINES PER QUOTE #Q-14512	2024.093	292.73
IN102310270356	FS.COM INC	TRANSCIEVERS	2024.120	1,372.00
9887904515	GRAINGER	FERRIC TUBING FITTINGS		57.43
2305-2	GREAT LAKES FUNDRAISIN	INDOOR SOCCER & FALL SOFTBALL CHAMPION T		1,022.00
2420329	GRIFFIN PEST SOLUTIONS	PEST SERVICE AT FIRE STATION 10/31/23		42.00
2414256	GRIFFIN PEST SOLUTIONS	PEST SERVICE AT PSB 10/31/23		51.00
20230977	GRP ENGINEERING, INC.	ENGINEERING SERVICES - PS-11 & PS-12 CIR		2,600.00
37988	HUNTER-PRELL COMPANY	MARSHALL HOUSE DRIVEWAY APPROACH AND SID	2024.135	12,577.75
0074817-IN	HYDROCOP	CUST: MUNMARS - INSPECTION & REPORTING O		1,350.00
177973	IMPACT SOLUTIONS	NAME PLATE - PICKFORD, JENNIFER		27.12
10994-854215	IRVIN'S HARDWARE & AUT	#3 ENGINE CIP		34.88
II2300067	JOINT APPRENTICESHIP &	TEXTBOOKS FOR PEHRSON		114.00
10088	JS BUXTON	CHEMICALS - LIME	2024.003	1,394.32
43495	LAKELAND ASPHALT CORPO	1.17 TONS BITUMINOUS AGGREGATES		83.07
1720997-20231031	LEXISNEXIS RISK DATA	MBILLING ID: 1720997 OCTOBER 2023		200.00
P21568	MACQUEEN EMERGENCY GRO	QUICK DISCONNECT FITTINGS		49.69
3627	MARSHALL WELDING & FAB	SHEARED TWO PIECES OF PLATE		30.00
16903623	MCMMASTER-CARR	STEEL SCREW, HEX NUT, HANDLE		123.31
17002565	MCMMASTER-CARR	HEX NUTS		41.99
17283209	MCMMASTER-CARR	STAINLESS STEEL WIRE		26.68
65809	MCNALLY ELEVATOR COMPA	MARSHALL HOUSE MAINTENANCE 11/1/23 - 1/3		711.85

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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
S5253773.010	MEDLER ELECTRIC	COMPAN MATERIALS FOR VALLEY VIEW SUBDIVISION	UN 2024.141	20.79
S5253773.003	MEDLER ELECTRIC	COMPAN MATERIALS FOR VALLEY VIEW SUBDIVISION	UN 2024.141	3,961.72
S5253773.004	MEDLER ELECTRIC	COMPAN MATERIALS FOR VALLEY VIEW SUBDIVISION	UN 2024.141	129.14
S5253773.005	MEDLER ELECTRIC	COMPAN MATERIALS FOR VALLEY VIEW SUBDIVISION	UN 2024.141	3,487.21
S5253773.006	MEDLER ELECTRIC	COMPAN MATERIALS FOR VALLEY VIEW SUBDIVISION	UN 2024.141	10.34
S5253773.007	MEDLER ELECTRIC	COMPAN MATERIALS FOR VALLEY VIEW SUBDIVISION	UN 2024.141	180.32
S5253773.008	MEDLER ELECTRIC	COMPAN MATERIALS FOR VALLEY VIEW SUBDIVISION	UN 2024.141	116.19
S5253773.009	MEDLER ELECTRIC	COMPAN MATERIALS FOR VALLEY VIEW SUBDIVISION	UN 2024.141	470.57
S5253773.011	MEDLER ELECTRIC	COMPAN MATERIALS FOR VALLEY VIEW SUBDIVISION	UN 2024.141	31.12
S5286091.001	MEDLER ELECTRIC	COMPAN 4" CONDUIT		1,730.98
INV-0000001526	METRO WIRELESS	BUSINESS DATA SERVICES - 10 GBPS INTERNET	2023.283	2,500.00
26720	MICHIGAN MUNICIPAL LEA	CUST ID: 307 CDL CONSORTIUM DRIVERS FEE		2,160.00
2024MFD	MICHIGAN STATE FIREMEN	2024 DEPARTMENT MEMBERSHIP		75.00
630458	NAPA OF MARSHALL	ACCT NO. 1400 GAUGE		5.84
NNS56267	NEONOVA NETWORK SERVICE	ISP TECH SUPPORT OCTOBER 2023/CALL CENTE		3,044.30
122064	O'LEARY WATER CONDITIO	ELECTRIC DEPT BOTTLED WATER DELIVERY 9/1		44.00
122067	O'LEARY WATER CONDITIO	FIRE DEPT BOTTLED WATER DELIVERY 9/25/23		55.00
122069	O'LEARY WATER CONDITIO	POWER HOUSE COOLER RENTAL (OCT/NOV) & BO		82.00
11022023-A	OAKLAWN MEDICAL GROUP	DOT PHYSICAL - WISE 8/16/23		90.00
11012023-A	OAKLAWN MEDICAL GROUP	DOT PHYSICAL - JOHNSON 7/19/23		90.00
11022023-B	OAKLAWN MEDICAL GROUP	DOT PHYSICAL - GARCIA 7/7/23		90.00
11032023-A	OAKLAWN MEDICAL GROUP	DOT PHYSICAL - JOHNSON 10/2/23		90.00
11032023-B	OAKLAWN MEDICAL GROUP	DOT PHYSICAL - ERB 10/25/23		90.00
2231678	PATTEN'S MICHIGAN MONU	REPAIR MONUMENT AT OAKRIDGE CEMETERY		1,370.00
75485	PEERLESS MIDWEST, INC.	ANNUAL WELL & PUMP MAINTENANCE 10/24/23		1,400.00
56780805	POWER LINE SUPPLY	#6 AL WIRE		558.90
56781343	POWER LINE SUPPLY	GLOVES		271.71
56781511	POWER LINE SUPPLY	VALLEY VIEW		262.43
56781512	POWER LINE SUPPLY	SMALL BOLTED DEADEND		508.50
56781513	POWER LINE SUPPLY	9KV ARRESTER		1,500.03
56781514	POWER LINE SUPPLY	4/0 LUG		197.23
56782107	POWER LINE SUPPLY	ELECTRIC DEPARTMENT INVENTORY - 4/0 COPP	2023.157	5,440.00
56782108	POWER LINE SUPPLY	#6 AL CABLE		488.50
30149	PRO SERVICES, INC.	RADIATOR REPAIR AT MARSHALL HOUSE 10/24/		313.70
2024.098-PAY APP #2	QUALITY EXCAVATORS INC	2023 STREET IMPROVEMENTS - ROAD MILLAGE	2024.098	339,006.38
INV44619	SD MYERS LLC	OIL TESTING - QUOTE #D00013279	2024.085	1,224.00
11012023	SPARTAN STORES, LLC	CUST NO. 021063 OPERATING SUPPLIES (WW)		20.32
BC-PSINV022326	THERMALNETICS, INC	MRLEC HVAC SERVICE AGREEMENT (YEAR 1) -	2024.027	1,040.58
BC-PSINV022271	THERMALNETICS, INC	MRLEC SERVICE CALL FOR DUCT DETECTORS 10		759.00
PB6339	VERMEER OF MICHIGAN, I	ACCT NO. MARSH010 WATER PUMP, FAN BELT,		1,042.70
000340170	WATER ENVIRONMENT FEDE	MEMBER ID: 17526283 2024 MEMBERSHIP DUES		170.00
93044939	WEX BANK	ACCT NO. 0470-00-462076-1 FUEL PURCHASES		10,475.01
GRAND TOTAL:				445,922.92



MICHIGAN SOUTH CENTRAL POWER AGENCY

168 DIVISION STREET
COLDWATER, MICHIGAN 49036
PHONE (517) 279-6961
FAX (517) 279-6969

INVOICE MONTH: October, 2023
INVOICE DATE: 11/15/2023
DUE DATE: 11/29/2023
TOTAL AMOUNT DUE: \$813,625.25

MARSHALL CITY ELECTRIC DEPARTMENT
323 WEST MICHIGAN AVENUE
MARSHALL, MICHIGAN 49068
ATTN: KEVIN MAYNARD

MSCPA Member Power Billing - October, 2023

Total Power Charges:	\$686,387.14
Transmission / Capacity / Ancillary Services:	\$99,299.88
Total Other Charges:	\$7,289.43
Total Miscellaneous Charges:	\$20,648.81

TOTAL CHARGES **\$813,625.25**

NOTE: PLEASE SEE ENCLOSED BACKUP FOR ADDITIONAL DETAIL

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

Notes:

ITEM: 7.C

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Kevin Maynard, Director of Electric Utilities
Christy Ramey, Purchasing
DATE: November 20, 2023
SUBJECT: **DISTRIBUTION TRANSFORMER PURCHASES**

At the November 6, 2023 City Council meeting, the Electric Department presented bids for the purchase of several distribution transformers for upcoming projects. In the short time since, one transformer requirement has changed, and one vendor cannot supply the order.

Bids were received to replace the 500 kVA transformer at Progressive Dynamics. However, Progressive Dynamics monthly peak demand often exceeds 500 kw, so a 750 kw transformer is more appropriate for this application. The 45 year old transformer at Progressive Dynamics is scheduled to be replaced December 1, 2023. This will leave us with no 750 kVA transformers in stock. Progressive Dynamics currently owns its transformer and has asked for the City's assistance to dispose of the transformer. The attached sale agreement was drafted by the City's Attorney to transfer ownership to the City. The transformer will be remanufactured and returned to the City for future use.

Since this 750 kVA transformer will be placed in inventory, we would prefer a dual voltage transformer that can be used on either our 12,470 volt system or our 4,160 volt system. For an additional \$180, Sunbelt Solomon will supply a dual voltage transformer. Of the bids received, only Sunbelt Solomon is able to provide this option.

Three 112.5 kVA transformers were awarded to Stuart C. Irby at the November 6 City Council meeting and staff were notified this past week that Irby cannot manufacture this size to our specification. These transformers were specified to be dual voltage. We recommend awarding this bid to the next lowest bidder, Sunbelt Solomon.

BUDGET IMPACT:

Additional expense of \$56,883 would be expensed in Capital Improvement line item 582-900-970.40 which is designated for transformer replacement.

RECOMMENDATION:

Approve the addition to the current purchase order to Sunbelt Solomon in the amount of \$128,865 for the additional 750 kVA distribution transformer, the 112.5 kVA distribution

transformers, the purchase of the Progressive Dynamics transformer for \$1.00 for refurbishment/reuse and authorize the City Manager and City Clerk to sign the necessary documents.

TRANSFORMER BILL OF SALE

Progressive Dynamics, Inc., located at 507 Industrial Road, Marshall, MI 49068 USA, Ph: (269) 781-424; Fx: (269) 781-7802; email: sales@progressivedyn.com (hereinafter referred to as "Seller") for an in consideration of One and 00/100 Dollar (\$1.00) and other good and valuable consideration, does hereby sell to the **City of Marshall**, a Michigan home rule city, whose address is 323 Michigan Avenue, Marshall, Michigan 49068 (hereinafter referred to as "City"), owns a 500-kVA transformer that serves their facility on South Kalamazoo Avenue. (The "Transformer".) The Transformer is further identified as a Westinghouse, three-phase, 500 kVA transformer, 4,160 volts to 480 volts, Serial number 77E475062.

Seller warrants and represents to the City that it is the lawful owner of the Transformer, and that the Transformer is free of all liens and encumbrances of any kind. Seller further represents that it has the authority to sell and transfer the Transformer to the City and that the Seller will warrant and indemnify the City against all claims asserted by any entity or person arising out of the removal of the Transformer from its present site location to the City on the date of removal. Thereafter, Seller and City agree that the Transformer is sold and transferred to the City in the condition "as-is" without warranty.

Dated: _____, 2023

Witnessed By:

PROGRESSIVE DYNAMICS, INC.,

By: _____

Its: _____

Witnessed By:

CITY OF MARSHALL,

By: _____

Its: _____

ITEM: 7.D

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
DATE: November 20, 2023
SUBJECT: SET SPECIAL MEETING - DECEMBER 9, 2023 AT 9 AM

Per Section 2.15 of the Marshall City Charter, special meetings may be called by the clerk upon written request by the Mayor or four (4) members of the City Council. We are requesting the approval of a special meeting for December 9, 2023, to go over the current status of our 2023 goals and objectives and to present our recommendations for priorities in 2024. We are recommending that the meeting be held at City Hall in the Training Room and that it start at 9 AM. We would strive to finish the meeting within 2 hours.

BUDGET IMPACT:
None.

RECOMMENDATION:
Set a special meeting for December 9, 2023 at 9 AM to be held at the City Hall Training Room to review the progress of the 2023 priorities and to set priorities for 2024.

ITEM: 10.A

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Joshua Lankerd, Chief of Police
DATE: November 20, 2023
SUBJECT: EXHIBITION DRIVING ORDINANCE UPDATE

The Marshall Police Department periodically reviews ordinances to determine if changes are needed. Last year, we investigated a driving complaint of a subject doing "doughnuts" in a snow-covered parking lot. In review of applicable ordinances, including Careless and Reckless Driving, we found our exhibition driving ordinance did not meet the criteria for the offense. We reviewed the ordinance with City Prosecutor John Sullivan and drafted an updated ordinance to expand enforcement from public streets to "highway, or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles" and to include "intentional and unnecessary driving in a manner that causes the vehicle to move in random, zigzag, or circular directions" as an unusual driving condition under the ordinance..

The adoption of this Exhibition Driving ordinance update would allow officers an additional enforcement option with a reduced penalty and points compared to Careless and Reckless Driving.

BUDGET IMPACT:
No anticipated budget impact.

RECOMMENDATION:
Enact Ordinance 2023-12, An Ordinance amending City of Marshall Code of Ordinances Section 70.06, Exhibition Driving, and publish the ordinance in full in the local newspaper.

City of Marshall, Michigan
Ordinance #2023-12

AN ORDINANCE AMENDING CITY OF MARSHALL CODE OF ORDINANCES, SECTION 70.06

WHEREAS, Marshall City Code Section 70.06 addresses the subject of exhibition driving; and

WHEREAS, the City Manager, the Chief of Police and other city officials have determined that it is in the best interests of the city to revise Section 70.06; and

WHEREAS, the health, safety and welfare of city residents and visitors to the City will be furthered by the revisions set forth herein;

NOW, THEREFORE, THE CITY OF MARSHALL ORDAINS that the current version of Section 70.06 be amended as set forth herein;

§ 70.06 EXHIBITION DRIVING.

