

CITY COUNCIL AGENDA

Regular Meeting

July 1, 2024 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 - June 17, 2024
 - B. **City Bills**

Purchases 6/14/2024	\$282,056.43
Purchases 6/21/2024	\$237,673.40
Purchases 7/2/2024	\$100,120.32
TOTAL	\$619,850.15
- 8) **PRESENTATIONS AND RECOGNITIONS**
 - A. **INTRODUCTION - ROD AUTON- CALHOUN COUNTY SENIOR SERVICES**
- 9) **INFORMATIONAL ITEMS**
 - A. **COURT OF APPEALS OPINION - JUNE 18, 2024**
Committee for Marshall-Not the Megasite v. City of Marshall
- 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. **SOCIAL DISTRICT PERMIT REQUEST - STAGECOACH 1838**
 - B. **SPECIAL EVENT APPLICATION - MARSHALL MOTORFEST**
 - C. **SPECIAL EVENT APPLICATION - ROTARY DUCK PLUCK**
- 13) **APPOINTMENTS / ELECTIONS**
 - A. **ZONING BOARD OF APPEALS APPOINTMENT**

MAYOR: Jim Schwartz CITY MANAGER: Derek N. Perry
COUNCIL MEMBERS: Joe Caron, Theresa Chaney-Huggett, Jacob Gates,
Ryan Traver, Ryan Underhill, Scott Wolfersberger
Council Chambers, 323 W Michigan Ave, Marshall, MI 49068

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

June 17, 2024

Regular Meeting - 7:00 PM

1) **CALL TO ORDER**

IN A REGULAR SESSION held on Monday, June 17, 2024 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: James Schwartz, Joe Caron, Theresa Cheney-Huggett, Jacob Gates, Ryan Underhill, and Scott Wolfersberger

Also Present: Manager Perry and Deputy Clerk Pickford

Absent: Ryan Traver

Moved by Joe Caron, supported by Jacob Gates to excuse member Traver. On a voice vote: **Motion carried**

3) **INVOCATION**

Kris Tarkiewicz of Family Bible Church led the invocation.

4) **PLEDGE OF ALLEGIANCE**

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

Moved by Scott Wolfersberger, supported by Joe Caron 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.

Regis Klingler of 334 N Grand and Barry Wayne Adams of W Green St provided public comment.

7) **CONSENT AGENDA**

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

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

Nays: None

Abstain: None

Motion carried.

A. **City Council Minutes**

Regular Session - June 3, 2024

B.	<u>City Bills</u>	
	Purchases 5/31/24	\$16,771.16
	Purchases 6/4/24	\$92,575.59
	Purchases 6/7/24	\$158,594.55
	Purchases 6/18/24	\$335,017.83
	May Power Purchase	\$780,879.40
	TOTAL	\$1,383,838.53

C. MARSHALL HOUSE PSA ELEVENTH AMENDMENT

D. THIRD QUARTER FY2024 FINANCIAL REPORT

E. THIRD QUARTER FY2024 CASH POSITION REPORT

F. THIRD AND FOURTH 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.

A. OPRA DISTRICT ESTABLISHMENT - 117 E. MICHIGAN AVE.

Mayor Schwartz opened the public hearing on the OPRA District Establishment- 117 E. Michigan Ave. at 7:13pm.

Barry Wayne Adams of 622 W Green Street spoke during the public hearing

Mayor Schwartz closed the public hearing on the OPRA District Establishment- 117 E. Michigan Ave. at 7:16pm.

Moved by Jacob Gates, supported by Theresa Chaney-Huggett to Approve Resolution 2024-14, A Resolution To Establish An Obsolete Property Rehabilitation District for 117 E. Michigan Avenue under PA 146 of 2000 and authorize the City Manager and City Clerk to sign the necessary documents. On a roll call vote:

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

Nays: None

Abstain: None

Motion carried.

RESOLUTION 2024-14

**RESOLUTION TO ESTABLISH AN OBSOLETE PROPERTY
REHABILITATION DISTRICT**

Minutes of a regular meeting of the Council of the City of Marshall, held on June 17, 2024 at 7:00 PM.