- (A) Exhibition driving is the driving of a motor vehicle in such an unusual manner or out of the usual flow of traffic, whether or not other traffic is present, so that it is likely to attract the attention of the public, whether or not there is anyone present, or is shall consist of, any two or more of the following:
- (1) Rapid acceleration;
 - (2) Squealing, peeling or burning of the tires;
 - (3) The swaying of the motor vehicle from side to side, commonly referred to as fish-tailing;
 - (4) Racing or running of the engine of a motor vehicle at such high revolutions per minute, combined with the engaging of the gears, causing excessive or unusual noise;
 - (5) Unnecessary and excessive changing of lanes; and/or
 - (6) The emission of any unreasonably loud or raucous or disturbing noise from the engine or exhaust system of any motor vehicle;
 - (7) **Intentional and unnecessary driving in a manner that causes the vehicle to move in random, zigzag or circular directions.**
- (B) Any person who engages in exhibition driving on any public street, **highway, or other place open to the general public or generally accessible to motor vehicles,**

including an area designated for the parking of vehicles, is responsible for a civil infraction.

(Prior Code, §72.096; Ord. passed 11-16-1992; Am. Ord. 2013-07, passed 6-17-2013 Ord. Am. Ord. 2023- ____, passed _____)

REPEALER

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

SEVERABILITY

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

CODE EDITS

The editors of the Marshall City Code are hereby authorized, subject to approval of the City Manager, or designee, to update and revise code section numbers to effectuate the provisions of this Ordinance.

ENACTMENT

This ordinance is declared to have been enacted by the City Council of the City of Marshall at a meeting called and held on the ____ day of _____, 2023, and ordered to be given publication in the manner prescribed by law.

AYES:

NAYES:

ABSTENTIONS:

Mayor
STATE OF MICHIGAN
COUNTY OF CALHOUN

I, the undersigned, the qualified and acting City Clerk of the City of Marshall, Calhoun County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the City Council of the City of Marshall at a meeting called and held on the ____day of _____, 2023, the original of which is on file in my office.

Clerk

Adopted:

Published:

ITEM: 10.B

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Joshua Lankerd, Chief of Police
DATE: November 20, 2023
SUBJECT: DEER FEEDING AND BAITING ORDINANCE

The Marshall Police Department has been working with the City Deer Management Committee and the Department of Natural Resources to assist in the management of our deer population. One of the topics that was discussed is the feeding of deer in the City of Marshall, which is an offense that has been reported. The Michigan statute regarding feeding and baiting of deer is a criminal misdemeanor in Michigan. This issue was discussed and a Marshall City Ordinance reducing the offense to a municipal civil infraction was suggested. Staff worked with City Prosecutor John Sullivan to draft a Deer Feeding and Baiting ordinance. The ordinance uses similar language to the state statute making a feeding violation a municipal civil infraction and provides some exceptions. It keeps the baiting violation a misdemeanor offense which is consistent with the state statute.

This ordinance provides an enforcement option which better fits our community standards and aligns with our Deer Management Program strategy.

BUDGET IMPACT:
No anticipated budget impact.

RECOMMENDATION:
Enact Ordinance 2023-13, An Ordinance adding section 97.08, Deer Feeding and Baiting Prohibited, to the City of Marshall Code of Ordinances, and publish the ordinance in full in the local newspaper.

CITY OF MARSHALL, MICHIGAN
ORDINANCE 2023-13

AN ORDINANCE ADDING SECTION 97.08 TO THE CITY OF MARSHALL CODE OF ORDINANCES

WHEREAS, Michigan Public Act 451 of 1994, known as the Natural Resources and Environmental Protection Act, MCL 324.101 – 324.90106, was enacted for the purpose of protecting the state’s natural resources; and

WHEREAS, Part 401 of the Natural Resources and Environmental Protection Act, MCL 324.40101 – MCL 324.40120, in combination with Wildlife Conservation Orders WCO 3.100 and WCO 3.100a, provide that it is unlawful for a person to make use of bait to aid in the taking of deer, or for persons to feed deer for recreational viewing or supplemental feeding; and

WHEREAS, the Natural Resources and Environmental Protection Act provides that a person in violation of the referenced sections of Part 401 is guilty of a misdemeanor punishable by a fine of not more than 90 days or a fine of not less than \$50.00 or more than \$500.00; and

WHEREAS, the City Manager, the Chief of Police and other city officials believe that the enactment of a local ordinance which substantially corresponds to the referenced sections of Part 401, but which decriminalizes the penalty for persons who feed deer for recreational viewing or supplemental feeding, is in furtherance of the public health, safety and welfare of the citizens of the City of Marshall, as well as visitors to the City;

NOW, THEREFORE, THE CITY OF MARSHALL ORDAINS:

§ 97.08 Deer; feeding and baiting prohibited.

(A) Definitions. As used in this section:

- 1) Bait. “Bait” means a substance intended for consumption by deer composed of grains, minerals, salt, fruits, vegetables, hay, or any other food materials, whether natural or manufactured. “Bait” does not include scents – whether composed of natural or synthetic materials – made inaccessible for consumption by deer and placed in such a manner to prohibit any physical contact with deer, the establishment and maintenance of plantings for wildlife, foods found scattered solely as a result of normal agricultural planting or

harvesting practices of livestock feeding if the area is occupied by livestock actively consuming the feed on a daily basis, or standing farm crops under normal agricultural practices.

- 2) Baiting. "Baiting" means to place, deposit, tend, distribute, or scatter bait.
- 3) Feed. "Feed" means a substance composed of grain, mineral, salt, fruit, vegetable, hay, or any other food material or combination of these materials, whether natural or manufactured, that may attract deer. "Feed" does not include plantings for wildlife, standing farm crops under normal agricultural purposes or agricultural commodities scattered solely as the result of normal agricultural practices.
- 4) Feeding. "Feeding" means the depositing, distributing, or tending of feed for the purpose of feeding or attracting deer, or which may reasonably be expected to result in the consumption of feed by deer.
- 5) Single bite bait. "Single bite bait" means shelled corn, nuts, beet pulp, deer feed or pellets, wheat, or other grain.

(B) A person shall not feed deer for the purpose of recreational viewing or supplemental feeding, except as follows:

- 1) Feeding by veterinarians, city/county animal control officers, or county state or federal game officials who are acting in the course of their duties or have deer in custody under their management.
- 2) Feeding for the purposes of trapping or taking deer where such trapping or taking is pursuant to a permit issued by the Michigan Department of Natural Resources.
- 3) Feeding wild birds or other wildlife if done in such a manner as to exclude deer.
- 4) Feeding, or the scattering of feed, if done for agricultural purposes in an area occupied by livestock who consume the feed on a daily basis.

(C) A person shall not bait deer for the purpose of aiding in the taking of deer.

(D) A person who violates subsection (B) is responsible for a municipal civil infraction.

(E) A person who violates subsection (C) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$50 or more than \$500.00, or both, plus the costs of prosecution.

REPEALER

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

SEVERABILITY

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

CODE EDITS.

The editors of the Marshall City Code are hereby authorized, subject to approval of the City Manager, or designee, to update and revise code section numbers to effectuate the provisions of this Ordinance.

ENACTMENT

This ordinance is declared to have been enacted by the City Council of the City of Marshall at a meeting called and held on the ____day of _____, 2023, and ordered to be given publication in the manner prescribed by law.

AYES:

NAYES:

ABSTENTIONS:

Mayor

STATE OF MICHIGAN

COUNTY OF CALHOUN

I, the undersigned, the qualified and acting City Clerk of the City of Marshall, Calhoun County, Michigan, do certify that the foregoing is a true and complete copy of the

ordinance adopted by the City Council of the City of Marshall at a meeting called and held on the ____day of _____, 2023, the original of which is on file in my office.

Clerk

Adopted:

Published:

ITEM: 11.A

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Eric Zuzga, Director of Community Services
William Dopp, Finance Director/ City Treasurer
DATE: November 20, 2023
SUBJECT: **CREATION OF INDUSTRIAL DEVELOPMENT DISTRICT FOR FORD BOBP**

Public Act 198 of 1974 was enacted by the State of Michigan as an incentive program to stimulate economic growth. This incentive program involves removing real property from the regular assessment roll and instead levying a specific tax called an “industrial facilities tax” upon the owner or lessee of approved industrial property. The holder of an Industrial Facilities Tax Exemption Certificate (IFEC) will pay a specific tax with a millage rate that is approximately half of the rate that is applied to the regular assessment roll, although the State Treasurer also has the ability to exempt all of the millage levied under the State Education Tax Act. To qualify for an IFEC, an applicant must have a business that qualifies as a manufacturing operation and a new or existing industrial facility that is defined within the Act as industrial property. Since 1977, the City of Marshall has approved 135 IFT's. The most recent active certificates are from 2015, and were issued to Stelmi America, Inc. and Progressive Dynamics, Inc.

As part of the Ford/BlueOval Incentive package, the City of Marshall committed to approving a real property tax abatement. The first step in approving a tax abatement is the creation of an Industrial Development District. To create the district, City Council needs to pass the attached Resolution (2023-27) following the public hearing. Upon creation of the district, the property owner(s) would then be able to submit an abatement request for City Council consideration under State law and our Industrial Facilities Tax Abatement Program Guidelines Policy.

BUDGET IMPACT:

None anticipated with the creation of a district.

RECOMMENDATION:

Approve Resolution 2023-27 which would create an Industrial Development District for the Ford BlueOval Battery Park site.

RESOLUTION 2023-27
RESOLUTION TO ESTABLISH AN INDUSTRIAL DEVELOPMENT DISTRICT

Minutes of a regular meeting of the City Council of City of Marshall, held on October 16, 2023, at Marshall City Hall, 323 West Michigan Avenue, Marshall, MI at 7:00 PM.

PRESENT:

ABSENT:

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

Resolution Establishing an Industrial Development District for Ford BlueOval Battery Park

WHEREAS, pursuant to PA 198 of 1974, as amended, this Council has the authority to establish "Industrial Development Districts" within City of Marshall; and

WHEREAS, the City of Marshall on its own initiative seeks to establish an Industrial Development District on property located within the Marshall city boundaries;

WHEREAS, written notice has been given by mail to all owners of real property located within the district, and to the public by newspaper advertisement in the Marshall Advisor and public posting of the hearing on the establishment of the proposed district; and

WHEREAS, on October 16, 2023, a public hearing was held at which all owners of real property within the proposed Industrial Development District and all residents and taxpayers of City of Marshall were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Marshall to establish the Industrial Development District as proposed; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of City of Marshall that the following described parcel of land situated in City of Marshall, Calhoun County, and State of Michigan, to wit:

LEGAL DESCRIPTION OF LAND

LOCATED IN SECTIONS 20, 28, & 29, T2S, R6W, MARSHALL TOWNSHIP, CALHOUN
COUNTY, MICHIGAN

BEGINNING at the W 1 / 4 corner of Section 29, T2S, R6W, Marshall Township, Calhoun County, Michigan,

thence S 89°58' 17" E 33.00 feet along the E-W 1/ 4 line of said Section 29 to the East right-of-way line of 13 Mile Road;
thence N 00°22'04" E 2157.32 feet along said East right-of-way; thence S 89°55' 40" E 3122.60 feet; thence N 00°25'58" E 695.21 feet; thence S 68°23'07" E 3245.71 feet; thence S 68°35'27" E 2960.81 feet; thence S 01°39'06" W 699.69 feet; thence N 88°20'54" W 954.00 feet along the E-W 1/ 4 line of Section 28, T2S, R6W, Marshall Township, Calhoun County, Michigan & the centerline of C Drive North (66.00 feet wide) to the Center of said Section 28; thence S 00°08'50" E 194 7.49 feet along the N-S 1/ 4 line of said Section 28; thence N 71°18'28" W 397.60 feet; thence N 90°00'00" W 6312.27 feet; thence N 76°09' 31" W 1337.71 feet; thence N 00°16'51" E 1599.81 feet along the West line of said Section 29 to the POINT OF BEGINNING.

Being a part Sections 20, 28 & 29, T2S, R6W, Marshall Township, Calhoun County, Michigan and containing 731.40 acres of land, more or less. Being subject to the rights of the public over that portion of land as occupied by C Drive North (66.00 feet wide). Being subject to easements and restrictions of record, if any.

Is established as an Industrial Development District pursuant to the provisions of PA 198 of 1974, as amended, to be known as BlueOval Battery Park Industrial Development District No. 1.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of the City of Marshall, County of Calhoun, Michigan, at a regular meeting held on October 16, 2023.

Michelle Eubank
Clerk

ITEM: 12.A

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Eric Zuzga, Director of Community Services
DATE: November 20, 2023
SUBJECT: **SET PUBLIC HEARING FOR SPECIAL LAND USE FOR TRACTOR
SUPPLY- SLU#23.03**

The City has received a Special Land Use (SLU) application from BR Great Northern Mall LLC to allow for the location of a Tractor Supply Company (TSC) in the west 1/3 of the former Kmart facility. The SLU would allow TSC to have outdoor display and sales for trailers, propane, plants, and other related items.

The Joint Planning Commission met on Tuesday, November 14, 2023 and recommended approval on SLU 23.03 on a 6-0 vote.

To consider this request, the City Council will need to schedule a public hearing at an upcoming meeting prior to approving the SLU. Staff is recommending that a public hearing be scheduled for the December 4th Council meeting to consider this proposal.

BUDGET IMPACT:
No budget impact.

RECOMMENDATION:
Schedule a public hearing for December 4, 2023 to consider approval of a Special Land Use (SLU#23.03) for Tractor Supply at 15861 West Michigan.

SPECIAL LAND USE APPLICATION

City of Marshall
Fee \$250.00

Section 6.2 of the Marshall City Zoning Ordinance gives citizens the opportunity to file for a Special Land Use Permit when it is required by zoning district.

Process

- ☐ Application, fee, and all required materials are submitted by due date. Once found to be complete, the application is placed on the Planning Commission agenda for acceptance.
- ☐ **Planning Commission meeting #1:** At this meeting, a public hearing is scheduled for the following month.
- ☐ Neighbors within 300 feet of the property seeking special land use are notified of the public hearing.
- ☐ **Planning Commission meeting #2:** Public hearing is held and discussion takes place. A recommendation on the application is given for City Council.
- ☐ **City Council meeting:** Item is placed on the agenda, a staff report and Planning Commission comments are offered for review and City Council grants final approval, disapproval, or approval with conditions.

Address of subject property 15861 Michigan Avenue, Marshall, Michigan 49068

Applicant's name BR Great Northern Mall, LLC Phone (312) 894-7621

Applicant's address 150 N. Riverside Plaza, Suite 2800 City Chicago Zip 60606

Owner's Name BR Great Northern Mall, LLC Phone (312) 894-7621

Owner's Address 150 N. Riverside Plaza, Suite 2800 City Chicago Zip 60606

Explain need for a Special Land Use permit at the subject property (attach more if necessary):

See attached

Applicant's Signature  Date 10/11/2023

Owner's Signature  Date 10/11/2023

The following items **MUST** be submitted for the application to be complete:

- ☒ A plot plan showing property boundaries and legal description
- ☒ Existing structures, uses and zoning on subject and adjacent properties
- ☒ Location of all abutting streets, easements, and similar public areas
- ☐ Proposed compliance plan (if applicable) including hours, signs, parking, etc.

BR Great Northern Mall, LLC – Application for Special Use Permit and Site Plan

Narrative:

BR Great Northern Mall, LLC (“Owner”), located in Chicago, Illinois, purchased a portion of the former K-Mart plaza property from KC Holding Corporation on February 1, 2022, and the property is described as follows:

A PARCEL OF LAND BEING PART OF THE NE ¼ SEC 27, T2S R6W OF MARSHALL TOWNSHIP IN THE CITY OF MARSHALL DESCRIBED AS FOLLOWS: COM AT NE COR SD SEC; TH N 89 DEG 40' 25" W 70.04 ALG N SEC LN TO INTERSEC OF SD N LN WITH W LN OF WEST DR; TH S 1 DEG 41' 50" E 785.00 FT ALG W LN OF WEST DR ; TH S 74 DEG 49' 36" W 590.00 FT PAR TO N LN OF MICHIGAN AVE TO POB. THENCE S 15 DEG 10' 24" E 115.00 FT PERP TO THE N LN OF MICH AVE; TH S 74 DEG 49' 36" W 113.67 FT PAR WITH N LN OF MICH AVE; TH S 15 DEG 10' 24" E 509.58 FT PERP TO N LN OF MICH AVE TO SD N LN; TH S 74 DEG 49' 36" W 415.98 FT ALG N LN MICH AVE; TH N 69 DEG 10' 24" W 86.96 FT; TH N 15 DEG 10' 24" W 626.47 FT PERP TO N LN OF MICH AVE; TH N 74 DEG 49' 36" E 550.00 PAR W N LN MICH AVE; TH S 58 DEG 30' 18" E 72.86 FT TO POB. TOG W AN EASEMENT DESCRIBED IN L1227/P976 AND MODIFIED IN L1549/P365 AND FURTHER MODIFIED IN L1559/P897. TOGETHER WITH AN EASEMENT DESCRIBED IN L1558/P955 (“the Parcel”)

The County GIS information showing the general layout of the Premises is attached as Exhibit A. An ALTA survey showing existing easements, lot coverage, existing easements, lot dimensions, proposed drives, walkways, existing parking area is attached as Exhibit B.

The zoning of surrounding parcels is shown on Exhibit C.

Additional information:

Driving lanes: single lane 20'; double lane 34.2'.

Sizes of parking spaces: 9' wide x 20' deep

Driveway widths: rear drive: 33.6'; side 31'; front 32.3/48.36; south parking lot: 39.75'

Ingress and egress of drives: South entrance 33.6'; southeast side: 28'5; northeast side: 36'

Owner plans to lease a portion of the Premises to Tractor Supply Company (“TSC”) for a store that will be located on the west portion of the Premises. The remainder of the Premises will be eventually leased to another Tenant (or Tenants).

Likely the members of the Joint Planning Commission are familiar with TSC stores located in adjoining communities. TSC plans to have several outdoor display and sales areas as detailed on Exhibit D.

A proposed site plan is attached as Exhibit E. Additional information relative to site plan:

Height of neighboring building: 30.5' – peak of building.

Sight lighting will remain as was present for K-Mart.

Drainage will remain as was present for K-Mart.

Dumpster location will be as shown and will be constructed to current Zoning requirement.

Pylon sign will be located off Michigan Avenue.

A special use permit is being sought pursuant to Section 4.24 of the Ordinance which provides as follows:

4.24 OPEN AIR BUSINESSES&, OUTDOOR DISPLAY AREAS, AND DEALERSHIP SALES LOTS In the B-2, and B-4 districts open air businesses, and outdoor display areas for sale, exhibition, rental or leasing of equipment, machinery, automobiles and other motor vehicles, recreational vehicles and trailers, boats, building supplies, hardware and other items are permitted as a special land use and shall be subject to the following:

1. Location requirements. All sales activity and the display of all merchandise shall be limited to the area specified on an approved plan. No sales activity or display of merchandise shall be permitted in a street right-of-way or required setback area.
2. Setback requirements. Open air businesses and outdoor display areas shall be set back a minimum of ten feet from any parking area, driveway or access drive, and 20 feet from any residential district or use.
3. Sidewalk standards. The proposed activity shall be located so as to ensure safe vehicular and pedestrian circulation. A minimum of five feet of sidewalk width to the entrance of the establishment shall be maintained free for pedestrian circulation.
4. Maintenance standards. Open-air businesses and outdoor display areas shall be kept clean, litter-free, with outdoor waste receptacles provided. Written procedures for cleaning and waste containment and removal responsibilities shall be included with all applications and approved as part of site plan review. Vending machines and devices for the outdoor broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited.
5. Surface. Sales and display areas shall be provided with a permanent, paved surface of bituminous asphalt, concrete or similar paving materials, and shall be graded and drained so as to dispose of all surface water. All areas for display of motor vehicles, recreational vehicles, and similar items shall be paved.
6. Screening. Such uses and associated site improvements shall be separated from any required parking areas by landscaping, a decorative wall or other architectural feature, and shall be screened from street rights-of-way and abutting residential districts or uses in accordance with Section 5.15.8.

7. Hours of operation. Operational hours for open-air businesses, outdoor display area, and exterior lighting may be restricted by the Planning Commission to protect nearby residential districts.

Owner is applying for the following components for its special use permit:

A. Outdoor Display of Merchandise in the Permanent Sidewalk Display Area

4.24 and 6.2

The proposed location is noted in light green on the Site Plan.

B. Outdoor display of merchandise inside the Fenced Outdoor Display Area

4.24 and 6.2

The proposed location is noted in yellow on the attached site plan. This was granted to the former K-Mart and would exist with the proposed TSC use.

C. Green House within Fenced Outdoor Display Area – permitted in this zoning district.

D. Outdoor display of merchandise in the Permanent Trailer & Equipment Display Area

The proposed location is noted in pink on the Site Plan.

4.24 and 6.2

E. Outdoor display and sale of bulk propane from a 1,000 gallon tank, welding gas, live plants, shrubs, flowers, trees, etc.

The proposed location is noted north of the pink area on the Site Plan.

Special use permit – Section 4.24 and 6.2

F. Display and sale of hay and forage - special land use 4.24 and 6.2

The proposed sales area would be within the location noted in yellow on the Site Plan.

Each of the proposed special uses meets the requirements of Section 4.24 and 6.2 of the Ordinance. The uses are substantially similar to what K-Mart had done in the past. The uses are not adjacent to any residential areas and are bordered by parking lot on one side and by the I-69 corridor on the west side.

The Owner requests that the Special Use permit be granted as set forth in the Site Plan.

EXHIBIT A – GIS MAP INFORMATION



Calhoun GIS

Parcel Report: 53-002-592-00

10/20/2023

7:52:29 AM



Property Address

15861 W MICHIGAN AVE

MARSHALL, MI, 49068

Owner Address

BR GREAT NORTHERN MALL LLC

-

875 N MICHIGAN AVE SUITE 3900

CHICAGO, IL 6011

Unit:

53

Unit Name:

CITY OF MARSHALL

General Information for 2023 Tax Year

Parcel Number:

53-002-592-00

Property Class: 201
Class Name: COMMERCIAL
School Dist Code: 13110
School Dist Name: MARSHALL

PRE 2022: 0%
PRE 2023: 0%

Assessed Value: \$1,529,500
Taxable Value: \$1,529,500
State Equalized Value: \$1,529,500

Prev Year Info

Prev Year Info	MBOR Assessed	Final SEV	Final Taxable
2022	\$1,463,400	\$1,463,400	\$1,387,573
2021	\$1,521,700	\$1,521,700	\$1,343,246

Land Information

Acreage: 7.93
Zoning: B-4

Legal Description

A PARCEL OF LAND BEING PART OF THE NE ¼ SEC 27, T2S R6W OF MARSHALL TOWNSHIP IN THE CITY OF MARSHALL DESCRIBED AS FOLLOWS: COM AT NE COR SD SEC; TH N 89 DEG 40' 25" W 70.04 ALG N SEC LN TO INTERSEC OF SD N LN WITH W LN OF WEST DR; TH S 1 DEG 41' 50" E 785.00 FT ALG W LN OF WEST DR; TH S 74 DEG 49' 36" W 590.00 FT PAR TO N LN OF MICHIGAN AVE TO POB. THENCE S 15 DEG 10' 24" E 115.00 FT PERP TO THE N LN OF MICH AVE; TH S 74 DEG 49' 36" W 113.67 FT PAR WITH N LN OF MICH AVE; TH S 15 DEG 10' 24" E 509.58 FT PERP TO N LN OF MICH AVE TO SD N LN; TH S 74 DEG 49' 36" W 415.98 FT ALG N LN MICH AVE; TH N 69 DEG 10' 24" W 86.96 FT; TH N 15 DEG 10' 24" W 626.47 FT PERP TO N LN OF MICH AVE; TH N 74 DEG 49' 36" E 550.00 PAR W N LN MICH AVE; TH S 58 DEG 30' 18" E 72.86 FT TO POB. TOG W AN EASEMENT DESCRIBED IN L1227/P976 AND MODIFIED IN L1549/P365 AND FURTHER MODIFIED IN L1559/P897. TOGETHER WITH AN EASEMENT DESCRIBED IN L1558/P955

Sales Information

Sale Date: 02-01-2022

Sale Price: 2400000

Instrument: WD

Grantor: KC HOLDING CORPORATION

Grantee: BR GREAT NORTHERN MALL LLC

Terms of Sale: 03-ARM'S LENGTH

Liber/Page:

Sale Date: 04-30-2015

Sale Price: 5450000

Instrument: CD

Grantor: AGREE LIMITED PARTNERSHIP

Grantee: KC HOLDING CORPORATION

Terms of Sale: 19-MULTI PARCEL ARM'S LENGTH

Liber/Page: 3970/94

Sale Date: 04-22-1994

Sale Price: 6002395

Instrument: WD

Grantor: K-MART CORPORATION-TAX DEPT.

Grantee: AGREE LIMITED PARTNERSHIP

Terms of Sale: 03-ARM'S LENGTH

Liber/Page: 1744/117

Tax History

*Total Due as of settlement date

Tax Details 2022 Winter

EXHIBIT B – ALTA SURVEY

10 BASIS OF BEARING

10 BASIS OF BEARING

the land that is described in First American Title Insurance Company commitment # 882861, effective date February 2, 2015, which calls for a bearing of South 74°49'36" West for the Northernly right of way line of West Michigan Avenue (Business Route 84).

er reports have been provided to the Surveyor by the
underground utilities existing on or serving the site.

2. The nearest marketing street in relation to the subject property is West Drive, adjacent to the easterly line of property (Item 14)

the controlling jurisdiction. No evidence of "accrual" or repairs observed in the process of conducting

7. There are no efforts or services benefiting the subject property.
Schedule A of the title work. (Item 20a)

ments within the configuration, and other references to sites, improvements, structures, buildings, party walls, and boundaries are based solely on their own

to, requiring deposits to cover access to a municipal auditor and a small credit from public rights of way per Liber 1E-49, Page 365.

12 PARKING INFORMATION

361 Standard Spaces
7 Handicap Spaces

368 Total Parking Spaces

361 Standard Spaces

368 Total Parking Spaces

COMIN

Norman, OK
Office: 405-763-1111
Webbells: 405-763-1111

Drawn By: A. Griffin

Agreed By: C. Zuck

Preparation

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1000

Journal of Management Education 36(7) 809-824

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15 BUILDING HEIGHT

22.34 Post Height

100%

100%

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255

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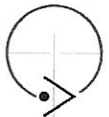
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2015

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EXHIBIT C – ZONING OF ADJACENT PARCELS



SAN-1

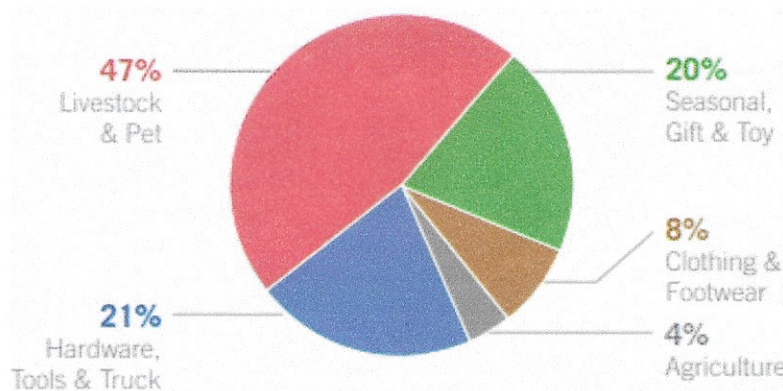
EXHIBIT D – TSC OVERVIEW



Tractor Supply Company (NASDAQ: TSCO), the largest rural lifestyle retailer in the United States, has been passionate about serving its unique niche, targeting the needs of recreational farmers, ranchers and all those who enjoy living the rural lifestyle, for more than 80 years.

Tractor Supply offers an extensive mix of products necessary to care for home, land, pets and animals with a focus on product localization, exclusive brands and legendary customer service for the Out Here lifestyle. With more than 45,000 Team Members, the Company's physical store assets, combined with its digital capabilities, offer customers the convenience of purchasing products they need anytime, anywhere and any way they choose at the everyday low prices they deserve. On July 1, 2023, the Company operated 2,181 Tractor Supply stores in 49 states, a customer mobile app and an e-commerce website at www.TractorSupply.com.