PRESENT:

ABSENT:

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

**Resolution 2024-14 Establishing an Obsolete Property Rehabilitation (OPRA)
District for 117 East Michigan Avenue**

WHEREAS, pursuant to PA 146 of 2000, the City of Marshall has the authority to establish "Obsolete Property Rehabilitation Districts" within the City of Marshall; and

WHEREAS, 117 W Michigan Ave LLC has filed a written request with the clerk of the City of Marshall requesting the establishment of the Obsolete Property Rehabilitation District for an area in the vicinity of 117 East Michigan Avenue located in the City of Marshall hereinafter described; and

WHEREAS, the City Council of the City of Marshall determined that the district meets the requirements set forth in section 3(1) of PA 146 of 2000; and

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

WHEREAS, on June 17, 2024 a public hearing was held and all residents and taxpayers of the 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 Obsolete Property Rehabilitation District as proposed.

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

MARSHALL CITY, UPPER VILLAGE E 22 FT OF S 88 FT OF LOT 12.

be and here is established as an Obsolete Property Rehabilitation District pursuant to the provisions of PA 146 of 2000 to be known as 117 Esat Michigan Avenue Obsolete Property Rehabilitation 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 June 17, 2024.

Michelle Eubank
Clerk

11) OLD BUSINESS

12) REPORTS AND RECOMMENDATIONS

A. 117 E MICHIGAN AVENUE OPRA EXEMPTION - SET PUBLIC HEARING

Moved by Scott Wolfersberger, supported by Joe Caron to Set a public hearing for July 15, 2024, to consider approval of an OPRA exemption for the proposed redevelopment of 117 East Michigan Avenue. On a voice vote: **Motion carried.**

B. SECTION 3.1.10 B-4 REGIONAL COMMERCIAL DISTRICT & SECTION 3.1.11 FREEWAY SERVICES DISTRICT ZONING ORDINANCE AMENDMENTS - INTRODUCTION & SET PUBLIC HEARING

Moved by Scott Wolfersberger, supported by Joe Caron to Introduce Ordinance 2024-08, an Ordinance to Amend City of Marshall Zoning Code, Chapter 3.0 Zoning Districts, Section 3.1.10, B-4 Regional Commercial District and Section 3.1.11, Freeway Services District, Publish a Summary in the local newspaper, and Schedule a Public Hearing for July 15, 2024. On a voice vote: **Motion carried.**

C. 16500 DIVISION DRIVE CONDITIONAL REZONING - INTRODUCTION & SET PUBLIC HEARING

Moved by Joe Caron, supported by Scott Wolfersberger to Introduce Ordinance #2024-10, An Ordinance to Amend the Zoning Map of the City of Marshall so as to Conditionally Change the Zoning of the Parcel #53-003-025-00 (16500 Division Drive) from Research and Technology District (I-1) to Multiple Family Residential (MFRD), Publish a Summary in the local newspaper, and Set a Public Hearing for July 15, 2024. On a voice vote: **Motion carried.**

D. 123 EXCHANGE ST. CONDITIONAL REZONING - INTRODUCTION & SET PUBLIC HEARING

Moved by Jacob Gates, supported by Joe Caron to Introduce Ordinance #2024-11, An Ordinance to Amend the Zoning Map of the City of Marshall so as to Conditionally Change the Zoning of the Parcel #53-001-059-05 (123 Exchange St.) from Neighborhood Commercial District (B-3) to Multiple Family Residential District (MFRD), Publish a Summary in the local newspaper, and Set a Public Hearing for July 15, 2024. On a voice vote: **Motion carried.**

E. ASSESSING SERVICES CONTRACT RENEWAL

Moved by Scott Wolfersberger, supported by Theresa Chaney-Huggett to Approve the Assessing Services Contract Renewal with V&V Assessing LLC for the time period of July 1, 2024 – June 30, 2027, at an annual fee of \$62,400 and authorize the City Manager and City Clerk to sign the necessary documents. On a voice vote: **Motion carried.**

F. MARSHALL LAW ENFORCEMENT CENTER (MRLEC) - ACCESS CONTROL PURCHASE

Moved by Joe Caron, supported by Scott Wolfersberger to Approve the Access Control RFP in part and as amended with Everon for a total price not to exceed \$68,216.39 and authorize the City Manager and City Clerk to sign the necessary documents. On a roll call vote:

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

Nays: None

Abstain: None

Motion carried.

G. 2024 - 2027 PUBLIC SERVICES COLLECTIVE BARGAINING AGREEMENT

Moved by Joe Caron, supported by Scott Wolfersberger to Approve the 2024-2027 City of Marshall Collective Bargaining Agreement with the Teamsters Local 214, Department of Public Services and authorize the City Manager and City Clerk to sign the necessary documents. On a voice vote: **Motion carried.**

H. CITY ATTORNEY - LEGAL SERVICES AGREEMENT

Moved by Jacob Gates, supported by Joe Caron to Approve the revised 2024 Legal Services Agreement with McGinty, Hitch, Person, Anderson, and Revore, P.C. and authorize the Mayor and City Clerk to sign the necessary documents On a roll call vote:

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

Nays: None

Abstain: None

Motion carried.