Tractor Supply Company also owns and operates Petsense, a small-box pet specialty supply retailer focused on meeting the needs of pet owners, primarily in small and mid-size communities, and offering a variety of pet products and services. On July 1, 2023, the Company operated 192 Petsense stores in 23 states. For more information on Petsense, visit www.Petsense.com.





Fenced Outdoor Display:

Subject to region of the county, season of the year, and customer demand, these are the typical items displayed.

Items that may be displayed on the sidewalk are noted as "(S)".

LAWN AND GARDEN EQUIPMENT

Push Lawn Mowers (S)
Log Splitters (S)
Snow Blowers (S)

Chippers and Shredders (S)
Garden Carts (S)

Riding Lawn Mowers (S)
Mow-n-Vac (S)

FENCING MATERIALS

Fencing and Posts (a small sample of fence/gate types to Gates show selection will be on the sidewalk seasonally)

PET AND LIVESTOCK EQUIPMENT

Dog Kennels (S)
Feeding Equipment
Dog Houses (S)

Round Pens
Horse Stalls and Mats

Corral Panels
Watering Tanks

3-POINT EQUIPMENT

Plows
Cultivators
Scoops
Rotary Cutters
Sprayers with tanks

Fertilizer Spreaders
Rakes
Tillers
Bale Carriers

Box/Grader Blades
Harrows
Seeders
Finish Mowers

OTHER ITEMS

Go Karts (S)
Wheel Barrows (S)
Drainage Tile

Pedal Boats
Bagged Pine Shavings (S)
Culverts

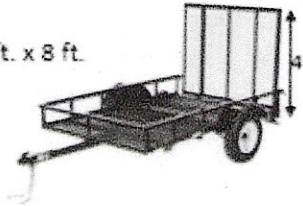
Trailers (parking lot displays)
Bagged Feed or Fertilizer (S)
Water Pipe (Plastic)





Utility Trailer 5 ft. x 8 ft.
example

Ramp - 4'



Trailer Display:

Each store has small trailers for sale. This display is simply parking the trailers in existing parking spaces shown in "pink" on the Site Plan. No change to the parking area is required.



Propane Storage:

- **Overall Tank & Protection Area: 10'x 28'**
- **Tank Size: 1,000 Gallon Capacity typically 16' length x 3.5' height**
- **LPG (Liquid Propane Gas) is regulated by the NFPA (National Fire Prevention Association)**
 - **Tank specifications and installation complies with all NFPA 58 Codes, including:**
 - **Bollard Size, Type, and Layout for protection from vehicles**
 - **Setbacks from Buildings, and Property Lines - 25' minimum separation**
 - **Dedicated Fire Extinguisher**
 - **Use - Trained Employees Only**

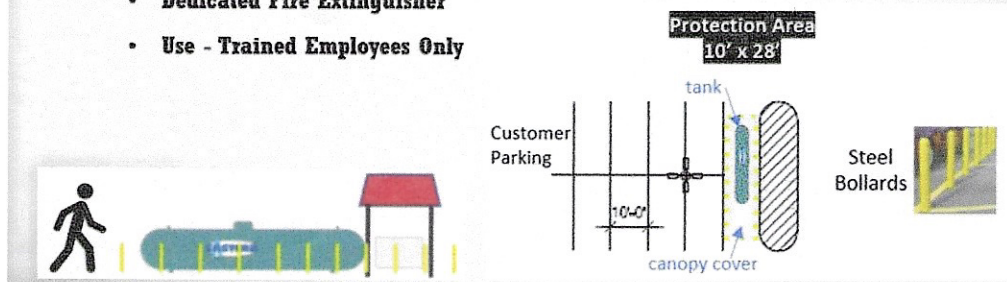


EXHIBIT E – SITE PLAN

At the time prepared, and then published on this sheet are deemed to be accurate by architect, however all data, general contractor, should add changes to the scope of work, and that potential change orders, should be identified and communicated in your bid to the GC. This drawing and the design team is responsible for the design. This is not a contract. This drawing is prohibited and any infringement will be subject to legal action.	300 Number MS-01 22 10 2023
Date	
Revisions	
Revisions	
Sheet Number	SITE PLAN AS1.0.0

1 TITLE DESCRIPTION

Land in the City of Marshall, Calhoun County, MI, described as follows:

A parcel of land in the Northeast 1/4 of Section 27, Town 2 South, Range 6 West, Marshall Township, Calhoun County, Michigan, being described as: Commencing at the Northeast corner of Section 27; thence North 89 degrees 40 minutes 25 seconds West 70.04 feet along the North Section line to the intersection of said North line with the West line of West Drive; thence South 01 degree 41 minutes 50 seconds East 785.00 feet along the West line of West Drive; thence South 74 degrees 49 minutes 36 seconds West 590.00 feet parallel with the North line of Michigan Avenue to the Point of Beginning; thence South 15 degrees 10 minutes 24 seconds East 115.00 feet perpendicular to the North line of Michigan Avenue; thence South 74 degrees 49 minutes 36 seconds West 113.67 feet parallel with the North line of Michigan Avenue; thence South 15 degrees 10 minutes 24 seconds East 509.58 feet perpendicular to the North line of Michigan Avenue to said North line; thence South 74 degrees 49 minutes 36 seconds West 415.98 feet along the North line of Michigan Avenue; thence North 69 degrees 10 minutes 24 seconds West 86.96 feet; thence North 15 degrees 10 minutes 24 seconds West 626.47 feet perpendicular to the North line of Michigan Avenue; thence North 74 degrees 49 minutes 36 seconds East 550.00 feet parallel with the North line of Michigan Avenue; thence South 58 degrees 30 minutes 18 seconds East 72.86 feet to the Point of Beginning.

The land shown in this survey is the same as that described in First American Title Insurance Company, Commitment No. NCS-1101293-CH12, effective date October 29, 2021 at 8:00 AM.

2 TITLE INFORMATION

The Title Description and Schedule B items hereon are from First American Title Insurance Company, Commitment No. NCS-1101293-CH12, effective date October 29, 2021 at 8:00 AM.

3 SCHEDULE 'B' ITEMS

NOTES CORRESPONDING TO SCHEDULE "B":

- The terms and provisions contained in the document entitled "Agreement" recorded as **Liber 262, Page 419** of Official Records. **DOES NOT APPEAR TO AFFECT THE SUBJECT PROPERTY.**
- The terms, provisions and easement(s) contained in the document entitled "Declaration of Easement" recorded as **Liber 1227, Page 976**. First Modification of Declaration of Easements as disclosed by instrument recorded in **Liber 1549, Page 365**. Second Modification of Declaration of Easements as disclosed by instrument recorded in **Liber 1559, Page 897**. Supplemental Reciprocal Easement and Restriction Agreement as disclosed by instrument recorded in **Liber 3970, Page 68** of Official Records. **AFFECTS AND BENEFITS THE SUBJECT PROPERTY IN REGARDS TO INGRESS, EGRESS, PARKING AREAS AND UTILITIES OVER COMMON AREAS BEING A PART OF THE SHOPPING CENTER, CONSISTING OF THE KMART PARCEL, RETAIL TRACT AND OUTLOTS AS SHOWN. BLANKET IN NATURE. LIBER 1227, PAGE 976 PARCEL CONFIGURATION REPLACED BY FIRST MODIFICATION OF DECLARATION OF EASEMENTS RECORDED IN LIBER 1549, PAGE 365. SCRIVENER'S ERROR IN LEGAL DESCRIPTION CONTAINED IN FIRST MODIFICATION OF DECLARATION OF EASEMENTS RECORDED IN LIBER 1549, PAGE 365 WAS CORRECTED BY SECOND MODIFICATION OF DECLARATION OF EASEMENTS RECORDED IN LIBER 1559, PAGE 897.**
- The terms, provisions and easement(s) contained in the document entitled "Grant of Easement" recorded February 4, 1991 as **Liber 1558, Page 955** of Official Records. **BENEFITS THE SUBJECT PROPERTY IN REGARDS TO THE RIGHT TO USE STORWATER RETENTION AREA TO THE NORTH OF THE SUBJECT PROPERTY, AS SHOWN.**
- The terms, provisions and easement(s) contained in the document entitled "Easement for Gas Pipeline" recorded February 20, 1991 as **Liber 1559, Page 911** of Official Records. **AFFECTS THE SUBJECT PROPERTY AS SHOWN.**
- The terms, provisions and easement(s) contained in the document entitled "Grant and Reservation of Easement" recorded November 8, 1994 as **Liber 1776, Page 64** of Official Records. **BENEFITS THE SUBJECT PROPERTY IN REGARDS TO THE RIGHT OF INGRESS AND EGRESS AS SHOWN.**
- The terms, provisions and easement(s) contained in the document entitled "Grant of Easements" recorded as **Liber 1811, Page 302** of Official Records. **AFFECTS THE SUBJECT PROPERTY AS SHOWN.**
- The terms and provisions contained in the document entitled "Contract for Conditional Transfer of Property" recorded September 29, 1995 as **Liber 1823, Page 532** of Official Records. **AFFECTS THE SUBJECT PROPERTY, BLANKET IN NATURE.**

4 SURVEYOR CERTIFICATION

To BR Great Northern Mall, LLC, a Delaware limited liability company , Commercial Due Diligence and First American Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 11(a), 13, 14, 16, 19 and 20(a) (graphically depict in relation to the subject property any offsite easements or servitudes benefitting the surveyed property and disclosed to the surveyor as a part of the records search) of Table A thereof.

The field work was completed on December 28, 2021

Date of Plat or Map: _____

PRELIMINARY

Curtis R. Zack
License No.: 4001069464
Expires: September 23, 2023

5 FLOOD INFORMATION

By graphic plotting only, this property is located in Zone "X" of the Flood Insurance Rate Map, Community Panel No. 26025C0238C, which bears an effective date of April 4, 2011 and is not in a special flood hazard area. No field surveying was performed to determine this Zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

Zone "X" denotes areas determined not to be in the 500 year floodplain.

6 CEMETERY

There is no visible evidence of cemeteries on the subject property at the time of survey.

7 POSSIBLE ENCROACHMENTS

 — Hydrant appears to fall outside of provided easement as shown.

8 ZONING INFORMATION

Not provided at the time of survey

10 BASIS OF BEARING

Bearings are based on the description provided in Exhibit "A" of the land that is described in First American Title Insurance Company, commitment # 682861, effective date February 23, 2015, which calls for a bearing of South 74°49'36" West for the Northerly right of way line of West Michigan Avenue (Business Route 94).

11 SURVEYOR'S NOTES

- An address of 15861 Michigan Avenue was observed at the time of survey. (Item 2)
- No plans or reports have been provided to the Surveyor by the client in regards to the location of underground utilities existing on or serving the surveyed property. (Item 11a)
- The nearest intersecting street in relation to the subject property is West Drive N which lies adjacent to the easterly line of property. (Item 14)
- No observable evidence of earth moving work, building construction or building additions within recent months. (Item 16)
- No proposed changes in street right of way lines have been made available to the surveyor by the controlling jurisdiction. No evidence of recent street or sidewalk construction or repairs observed in the process of conducting the fieldwork. (Item 17)
- Property appears to have access to a Michigan Avenue and West Drive North, both public rights of way, per Liber 1549, Page 365.
- There are no offsite easements or servitudes benefitting the subject property disclosed in Schedule A of the title work. (Item 20a)
- All statements within the certification, and other references located elsewhere hereon, related to: utilities, improvements, structures, buildings, party walls, parking, easements, servitudes, and encroachments; are based solely on above ground, visible evidence, unless another source of information is specifically referenced hereon.

12 PARKING INFORMATION

361 Standard Spaces
7 Handicap Spaces
368 Total Parking Spaces

13 LAND AREA

345,505 Square Feet (7.93 Acres), more or less

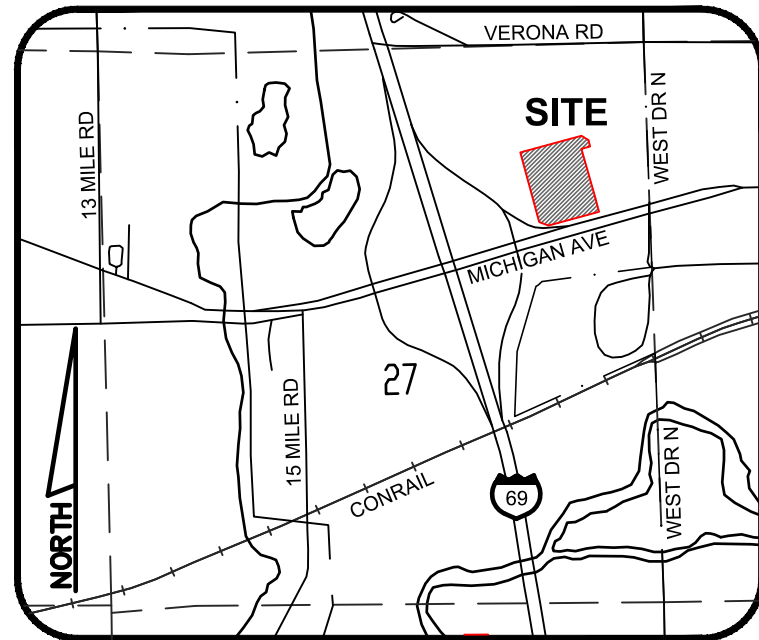
14 BUILDING AREA

89,505 SQ. FT.±

15 BUILDING HEIGHT

22.3'± Peak Height

16 VICINITY MAP



VICINITY MAP
NO SCALE

Key to CDS ALTA Survey

1 TITLE DESCRIPTION

2 TITLE INFORMATION

3 SCHEDULE 'B' ITEMS

4 SURVEYOR CERTIFICATION

5 FLOOD INFORMATION

6 CEMETERY

7 POSSIBLE ENCROACHMENTS

8 ZONING INFORMATION

9 LEGEND

10 BASIS OF BEARING

11 SURVEYOR'S NOTES

12 PARKING INFORMATION

13 LAND AREA

14 BUILDING AREA

15 BUILDING HEIGHT

16 VICINITY MAP

17 NORTH ARROW / SCALE

18 CLIENT INFORMATION BOX

19 SURVEY DRAWING

20 PROJECT ADDRESS

Sheet 1 of 2

18 ALTA/NSPS Land Title Survey

This survey prepared in accordance with the "2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys" (Effective February 23, 2021)

This Work Coordinated By:
FA Commercial Due Diligence Services Co.

CDS
COMMERCIAL
DUE DILIGENCE SERVICES
3550 W. Robinson Street, Third Floor
Norman, Oklahoma 73072
Office: 405-253-2444
website: www.firstamcds.com
Toll Free: 888.322.7371

Drwn By: A. Griffin	Date: Revision:
Surveyor Ref.No.: 212195.421	Date: Revision:
Aprvd By: C. Zack	Date: Revision:
Field Date: 12/28/21	Date: Revision:
Scale: 1" = 50'	Date: Revision:

Prepared For:

Client Ref. No:

20 PROJECT ADDRESS

15885 & 15861 MICHIGAN AVE
MARSHALL, MI 49068

Project Name:
Kmart-Marshall, MI

Job Number:
21-10-0725

Approved CDS Surveyor

williams&works
engineers | surveyors | planners

616.224.1500 phone | http://williams-works.com
549 Ottawa Ave NW | Grand Rapids, MI 49503

N 1/4 COR.
SECTION 27
T2S, R6W
FOUND PK NAIL
L.C.R.C.
L.2270, P.228

19 SURVEY DRAWING

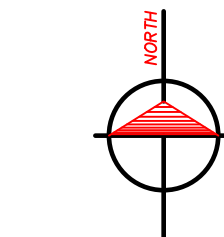
R=N89°40'25"W 70.04'
M=N89°40'25"W 70.61'

R=S01°41'50"E 785.00'
M=S01°41'50"E 783.28'

PARCEL NO.
53-027-003-00
1ST RURAL HOUSING
PARTNERSHIP

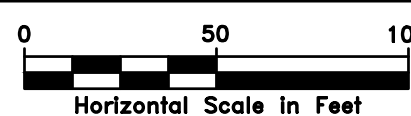
NE CORNER
SECTION 27
T2S, R6W
L.C.R.C.
L.2270, P.221
P.O.C.

FOUND IRON IN
MONUMENT BOX
35'± WEST OF
NE CORNER



SCALE : 1" = 50'

17 NORTH ARROW / SCALE



9 LEGEND

- FOUND MONUMENT
- FOUND IRON
- SET 5/8" REBAR
- SET "X" CUT
- PK NAIL
- HANDICAP PARKING
- MAILBOX
- SIGN
- POST
- GUY ANCHOR
- POWER POLE
- LIGHT POLE
- P.O.B.
- P.O.C.
- R=
- M=
- PL
- HYDRANT
- WATER SHUTOFF
- WATER MARKER
- UTILITY MARKER
- ROUND CATCH BASIN
- SQUARE CATCH BASIN
- MANHOLE
- ELECTRIC METER
- TELEPHONE RISER
- GAS VALVE
- ELEC TRANSMISSION BOX
- CONCRETE

Key to CDS ALTA Survey

- TITLE DESCRIPTION
- TITLE INFORMATION
- SCHEDULE 'B' ITEMS
- SURVEYOR CERTIFICATION
- FLOOD INFORMATION
- CEMETERY
- POSSIBLE ENCROACHMENTS
- ZONING INFORMATION
- LEGEND
- BASIS OF BEARING
- SURVEYOR'S NOTES
- PARKING INFORMATION
- LAND AREA
- BUILDING AREA
- BUILDING HEIGHT
- VICINITY MAP
- NORTH ARROW / SCALE
- CLIENT INFORMATION BOX
- SURVEY DRAWING
- PROJECT ADDRESS

18 ALTA/NSPS Land Title Survey

This survey prepared in accordance with the "2021 Minimum
Standard Detail Requirements for ALTA/NSPS Land Title
Surveys" (Effective February 23, 2021)

This Work Coordinated By:
FA Commercial Due Diligence Services Co.

CDS
COMMERCIAL
DUE DILIGENCE SERVICES
3550 W. Robinson Street, Third Floor
Norman, Oklahoma 73072
Office: 405-253-2444
website: www.firstamcads.com
Toll Free: 888.322.7371

Drwn By:	A. Griffin	Date:	
Surveyor		Revision:	
Ref. No:	212195.421	Date:	
Aprvd By:	C. Zack	Revision:	
Field Date:	12/28/21	Date:	
Scale:	1" = 50'	Revision:	

Prepared For:

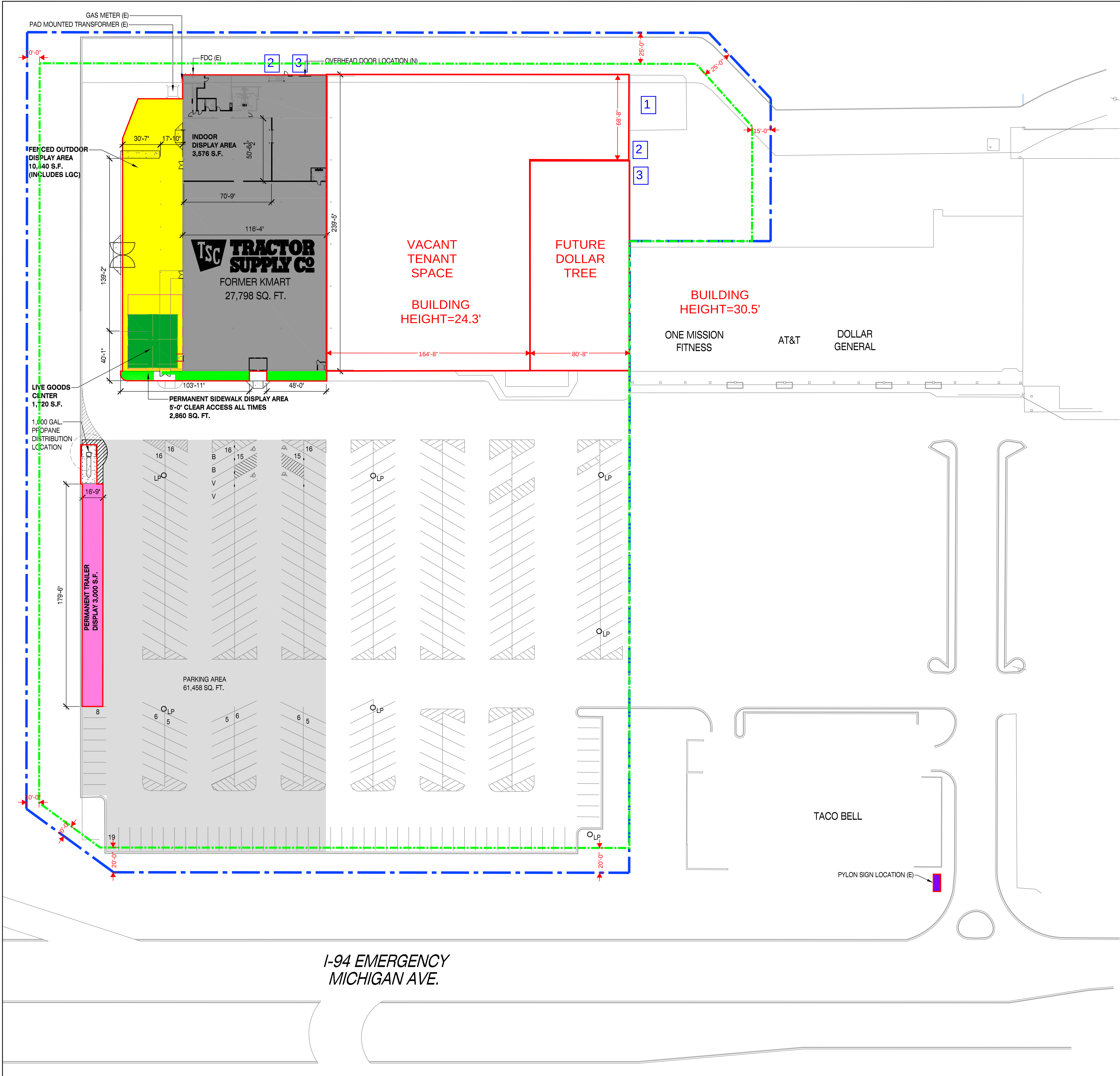
Client Ref. No:

20 PROJECT ADDRESS

15885 & 15861 MICHIGAN AVE
MARSHALL, MI 49068
Project Name:
Kmart-Marshall, MI
Job Number:
21-10-0725

Approved CDS Surveyor
williams&works
engineers | surveyors | planners

616.224.1500 phone | http://williams-works.com
540 Ottawa Ave NW | Grand Rapids, MI 49503



SQ. FT. INDEX		
VESTIBULE	=	143 SQ. FT.
SALES FLOOR	=	17,337 SQ. FT.
STOCKROOM	=	4,128 SQ. FT.
INDOOR DISPLAY	=	3,576 SQ. FT.
OFFICE CORE/WALLS	=	2,614 SQ. FT.
TOTAL AREA	=	27,798 SQ. FT.

PARKING AREA	=	61,458 SQ. FT.
--------------	---	----------------

SITE KEYNOTES

- 1 EXISTING LOADING ZONE
- 2 NEW TRASH AREA
- 3 NEW LOADING ZONE

BUILDING SETBACK LINE

LIVE GOODS CENTER

OUTDOOR DISPLAY AREA

PERMANENT TRAILER AND EQUIPMENT DISPLAY AREA

PERMANENT SIDEWALK DISPLAY AREA
W/ 5' CLEAR WALKWAY

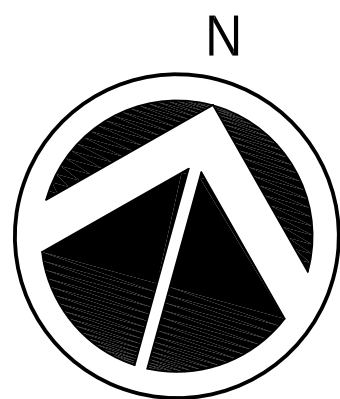
PYLON SIGN

PROPERTY LINE

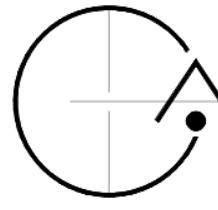
DEMISED PREMISES

SITE PLAN

SCALE: 1" = 30'



chadha + associates
architecture + interiors + design



200 WEST MONROE STREET SUITE 2070 CHICAGO ILLINOIS 60606
T 312.332.2062 | www.chadhaarchitects.com | F 312.332.9894



TRACTOR SUPPLY COMPANY

MARSHALL,
MICHIGAN

Tractor Supply Company shall not be responsible for the payment of any work performed or material supplied by the Contractor or any of its sub-contractors, sub-subcontractors and anyone claiming by through or under any of them which is not identified in writing and signed by one of the following Tractor Supply Company personnel: Vice President, Real Estate, Director of Construction, or a Construction Project Manager. No action, conduct, omission, prior failure, or course of dealing by Tractor Supply Company shall act to waive, modify, change or alter the requirement that all work, whether by contract, change order or change directive, must be in writing and signed by the personnel identified in this provision. Any work performed or material provided by the Contractor, any of its sub-contractors, sub-subcontractors contrary to this provision shall be at its own risk and own expense and Tractor Supply Company shall not be obligated to reimburse or pay the Contractor or any of its sub-contractors, sub-subcontractors for same.

All measurements and items portrayed on this sheet are deemed to be accurate by architect, however all bidding General Contractors should field verify the actual conditions. Any changes to the scope of work, and thus potential change orders, should be identified and communicated in your bid submittal to TSC.

This drawing and the design shown is the property of the architect. The reproduction, copying or use of this drawing without their written consent is prohibited and any infringement will be subject to legal action.

Job Number: 5504D-01

Date: 10.19.2023

Revisions:

Revisions:

Revisions:

SITE PLAN

Sheet Number: AS1.0

ITEM: 12.B

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Joshua Lanker, Chief of Police
DATE: November 20, 2023
SUBJECT: **FEE SCHEDULE FOR DEER FEEDING AND BAITING**

The Marshall Police Department has been working with the City Deer Management Committee and the Department of Natural Resources to assist in the management of our deer population. Ordinance 2023-13 introducing the prohibition regarding Deer Feeding and Baiting was proposed. The approval of the ordinance sets the feeding violation as a municipal civil infraction. This resolution was created to set a specific fee for the municipal civil infraction violation. In review of our current fine schedule and a focus on compliance, the following fees are being proposed for the Deer Feeding Municipal Civil Infraction offense.

- 1st Offense \$100
- 2nd Offense \$300
- 3rd Offense \$500

The proposed fees are in line with community expectations. The focus of enforcement will remain based on compliance and the fee schedules reflect this strategy.

BUDGET IMPACT:

No anticipated budget impact, but we may see an increase in revenue from violations.

RECOMMENDATION:

Approve Resolution 2023-30, Authorizing the municipal civil fine fee schedule to include the Deer Feeding and Baiting violations.

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2023-30**

**RESOLUTION AUTHORIZING SCHEDULE OF CIVIL FINES, PAYABLE TO THE
MARSHALL MUNICIPAL ORDINANCE VIOLATION BUREAU FOR ADMISSIONS OF
RESPONSIBILITY BY PERSONS SERVED WITH MUNICIPAL CIVIL INFRACTION
VIOLATION NOTICES**

At a regular meeting of the City Council of the City of Marshall, Michigan, held in the Council Chambers, Town Hall located at 323 W. Michigan Avenue, Marshall, Michigan, on the ____ day of ____, 2023 at 7 p.m.

PRESENT:

ABSENT:

MOTION BY:

SUPPORTED BY:

WHEREAS, Chapter 35 of the Marshall City Code authorizes City Council to establish, by resolution, the schedule of fines applicable to Municipal Civil Infractions processed through the Municipal Ordinance Violations Bureau;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marshall establishes the following schedule of fines for the municipal civil infractions set forth herein:

<u>Section</u>	<u>Violation</u>	<u>Fine Amount</u>
Chapter 97	Animals	
Section 97.08	Deer; feeding and baiting prohibited	
97.08(B)	Deer – Feeding, First offense	\$100
97.08(B)	Deer – Feeding, Second offense	\$300
97.08(B)	Deer – Feeding, Third or subsequent offense	\$500

AYES:

NAYES:

ABSTAINED:

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
COUNTY OF CALHOUN) ss:

I, the undersigned, the fully qualified Clerk of the City of Marshall, State of Michigan, do 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 ____ day of ____, 2023, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto set my official signature this ____ day of ____, 2023.