13) APPOINTMENTS / ELECTIONS

- 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.

Rebecca Sebring of Fredonia Township, Regis Klingler of 334 N Grand Street, Barry Wayne Adams of 622 W Green Street, Steph Klingler of 344 N Grand Street, Julie Bryant of Squaw Creek, and Rick Sadler of Squaw Creek provided public comment.

15) COUNCIL AND MANAGER COMMUNICATIONS

16) ADJOURNMENT

The meeting was adjourned at 8:04PM

Respectfully submitted by,

Jennifer Pickford
Deputy Clerk

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 06/14/2024 - 06/14/2024
JOURNALIZED
PAID

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
06/13/2024	ALEXANDER SANDERS	UB refund for account: 3571		50.00
93827	ALL-TRONICS, INC.	QUARTERLY FIRE ALARM MONITORING 07/01/24		81.00
93828	ALL-TRONICS, INC.	QUARTERLY FIRE ALARM MONITORING 07/01/24		81.00
36661082	APPLIED CAPITAL, LLC	CONTRACT NO. 132-1753516-000 MRLEC COPIE		117.52
269781949206-2024	AT&T	ACCT NO. 269 781-9492 594 7 MARSHALL HOU		389.35
269789901106-2024	AT&T	ACCT NO. 269 789-9011 599 1 MRLEC JUNE 2		360.21
15272	BUD'S TOWING & AUTOMOT	DART BUS INSPECTION & OIL CHANGE 5/2/24		102.75
15276	BUD'S TOWING & AUTOMOT	DART BUS INSPECTION & OIL CHANGE 5/3/24		97.14
15303	BUD'S TOWING & AUTOMOT	DART BUS INSPECTION, OIL CHANGE, & INSTA		144.62
2500	CALHOUN COUNTY, MI	ANNUAL MAINTENANCE - RMS ANNUAL DUES 2024.332		4,913.44
09-657710	CARLETON EQUIPMENT	BOBCAT MT100 MINI TRACK LOADER PER QUOTE 2024.321		32,232.04
1904858195	CINTAS CORP	NITRILE GLOVES		176.00
1904897682	CINTAS CORP	NITRILE GLOVES		88.00
06142024	CITY OF MARSHALL	REPLENISH FARMER'S MARKET PETTY CASH		632.00
06/13/2024	CRULL, MAYA	UB refund for account: 3004640039		64.77
183035	D & D MAINTENANCE SUPP	ACCT NO. CIMA1 JANITORIAL SUPPLIES MRLEC		222.70
183036	D & D MAINTENANCE SUPP	ACCT NO. CIMA1 JANITORIAL SUPPLIES MARSH		280.60
183200	D & D MAINTENANCE SUPP	ACCT NO. CIMA1 JANITORIAL SUPPLIES CITY		45.67
183205	D & D MAINTENANCE SUPP	ACCT NO. CIMA1 JANITORIAL SUPPLIES MARSH		33.40
183207	D & D MAINTENANCE SUPP	ACCT NO. CIMA1 JANITORIAL SUPPLIES PSB		611.82
183208	D & D MAINTENANCE SUPP	ACCT NO. CIMA1 JANITORIAL SUPPLIES MOP H		18.90
94718105	ESRI, INC.	CUST NO. 123224 ANNUAL SUBSCRIPTION 2024 2024.338		10,945.00
06062024	FAMILY BIBLE CHURCH	COST SHARING AGREEMENT - WATER INFRASTRU 2024.330		32,625.00
2488663	GRIFFIN PEST SOLUTIONS	PEST SERVICES AT CITY HALL 4/17/24		35.00
2501144	GRIFFIN PEST SOLUTIONS	PEST SERVICES AT CITY HALL 5/24/24		59.00
2501861	GRIFFIN PEST SOLUTIONS	PEST SERVICES AT FIRE STATION 5/24/24		42.00
2530487	GRIFFIN PEST SOLUTIONS	PEST SERVICES AT MRLEC 5/29/24		274.00
2530489	GRIFFIN PEST SOLUTIONS	PEST SERVICES AT MRLEC 5/29/24		88.00
06/13/2024	GUTIERREZ, FLORA	UB refund for account: 3004350033		49.28