Michelle Eubank, City of Marshall City Clerk

ITEM: 12.C

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Kevin Maynard, Director of Electric Utilities
DATE: November 20, 2023
SUBJECT: MICHIGAN AMP BOARD OF TRUSTEES APPOINTMENT

The City of Marshall is a member of American Municipal Power, Inc. (AMP), a not-for-profit power supply and services agency that serves 133 municipal electric systems in Delaware, Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, Virginia and West Virginia.

Marshall participates in a number of AMP power supply projects, including the Prairie State Energy Campus, AMP Fremont Energy Center (AFEC), Meldahl Hydroelectric Project, Greenup Hydroelectric Project, Willow Island Hydroelectric Project, Cannelton Hydroelectric Project and Smithland Hydroelectric Project. AMP also negotiated Purchased Power Agreements (PPAs) for the Locust Ridge Wind Project, and the Oconto Falls and Menominee Hydroelectric Projects on behalf of Marshall and other AMP member communities.

Further, AMP staff currently fill all of the Michigan South Central Power Agency (MSCPA) managerial, technical and financial positions through a contractual arrangement.

Power supply expenses are the single largest City of Marshall budget item, accounting for \$11,799,384 (62.7%) of the \$18,825,297 projected Fiscal Year 2024 Electric Budget. With the exception of the Marshall Power Plant and Hydroelectric Plant, all of the City's power supply resources are provided by or arranged through AMP.

AMP is governed by a 21-member Board of Trustees representing member customer groups and regions, as well as a number of "at large" seats. Clinton, Coldwater, Hillsdale, Marshall and Wyandotte are all AMP member communities. This group of Michigan municipal utilities has a designated seat on the AMP Board of Trustees.

Recently, the City of Marshall was elected to serve a three-year term at-large seat on the AMP Board of Trustees. We are recommending that the City adopt the attached resolution designating Director of Electric Utilities Kevin Maynard as the City of Marshall representative.

Marshall City Council previously appointed Director of Electric Utilities Kevin Maynard to serve as the City's AMP representative. Kevin also serves as Marshall's representative on the Michigan South Central Power Agency Board of Directors.

BUDGET IMPACT:

There is no financial impact on this action.

RECOMMENDATION:

Approve Resolution 2023-32, to appoint Director of Electric Utilities Kevin Maynard to represent the City of Marshall on the AMP Board of Trustees.

**CITY OF MARSHALL, MICHIGAN
RESOLUTION NO. 2023-32**

**A RESOLUTION
AUTHORIZING KEVIN MAYNARD, MARSHALL DIRECTOR
OF ELECTRIC UTILITIES, TO REPRESENT
THE CITY OF MARSHALL, MICHIGAN
AS A MEMBER OF THE BOARD OF TRUSTEES OF
AMERICAN MUNICIPAL POWER, INC.**

WHEREAS, the City of Marshall, Michigan ("Marshall") is a member of American Municipal Power, Inc. ("AMP"), a non-profit Ohio corporation whose members are, and must be, political subdivisions of a state, currently the states of Delaware, Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, Virginia and West Virginia, that own and operate electric utilities or whose members own and operate electric utilities; and

WHEREAS, AMP exists for a public purpose, namely, to assist its Members in obtaining and providing safe, reliable and reasonably priced electric power, and to provide other assistance and technical services to the Members, for the benefit of their respective citizens, customers and/or members; and

WHEREAS, AMP's affairs are managed by a Board of Trustees (the "Board") consisting, as of the date hereof, of twenty-two (22) voting Members elected or otherwise approved by the Members, who meet from time to time at AMP's headquarters in Columbus, Ohio or at other locations as designated by the Board; and

WHEREAS, the City of Marshall, Michigan has been elected, or otherwise holds a position, as a Trustee of the Board (the "Trustee"); and

WHEREAS, the member is required to formally designate a person to represent it on the Board and to exercise the duties of an AMP Trustee; and

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

SECTION 1: That Kevin Maynard, the Director of Electric Utilities of the City of Marshall, as an incident of his official capacity be, and is hereby designated for the period of his service, the representative of the Member on the Board to act on behalf of Member in the discharge of its duties as a Trustee and that the Director of Electric Utilities be and hereby is, delegated authority to designate in writing an alternate to such representative to serve in his stead during any period he may be unable to represent the Member.

SECTION 2: That any representative of the Member so designated be, and hereby is, authorized and empowered, acting for, in the name of and on behalf of the Member, and as the Member's agent, to exercise all the functions, powers, rights and privileges, and to fulfill the obligations, that the Member may have as a Trustee of the Board, including without limitation to attend and take part in meetings of the Board and of committees of the Board, to vote on and otherwise act with respect to all matters that may properly come before the Board or any committee of the Board, and to do or cause to be done all acts, and to take all steps as may in each case be, in the opinion of such representative, necessary or desirable in order to represent the Member and exercise its functions, powers, rights and privileges, and to fulfill its obligations, as a Trustee of AMP and to carry out the full intent and purposes of this Resolution and purposes and powers of AMP.

SECTION 3: That said representative shall receive no compensation from AMP for such service but shall be entitled to have AMP and its related organizations provide meals, lodging or transportation related to service as an Alternate or, alternatively, to receive reimbursement from AMP for reasonable out-of-pocket expenses associated with his service as the Alternate, all in accordance with AMP's policies and procedures.

SECTION 4: That this Resolution supersedes any previous resolutions related to the designation of AMP Board representatives.

SECTION 5: That this Resolution shall take effect upon adoption by the City Council.

Resolution declared adopted this 20th day of November 2023.

Michelle Eubank, City Clerk

I, Michelle Eubank, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on November 20, 2023 and that the said meeting was conducted and that the minutes of the meeting were kept and will be or have been made available.

Michelle Eubank, City Clerk

ITEM: 12.D

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
DATE: November 20, 2023
SUBJECT: **AT&T METRO ACT UNILATERAL PERMIT EXTENSION**

Pursuant to Public Act 48 of 2002, telecommunications companies requiring access to the City public right-of-way for a telecommunications system are required by State law to obtain a Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (METRO) permit.

Since December of 2003, AT&T has held a Unilateral METRO Act Permit. Renewals were also approved in 2008, 2010, 2013, and 2018. We have received a new renewal request for a new term ending on December 31, 2028.

They continue to maintain compliance with the METRO Act, and we are recommending that the requested permit extension be approved.

BUDGET IMPACT:

100% of fees collected under the METRO Act will be distributed back to the City of Marshall for use on certain "rights-of-way related purposes" per Public Act 48 of 2002. In 2022, we received \$31,132.38 in METRO Act fees and were deposited in the Major Street Fund.

RECOMMENDATION:

Approve the AT&T METRO ACT RIGHT OF WAY UNILATERAL PERMIT EXTENSION for a term ending on December 31, 2028, and authorize the City Manager and City Clerk to sign the necessary documents.



AT&T Michigan
Angela Wesson
METRO Act Administrator
54 N. Mill Street
Mailbox #30
Pontiac, MI 48342

July 1, 2023

Marshall City Clerk
323 W. Michigan Ave
Marshall, MI 49068

METRO ACT RIGHT OF WAY PERMIT EXTENSION

Dear Marshall City Clerk,

This is a letter agreement which extends the existing METRO Act Permit issued by the Marshall City /Calhoun County to Michigan Bell Telephone Company d/b/a AT&T Michigan ("AT&T") which expires on December 31, 2023. The extension is for a term to end on December 31, 2028.

If this is agreeable, please sign both copies of the extension letter agreement in the place provided below and return to AT&T Michigan at the address on this letterhead. Upon receipt AT&T will acknowledge and return one copy for your files.

Additional information regarding this renewal request may be found at <http://www.michigan.gov/mpsc>. Please click on Regulatory Information, Telecommunications, and METRO Act/Right of Way.

We would appreciate return of the signed copies within 30 days of receiving this request. Your cooperation is appreciated.

If you have any questions feel free to contact Ms. Angela Wesson via e-mail, AD3245@att.com or 248-877-9518.

Agreed to by and on behalf of the
Marshall City Clerk

By: _____
Signature

Its: _____

Date: _____

**Michigan Bell Telephone Company d/b/a
AT&T** acknowledges receipt of this
Permit Extension granted by the municipality.

By: _____
Angela Wesson

Its: METRO Act Administrator

Date: _____

Lacey Johnson

**CONDITIONAL RIGHT-OF-WAY
TELECOMMUNICATIONS PERMIT
(Unilateral)**

This conditional permit issued this 9th day of December, 2003 by the City of Marshall.

1. Definitions

- 1.1 **Date of Issuance** shall mean the date set forth above.
- 1.2 **Manager** shall mean City of Marshall's City Manager or his or her designee.
- 1.3 **METRO Act** shall mean the Metropolitan Extension Telecommunications Right-of-Way Oversight Act, Act No. 48 of the Public Acts of 2002, as amended.
- 1.4 **Municipality** shall mean City of Marshall, a Michigan municipal corporation.
- 1.5 **Permit** shall mean this document.
- 1.6 **Permittee** shall mean Michigan Bell Telephone Company, d.b.a. SBC organized under the laws of the State of Michigan, whose address is 444 Michigan Avenue, Detroit, MI 48226.
- 1.7 **Public Right-of-Way** shall mean the area on, below, or above a public roadway, highway, street, alley, easement, or waterway, to the extent Municipality has the ability to grant the rights set forth herein. Public Right-of-Way does not include a federal, state, or private right-of-way.
- 1.8 **Telecommunications Facilities or Facilities** shall mean the Permittee's equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify or provide telecommunication services or signals. Telecommunication Facilities or Facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile services as defined in Section 332(d) of Part I of Title III of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communications device.
- 1.9 **Term** shall have the meaning set forth in Part 7.

2. Grant

- 2.1 Municipality hereby issues a permit under the METRO Act to Permittee for access to and ongoing use of the Public Right-of-Way identified on Exhibit A to construct, install and maintain Telecommunication Facilities on the terms set forth herein.
 - 2.1.1 Exhibit A may be modified by Manager upon written request by Permittee.
 - 2.1.2 Any decision of Manager on a request by Permittee for a modification may be appealed by Permittee to Municipality's legislative body.
- 2.2 **Overlashing.** Permittee shall not allow the wires or any other facilities of a third party to be overlashed to the Telecommunications Facilities without Municipality's prior written consent. Municipality's right to withhold written consent is subject to the authority of the

Michigan Public Service Commission under Section 361 of the Michigan Telecommunications Act, MCL § 484.2361.

- 2.3 **Nonexclusive.** The rights granted by the Permit are nonexclusive. Municipality reserves the right to approve, at any time, additional permits for access to and ongoing usage of the Public Right-of-Way by telecommunications providers and to enter into agreements for use of the Public Right-of-Way to telecommunications providers, cable companies, utilities and other providers.

3. Contracts, Maps and Plans

- 3.1 **Permittee Contacts.** The names, addresses and the like for engineering and construction related information for Permittee and its Telecommunications Facilities are as follows:

3.1.1 The address, e-mail address, phone number and contact person is Lacey Johnson, 2919 Millcork, Kalamazoo, Michigan 49001, telephone 269-384-4472, fax number 269-384-4990.

3.1.2 If Permittee's engineering drawings, as-built plans and related records for the Telecommunication Facilities will not be located at the preceding local office, the location address, phone number and contact person for them is the same as above.

3.1.3 The name, title address, e-mail address and telephone numbers of Permittee's engineering contact person(s) with responsibility for the design, plans and construction of the Telecommunication Facilities is the same as above.

3.1.4 The address, phone number and contact person at Permittee's home office/regional office with responsibility for engineering and construction related aspects of the Telecommunications Facilities is the same as above.

3.1.5 Permittee shall at all times provide Manager with the phone number at which a live representative of Permittee (not voice mail) can be reached 24 hours a day, seven (7) days a week, in the event of a public emergency.

3.1.6 Permittee shall immediately notify Municipality I writing as set forth in Part 12 of any inaccuracies or changes in the preceding information.

- 3.2 **Route Maps.** Within ninety (90) days after the substantial completion of new Facilities in a Municipality, the Permittee shall submit route maps showing the location of the Telecommunication Facilities to both the Michigan Public Service Commission and to the Municipality, as required under Section 6(7) of the METRO Act, MCLA 484.3106(7).

- 3.3 **As-Built Records.** Permittee, without expense to Municipality, shall, upon forty-eight (48) hours' notice, give Municipality access to all "as-built" maps, records, plans and specifications showing the Telecommunication Facilities or portions thereof in the Public Right-of-Way. Upon request by Municipality, Permittee shall inform Municipality as soon as reasonably possible of any changes from previously supplied maps, records, or plans and shall mark up maps provided by Municipality so as to show the location of the Telecommunication Facilities.

4. Use of Public Right-of-Way

- 4.1 **No Burden on Public Right-of-Way.** Permittee, its contractors, subcontractors, and the Telecommunication Facilities shall not unduly burden or interfere with the present or future use of any of the Public Right-of-Way. Permittee's aerial cables and wires shall be suspended so as to not endanger or injure persons or property in or about the Public Right-of-Way. If Municipality reasonably determines that any portion of the Telecommunication Facilities constitutes an undue burden or interference, due to changed circumstances, Permittee, at its sole expense, shall modify the Telecommunication Facilities or take such

other actions as Municipality may determine is in the public interest to remove or alleviate the burden, and Permittee shall do so within a reasonable time period. Municipality will attempt to require all occupants of a pole or conduit whose facilities are a burden to remove or alleviate the burden concurrently.

- 4.2 **No Priority.** This Permit does not establish any priority of use of the Public Right-of-Way by Permittee over any present or future permittees or parties having agreements with Municipality or franchises for such use. In the event of any dispute as to the priority of use of the Public Right-of-Way, the first priority shall be to the public generally, the second priority to Municipality, the third priority to the State of Michigan and its political subdivisions in the performance of their various functions, and thereafter as between other permit, agreement or franchise holders, as determined by Municipality in the exercise of its powers, including the police power and other powers reserved to and conferred on it by the State of Michigan.
- 4.3 **Restoration of Property.** Permittee, its contractors and subcontractors shall immediately (subject to seasonal work restrictions) restore, at Permittee's sole expense, in a manner approved by Municipality, any portion of the Public Right-of-Way that is in any way disturbed, damaged, or injured by the construction, installation, operation, maintenance or removal of the Telecommunication Facilities to a reasonably equivalent (or, at Permittee's option, better) condition as that which existed prior to the disturbance. In the event that Permittee, its contractors or subcontractors fail to make such repair within a reasonable time, Municipality may make the repair and Permittee shall pay the costs Municipality incurred for such repair.
- 4.4 **Marking.** Permittee shall mark the Telecommunication Facilities as follows: Aerial portions of the Telecommunication Facilities shall be marked with a marker on Permittee's lines on alternate poles which shall state Permittee's name and provide a toll-free number to call for assistance. Direct buried underground portions of the Telecommunication Facilities shall have (1) a conducting wire placed in the ground at least several inches above Permittee's cable (if such cable is nonconductive); (2) at least several inches above that, a continuous colored tape with a statement to the effect that there is buried cable beneath; and (3) stakes or other appropriate above ground markers with Permittee's name and a toll-free number indicating that there is buried cable below. Bored underground portions of the Telecommunication Facilities shall have a conducting wire at the same depth as the cable and shall not be required to provide the continuous colored tape. Portions of the Telecommunication Facilities located in conduit, including conduit of others used by Permittee, shall be marked at its entrance into and exit from each manhole and handhole with Permittee's name and a toll-free telephone number.
- 4.5 **Tree Trimming.** Permittee may trim trees upon and overhanging the Public Right-of-Way so as to prevent the branches of such trees from coming into contact with the Telecommunication Facilities, consistent with any standards adopted by Municipality. Permittee shall dispose of all trimmed materials. Permittee shall minimize the trimming of trees to that essential to maintain the integrity of the Telecommunication Facilities. Except in emergencies, all trimming of trees in the Public Right-of-Way shall have the advance approval of Manager.
- 4.6 **Installation and Maintenance.** The construction and installation of the Telecommunication Facilities shall be performed pursuant to plans approved by Municipality. The open cut of any Public Right-of-Way shall be coordinated with Manager or his designee. Permittee shall install and maintain the Telecommunication Facilities in a reasonably safe condition. If the existing poles in the Public Right-of-Way are overburdened or unavailable for Permittee's use, or the facilities of all users of the poles are required to go underground then Permittee shall, at its expense, place such portion of its Telecommunication Facilities underground, unless Municipality approves an alternate location. Permittee may perform maintenance on

the Telecommunication Facilities without prior approval of Municipality, provided that Permittee shall obtain any and all permits required by Municipality in the event that any maintenance will disturb or block vehicular traffic or are otherwise required by Municipality.

- 4.7 **Pavement Cut Coordination.** Permittee shall coordinate its construction and all other work in the Public Right-of-Way with Municipality's program for street construction and rebuilding (collectively, "Street Construction") and its program for street repaving and resurfacing (except seal coating and patching) (collectively, "Street Resurfacing").
- 4.7.1 The goals of such coordination shall be to encourage Permittee to conduct all work in the Public Right-of-Way in conjunction with or immediately prior to any Street Construction or Street Resurfacing planned by Municipality.
- 4.8 **Compliance with Laws.** Permittee shall comply with all laws, statutes, ordinances, rules and regulations regarding the construction, installation, and maintenance of its Telecommunication Facilities, whether federal, state or local, now in force or which hereafter may be promulgated. Before any installation is commenced, Permittee shall secure all necessary permits, licenses and approvals from Municipality or other governmental entity as may be required by law, including, without limitation, all utility line permits and highway permits. Permittee shall comply in all respects with applicable codes and industry standards, including but not limited to the National Electrical Safety Code (latest edition adopted by the Michigan Public Service Commission) and the National Electric Code (latest edition). Permittee shall comply with all zoning and land use ordinances and historic preservation ordinances as may exist or may hereafter be amended.
- 4.9 **Street Vacation.** If Municipality vacates or consents to the vacation of Public Right-of-Way within its jurisdiction, and such vacation necessitates the removal and relocation of Permittee's Facilities in the vacated Public Right-of-Way, Permittee shall, as a condition of this Permit, consent to the vacation and remove its Facilities at its sole cost and expense when ordered to do so by Municipality or a court of competent jurisdiction. Permittee shall relocate its Facilities to such alternate route, as Municipality, applying reasonable engineering standards, shall specify.
- 4.10 **Relocation.** If Municipality requests Permittee to relocate, protect, support, disconnect, or remove its Facilities because of street or utility work, or other public projects, Permittee shall relocate, protect, support, disconnect, or remove its Facilities, at its sole cost and expense, including, where necessary, to such alternate route as Municipality, applying reasonable engineering standards, shall specify. The work shall be completed within a reasonable time period.
- 4.11 **Public Emergency.** Municipality shall have the right to sever, disrupt, dig-up or otherwise destroy Facilities of Permittee if such action is necessary because of a public emergency. If reasonable to do so under the circumstances, Municipality will attempt to provide notice to Permittee. Public emergency shall be any condition which poses an immediate threat to life, health, or property caused by any natural or man-made disaster, including, but not limited to, storms, floods, fire, accidents, explosions, water main breaks, hazardous material spills, etc. Permittee shall be responsible for repair at its sole cost and expense of any of its Facilities damaged pursuant to any such action taken by Municipality.
- 4.12 **Miss Dig.** If eligible to join, Permittee shall subscribe to and be a member of "MISS DIG," the association of utilities formed pursuant to Act 53 of the Public Acts of 1974, as amended, MCL § 460.701 et seq., and shall conduct its business in conformance with the statutory provisions and regulations promulgated thereunder.
- 4.13 **Underground Relocation.** If Permittee has its Facilities on poles of Consumers Energy, Detroit Edison or other electric or telecommunications provider relocates its system

underground, then Permittee shall relocate its Facilities underground in the same location at Permittee's sole cost and expense.

- 4.14 **Identification.** All personnel of Permittee and its contractors or subcontractors who have, as part of their normal duty contact with the general public shall wear on their clothing a clearly visible identification card bearing Permittee's name, their name and photograph. Permittee shall account for all identification cards at all times. Every service vehicle of Permittee and its contractors or subcontractors shall be clearly identified as such to the public, such as by a magnetic sign with Permittee's name and telephone number.

5. Indemnification

- 5.1 **Indemnity.** Permittee shall defend, indemnify, protect, and hold harmless Municipality, its officers, agents, employees, elected and appointed officials, departments, boards and commissions from any and all claims, losses, liabilities, causes of action, demands, judgments, decrees, proceedings, and expenses of any nature (collectively, "claim" for this Part 5) (including, without limitation, attorneys' fees) arising out of or resulting from the acts or omissions of Permittee, its officers, agents, employees, contractors, successor, or assigns, but only to the extent such acts or omissions are related to the Permittee's use of or installation of facilities in the Public Right-of-Way and only to the extent of the fault or responsibility of Permittee, its officers, agents, employees, contractors, successors and assigns.
- 5.2 **Notice, Cooperation.** Municipality will notify Permittee promptly in writing of any such claim and the method and means proposed by Municipality for defending or satisfying such claim. Municipality will cooperate with Permittee in every reasonable way to facilitate the defense of any such claim. Municipality will consult with Permittee respecting the defense and satisfaction of such claim, including the selection and direction of legal counsel.
- 5.3 **Settlement.** Municipality will not settle any claim subject to indemnification under this Part 5 without the advance written consent of Permittee, which consent shall not be unreasonably withheld. Permittee shall have the right to defend or settle, at its own expense, any claim against Municipality for which Permittee is responsible hereunder.

6. Insurance.

- 6.1 **Coverage Required.** Prior to beginning any construction in or installation of the Telecommunication Facilities in the Public Right-of-Way, Permittee shall obtain insurance as set forth below and file certificates evidencing same with Municipality. Such insurance shall be maintained in full force and effect until the end of the Term. In the alternative, Permittee may satisfy this requirement through a program of self-insurance, acceptable to Municipality, by providing reasonable evidence of its financial resources to Municipality. Municipality's acceptance of such self-insurance shall not be unreasonably withheld.
- 6.1.1 **Commercial general liability insurance, including Completed Operations Liability, Independent Contractors Liability, Contractual Liability coverage, railroad protective coverage and coverage for property damage from perils of explosion, collapse or damage to underground utilities, commonly known as XCU coverage, in an amount not less than Five Million Dollars (\$5,000,000).**
- 6.1.2 **Liability insurance for sudden and accidental environmental contamination with minimum limits of Five Hundred Thousand Dollars (\$500,000) and providing coverage for claims discovered within three (3) years after the term of the policy shall be waived, unless Permittee, at any time, should use materials other than fiber-optic. At such time, Municipality requires immediate notification of such materials change and maintains the right to require such liability insurance, as previously stated, for sudden and accidental environmental contamination.**

- 6.1.3 Automobile liability insurance in an amount not less than One Million Dollars (\$1,000,000).
- 6.1.4 Workers' compensation and employer's liability insurance with statutory limits, and any applicable Federal insurance of a similar nature.
- 6.1.5 The coverage amounts set forth above may be met by a combination of underlying (primary) and umbrella policies so long as in combination the limits equal or exceed those stated. If more than one insurance policy is purchased to provide the coverage amounts set forth above, then all policies providing coverage limits excess to the primary policy shall provide drop down coverage to the first dollar of coverage and other contractual obligations of the primary policy, should the primary policy carrier not be able to perform any of its contractual obligations or not be collectible for any of its coverages for any reason during the Term, or (when longer) for as long as coverage could have been available pursuant to the terms and conditions of the primary policy.
- 6.2 **Additional Insured.** Municipality shall be named as an additional insured on all policies (other than workers' compensation and employer's liability). All insurance policies shall provide that they shall not be canceled, modified or not renewed unless the insurance carrier provides thirty (30) days prior written notice to Municipality. Permittee shall annually provide Municipality with a certificate of insurance evidencing such coverage. All insurance policies (other than environmental contamination, workers' compensation and employer's liability insurance) shall be written on an occurrence basis and not on a claims made basis.
- 6.3 **Qualified Insurers.** All insurance shall be issued by insurance carriers licensed to do business by the State of Michigan or by surplus line carriers on the Michigan Insurance Commission approved list of companies qualified to do business in Michigan. All insurance and surplus line carriers shall be rated A+ or better by A.M. Best Company.
- 6.4 **Deductibles.** If the insurance policies required by this Part 6 are written with deductibles in excess of \$50,000, they shall be approved by Manager in advance in writing. Permittee shall indemnify and save harmless Municipality from and against the payment of any deductible and from the payment of any premium on any insurance policy required to be furnished hereunder.
- 6.5 **Contractors.** Permittee's contractors and subcontractors working in the Public Right-of-Way shall carry in full force and effect commercial general liability, environmental contamination liability, automobile liability, workers' compensation and employer liability insurance which complies with all terms of this Part 6. In the alternative, Permittee, at its expense, may provide such coverages for any or all its contractors or subcontractors (such as by adding them to Permittee's policies).
- 6.6 **Insurance Primary.** Permittee's insurance coverage shall be primary insurance with respect to Municipality, its officers, agents, employees, elected and appointed officials, departments, boards and commissions (collectively, "them"). Any insurance or self-insurance maintained by any of them shall be in excess of Permittee's insurance and shall not contribute to it (where "insurance or self-insurance maintained by any of them" includes any contract or agreement providing any type of indemnification or defense obligation provided to, or for the benefit of them, from any source, and includes any self-insurance program or policy, or self-insured retention or deductible by, for or on behalf of them).

7. Term

- 7.1 **Term.** The Term of this Permit shall be until the earlier of:
 - 7.1.1 Five (5) years from the Date of Issuance; or

- 7.1.2 When the Telecommunication Facilities has not been used to provide telecommunications services for a period of one hundred and eighty (180) days by Permittee or a successor or an assignee of Permittee; or
 - 7.1.3 When Permittee, at its election and with or without cause, delivers written notice of termination to Municipality at least one hundred and eighty (180) days prior to the date of such termination; or
 - 7.1.4 Upon either Permittee or Municipality giving written notice to the other of the occurrence or existence of a default by the other party under Sections 4.8, 6, 8 or 9 of this Permit and such defaulting party failing to cure, or commence good faith efforts to cure, such default within sixty (60) days (or such shorter period of time provided elsewhere in this Permit) after delivery of such notice; or
 - 7.1.5 Unless Manager grants a written extension, one year from the Date of Issuance if prior thereto Permittee has not started the construction and installation of the Telecommunication Facilities within the Public Right-of-Way and two years from the Date of Issuance if by such time construction and installation of the Telecommunication Facilities is not complete.
- 8. Performance Bond or Letter of Credit**
- 8.1 **Municipal Requirement.** Municipality may require Permittee to post a bond (or letter of credit) as provided in Section 15(3) of the METRO Act, as amended [MCL § 484.3115(3)].
- 9. Fees**
- 9.1 **Establishment Reservation.** The METRO Act shall control the establishment of right-of-way fees. The parties reserve their respective rights regarding the nature and amount of any fees, which may be charged by Municipality in connection with the Public Right-of-Way.
- 10. Removal**
- 10.1 **Removal; Underground.** As soon as practicable after the Term, Permittee or its successor or assigns shall remove any underground cable or other portions of the Telecommunication Facilities from the Public Right-of-Way which has been installed in such a manner that it can be removed without trenching or other opening of the Public Right-of-Way. Permittee shall not remove any underground cable or other portions of the Telecommunication Facilities, which requires trenching or other opening of the Public Right-of-Way except with prior written approval of Manager. All removals shall be at Permittee's sole cost and expense.
 - 10.1.1 For purposes of this Part 10, "cable" means any wire, coaxial cable, fiber optic cable, feed wire or pull wire.
 - 10.2 **Removal; Above Ground.** As soon as practicable after the Term, Permittee, or its successor or assigns, at its sole cost and expense, shall, unless waived in writing by Manager, remove from the Public Right-of-Way all above ground elements of its Telecommunication Facilities, including, but not limited to, poles, pedestal mounted terminal boxes and lines attached to or suspended from poles.
 - 10.3 **Schedule.** The schedule and timing of removal shall be subject to approval by Manager. Unless extended by Manager, removal shall be completed not later than twelve (12) months following the Term. Portions of the Telecommunication Facilities in the Public Right-of-Way which are not removed within such time period shall be deemed abandoned and, at the option of Municipality, exercised by written notice to Permittee as set forth in Part 12, title to the portions described in such notice shall vest in Municipality.
- 11. Assignment.** Permittee may assign or transfer its rights under this Permit, or the persons or entities controlling Permittee may change, in whole or in part, voluntarily, involuntarily, or by operation of

law, including by merger or consolidation, change in the ownership or control of Permittee's business, or by other means, subject to the following:

- 11.1 No such transfer or assignment or change in the control of Permittee shall be effective under this Permit, without Municipality's prior approval (not to be unreasonably withheld), during the time period from the Date of Issuance until the completion of the construction of the Telecommunication Facilities in those portions of the Public Right-of-Way identified on Exhibit A.
- 11.2 After the completion of such construction, Permittee must provide notice to Municipality of such transfer, assignment or change in control no later than thirty (30) days after such occurrence; provided, however;
 - 11.2.1 Any transferee or assignee of the Permit shall be qualified to perform under its terms and conditions and comply with applicable law; shall be subject to the obligations of this Permit, including responsibility for any defaults which occurred prior to the transfer or assignment; shall supply Municipality with the information required under Section 3.1; and shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which Municipality reasonably deems necessary; and
 - 11.2.2 In the event of a change in control, it shall not be to an entity lacking the qualifications to assure Permittee's ability to perform under the terms and conditions of this Permit and comply with applicable law; and Permittee shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which Municipality reasonably deems necessary.
- 11.3 Permittee may grant a security interest in this Permit, its rights thereunder or the Telecommunication Facilities at any time without notifying Municipality.

12. Notices

- 12.1 **Notices.** All notices under this Permit shall be given as follows:
 - 12.1.1 If to Municipality, to City Manager, City of Marshall, 323 West Michigan Avenue, Michigan, MI 49068; with a copy to Kries, Enderle, Callander & Hudgins, One Moorsbridge, Kalamazoo, MI 49003.
 - 12.1.2 If to Permittee, as stated on application.
 - 12.1.3 Change of Address. Permittee and Municipality may change its address or personnel for the receipt of notices at any time by giving notice thereof to the other as set forth above.

13. Other items

- 13.1 **No Cable, OVS.** This Permit does not authorize Permittee to provide commercial cable type services to the public, such as "cable service" or the services of an "open video system operator" (as such terms are defined in the Federal Communications Act of 1934 and implementing regulations, currently 47 U.S.C. §§ 522(6), 573 and 47 CFR § 76.1500).
- 13.2 **Effectiveness:** this Permit shall become effective when Permittee has provided any insurance certificates and bonds required in Parts 6 and 8, and signed the acknowledgement of receipt, below.
- 13.3 **Authority.** This Permit satisfies the requirement for a permit under Section 5 of the METRO Act ([MCL 484.3105]).
- 13.4 **Interpretation and Severability.** The provisions of this Permit shall be liberally construed to protect and preserve the peace, health, safety and welfare of the public, and should any

provision or section of this Permit be held unconstitutional, invalid, overbroad or otherwise unenforceable, such determination/holding shall not be construed as affecting the validity of any of the remaining conditions of this Permit. If any provision in this Permit is found to be partially overbroad, unenforceable, or invalid, Permittee and Municipality may nevertheless enforce such provision to the extent permitted under applicable law.

13.5 **Governing Law.** This Permit shall be governed by the laws of the State of Michigan.

13.6 **Conditional Nature of Permit.** This Permit is expressly conditioned upon Permittee's providing Municipality with supplemented route maps that conform to such standards, formats or requirements as may be adopted by the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority (the "METRO Authority") and/or the Michigan Public Service Commission.

13.7 **No Waiver.** Issuance of this Permit by Municipality does not constitute a waiver of its right to require Permittee to remedy any deficiencies or missing information in Permittee's application for this Permit.

City of Marshall

By: Maurice S. Evans
Maurice S. Evans
Its: City Manager
Date: December 9, 2003

Acknowledgement of Receipt: Permittee acknowledges receipt of this Permit granted by Municipality.

Michigan Bell Telephone Company d.b.a. SBC.

By: Robert Meyerson
Its: OPERATIONS DIRECTOR
Date: 3-22-04

Exhibit A

Public Right-of-Way to be used by Telecommunication Facilities

All existing facilities assumed in all Existing Rights of Way in the Municipality shown on the "SBC Route Maps for PA 48" CD-ROM disc dated October 2003 that was submitted with the Application, which is considered part of this Permit and Exhibit. Calculations of lineal footages used in determining maintenance fees for municipality are based on these Maps, with the assumption SBC Michigan occupies all rights of ways.

Municipality's acceptance of the described CD-ROM disc, which shows the Roads, Rights of Ways and Routes existing facilities follow, but not the location of Permittee's existing facilities within those Rights of Way, is not a waiver of, nor an acknowledgement that the CD-ROM satisfies the requirement in Section 2.3 of the Application to: " Attach route maps showing the location of Applicant's existing and proposed facilities in the public rights of way", or the statutory basis for the language under section 6(5) of the METRO Act. If it is later determined by the MPSC, or a court of competent jurisdiction, in a final order that is not challengable or appealable and binding on the Permittee: that the CD-ROM disc does not satisfy the requirements of Section 6(5) of the METRO Act, the Municipality reserves the right to require the Permittee to submit an amended Route Map that conforms to the requirements of, and within the timeframes set forth in the order or judgement.

Exhibit B

Letter of Credit to be submitted with Construction Permits at time of Specific Application



Joan C. Richards
METRO Act Administrator
54 N. Mill St., Box 32
Pontiac, MI 48342
248-972-0239

September 3, 2008

Ms. Donna Kolodica, Deputy Clerk
City of Marshall
323 W. Michigan Ave.
Marshall, MI 49068

METRO ACT RIGHT OF WAY PERMIT EXTENSION

Dear Ms. Kolodica,

This is a letter agreement which extends the existing METRO Act Permit issued by the City of Marshall to Michigan Bell Telephone Company formerly d/b/a SBC Michigan, now d/b/a AT&T Michigan ("AT&T") which expires on 12/09/2008. The extension is for a term to end on December 31, 2010.

If this is agreeable, please sign both copies of the extension letter agreement in the place provided below and return to AT&T Michigan at the above listed address. Upon receipt AT&T will acknowledge and return one copy for your files.

Additional information regarding this renewal request may be found at <http://www.michigan.gov/mpsc>. Please click on Telecommunications, Metro Act-Right of Way, and AT&T Michigan 2 Year Permit Extension.

We would appreciate return of the signed copies within 30 days of receiving this request. Your cooperation is appreciated.

If you have any questions feel free to contact Joan Richards at 248-972-0239.

Agreed to by and on behalf of the
City of Marshall

Michigan Bell Telephone d/b/a
AT&T acknowledges receipt of
this Permit Extension granted by
the municipality.

By: Haley Hovatter
Its: Clerk Treasurer
Date: 10/06/08

By: Judy K. Kline
Its: METRO Act Administrator
Date: 2-26-09



AT&T Midwest
23500 Northwestern Highway
Room E219
Southfield, MI 48075

T: 248.424.0124
F: 248.424.1217
LD1432@att.com

November 5, 2010

Ms. Sandra Bird, Clerk/Treasurer
City of Marshall
323 W. Michigan Ave.
Marshall, MI 49068

METRO ACT RIGHT OF WAY PERMIT EXTENSION

Dear Ms. Kolodica:

This is a letter agreement which extends the existing METRO Act Permit issued by the City of Marshall to Michigan Bell Telephone Company d/b/a AT&T Michigan ("AT&T") which expires on December 31, 2010. The extension is for a term to end on December 31, 2013.

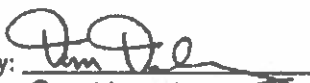
If this is agreeable, please sign both copies of the extension letter agreement in the place provided below and return to AT&T Michigan. Upon receipt AT&T will acknowledge and return one copy for your files.

Additional information regarding this renewal request may be found at <http://www.michigan.gov/mpsc>. Please click on Telecommunications, METRO Act/Right of Way, and AT&T 3 Year permit extension.

We would appreciate return of the signed copies within 30 days of receiving this request. Your cooperation is appreciated.

If you have any questions feel free to contact Ms. Lynn Dutton via e-mail, LD1432@att.com or 248.424.0124.

Agreed to by and on behalf of the
City of Marshall

By: 
Its: CITY MANAGER
Date: 12/1/10

Michigan Bell Telephone Company d/b/a
AT&T acknowledges receipt of this
Permit Extension granted by the municipality.

By: 
Its: METRO Act Administrator
Date: 12/6/10



AT&T Michigan
Susan Sampier
METRO Act Administrator
54 N. Mill Street
Mailbox #30
Pontiac, MI 48342

June 10, 2013

Ms. Sandra Bird, Clerk/Treasurer
City of Marshall
323 W. Michigan Ave
Marshall, MI 49068

METRO ACT RIGHT OF WAY PERMIT EXTENSION

Dear Ms. Bird,

This is a letter agreement which extends the existing METRO Act Permit issued by the City of Marshall/Calhoun County to Michigan Bell Telephone Company d/b/a AT&T Michigan ("AT&T") which expires on December 31, 2013. The extension is for a term to end on December 31, 2018.

If this is agreeable, please sign both copies of the extension letter agreement in the place provided below and return to AT&T Michigan at the address on this letterhead. Upon receipt AT&T will acknowledge and return one copy for your files.

Additional information regarding this renewal request may be found at <http://www.michigan.gov/mpsc>. Please click on Telecommunications, METRO Act/Right of Way, and AT&T 5 Year permit extension.

We would appreciate return of the signed copies within 30 days of receiving this request. Your cooperation is appreciated.

If you have any questions feel free to contact Ms. Susan Sampier via e-mail, ss4792@att.com or 248.456.0361

Agreed to by and on behalf of the
City of Marshall

By: Trisha Nelson
Signature

Its: Clerk

Date: 6/14/13

Michigan Bell Telephone Company d/b/a
AT&T acknowledges receipt of this
Permit Extension granted by the municipality.

By: Sampier
Susan Sampier

Its: METRO Act Administrator

Date: 6-17-13



AT&T Michigan
Angela Wesson
METRO Act Administrator
54 N. Mill Street
Mailbox #30
Pontiac, MI 48342

November 13, 2018

Marshall City Clerk
323 W. Michigan Ave
Marshall, MI 49068

METRO ACT RIGHT OF WAY PERMIT EXTENSION

Dear Marshall City Clerk,

This is a letter agreement which extends the existing METRO Act Permit issued by the Marshall City/Calhoun County to Michigan Bell Telephone Company d/b/a AT&T Michigan ("AT&T") which expires on December 31, 2018. The extension is for a term to end on December 31, 2023.

If this is agreeable, please sign both copies of the extension letter agreement in the place provided below and return to AT&T Michigan at the address on this letterhead. Upon receipt AT&T will acknowledge and return one copy for your files.

Additional information regarding this renewal request may be found at <http://www.michigan.gov/mpsc>. Please click on Telecommunications, METRO Act/Right of Way, and AT&T 5 Year permit extension.

We would appreciate return of the signed copies within 30 days of receiving this request. Your cooperation is appreciated.

If you have any questions feel free to contact Ms. Angela Wesson via e-mail, AD3245@att.com or 248-456-0361.

Agreed to by and on behalf of the
Marshall City

By: [Signature]
Signature

Its: CITY MANAGER

Date: 12/6/18

Michigan Bell Telephone Company d/b/a
AT&T acknowledges receipt of this
Permit Extension granted by the municipality.

By: [Signature]
Angela Wesson

Its: METRO Act Administrator

Date: Dec 7, 18

ITEM: 13.A

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: James Schwartz, Mayor
Derek N. Perry, City Manager
DATE: November 20, 2023
SUBJECT: **BOARD OF REVIEW APPOINTMENTS**

Section 8.06 of the City Charter prescribes that the Board of Review shall be composed of three qualified electors of the city who shall meet the eligibility requirements for elective officers contained in Section 2.02(a) and who, during their term of office, shall not be city officers or employees or be nominees or candidates for elective city office.

The Mayor, subject to approval by the City Council, shall appoint the members of the Board of Review to two (2) year terms beginning at noon on January first of even numbered years.

Current Board of Review members include Georgia Marsh, Desmond Kirkland and Carol Paul. Georgia Marsh is requesting to be appointed as an alternate.

Fortunately, Desmond Kirkland is willing to be reappointed and Kierith Kurth is also interested in serving in this role. Kierith Kurth's Boards and Commissions Application is included for your review.

BUDGET IMPACT:

Members of the Board of Review are not compensated.

RECOMMENDATION:

Approve the appointments of Desmond Kirkland, Kierith Kurth and Georgia Marsh (alternate) to the Board of Review for terms ending on January 1, 2026.

ITEM: 13.B

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: James Schwartz, Mayor
Derek N. Perry, City Manager
DATE: November 20, 2023
SUBJECT: **PLANNING COMMISSION APPOINTMENTS**

The City Planning Commission is authorized under Public Act 33 of 2008, the Michigan Planning Enabling Act. The Chief elected official shall appoint members of the Planning Commission, subject to approval by a majority vote of the members of the legislative body elected and serving. The Planning Commission is governed by a board consisting of 9 members and they are appointed for 3-year terms.

Members of the Planning Commission also sit on the Joint Planning Commission (JPC) when it is necessary to convene the JPC for planning and zoning business with Marshall Township.

Current Planning Commission members include:

Christine Zuzga	term ending November 1, 2023
Katy Reed	term ending November 1, 2023
Stephanie Hall	term ending November 1, 2023
Chris Longyear	term ending November 1, 2024
Tim Banfield	term ending November 1, 2024
Timothy Fitzpatrick	term ending November 1, 2024
Julie Burke-Smith	term ending November 1, 2024
Lisa McNiff	term ending November 1, 2025
Jim Zuck	term ending November 1, 2025

Scott Wolfersberger City Council Liaison

We are recommending that Carter Bright and Ian Stewart be appointed to the Planning Commission. We are in the process of confirming a third member for your consideration at your next meeting. The Bright and Stewart Boards and Commissions Application are included for your review.

BUDGET IMPACT:

Members of the Planning Commission serve without compensation.

RECOMMENDATION:

Approve the appointments of Carter Bright and Ian Stewart to the Planning Commission for terms ending on December 31, 2026.