LMN4653	GUTTERS R US	CITY HALL GUTTER CLEANING 2024.308		510.00
LMN4747	GUTTERS R US	MARSHALL HOUSE LAWN PEST APPLICATION 5/3		242.00
898669	GWIN, DARWIN	MOWING & TRASH AT BROOKS NATURE APRIL/MA		450.00
62	HERMAN ELECTRIC	CITY HALL COUNCIL CHAMBER ELECTRICAL WOR		1,841.32
66	HERMAN ELECTRIC	MRLEC SHED OUTLETS		555.28
67	HERMAN ELECTRIC	KETCHUM PARK BATHROOMS		359.21
39820	HUNTER-PRELL COMPANY	REPAIR WATER BOTTLE FILLING STATION AT C		298.79
39839	HUNTER-PRELL COMPANY	REPAIR OUTSIDE DRINKING FOUNTAIN AT CITY		321.95
1326-2024	IMPACT LAWN & LANDSCAP	2024 LAWN MOWING AT ATHLETIC FIELDS MAY		1,915.00
1334-2024	IMPACT LAWN & LANDSCAP	2024 LAWN MOWING AT INDUSTRIAL PARK MAY		300.00
1340-2024	IMPACT LAWN & LANDSCAP	2024 LAWN MOWING AT WASTE WATER TREATMEN		400.00
1341-2024	IMPACT LAWN & LANDSCAP	2024 LAWN MOWING AT WATER TREATMENT PLAN		330.00
1351-2024	IMPACT LAWN & LANDSCAP	2024 LAWN MOWING AT MARSHALL HOUSE MAY 2		450.00
1353-2024	IMPACT LAWN & LANDSCAP	2024 LAWN MOWING AT BROOKS FIELD AIRPORT		2,565.00
06/13/2024	JACKLYN'S HAIR & NAIL	UB refund for account: 201530003		127.22
06/13/2024	KRETFLER, RICHARD	UB refund for account: 1900900037		1.53
06/13/2024	KYLIE WARD	UB refund for account: 3915		45.59
06/13/2024	LARKINS, GABRIELLE	UB refund for account: 1900650040		37.60
2405-502135	LEGG LUMBER	LUMBER		165.90
2405-502209	LEGG LUMBER	LUMBER		5.99
2405-502921	LEGG LUMBER	LUMBER, SCREWS		21.97
1720997-20240531	LEXISNEXIS RISK DATA M	BILLING ID: 1720997 MAY 2024		200.00
06/13/2024	MALIZZI, JAMES	UB refund for account: 3009000050		41.25
05062024-4452	MARSHALL HARDWARE, LLC	MOWER BLADE		27.99
05062024-4481	MARSHALL HARDWARE, LLC	LAWN MOWER		349.99
05062024-4492	MARSHALL HARDWARE, LLC	METAL HOSE REEL		204.99
05072024-4569	MARSHALL HARDWARE, LLC	24" X 36" PLEXIGLASS		34.14
05102024-4741	MARSHALL HARDWARE, LLC	TOGGLE BOLTS		3.00
05152024-5063	MARSHALL HARDWARE, LLC	LAWN MOWER		349.99
05162024-5122	MARSHALL HARDWARE, LLC	BROOM		14.99
05212024-5464	MARSHALL HARDWARE, LLC	6' X 10' AMERICAN FLAG		190.99
05222024-5527	MARSHALL HARDWARE, LLC	PLIERS		7.49
05222024-5536	MARSHALL HARDWARE, LLC	4 WIRE PLANT COMBO		49.98
05232024-5572	MARSHALL HARDWARE, LLC	COTTON SASH CORD, CABLE TIES, FLAG		63.96
05232024-5596	MARSHALL HARDWARE, LLC	PACKAGING TAPE, STRAPPING TAPE		21.58
05232024-5600	MARSHALL HARDWARE, LLC	HOSE REPAIR		6.29
05232024-5604	MARSHALL HARDWARE, LLC	HOSE REPAIR		4.99
23-039-11	MCKENNA	BUILDING INSPECTION CONTRACT FOR FORD TH 2024.015		106,944.44
06/13/2024	MISTY FOX	UB refund for account: 3777		50.00
504065	NORTH CENTRAL LABORATO	LAB SUPPLIES		80.45
06142024	PARTY TIME EVENTS LLC	BALANCE DUE FOR 2024 BLUES FEST TABLES/T		3,165.00
2024050080	PEOPLEFACTS LLC	BACKGROUND/FINANCE CHECK		9.94
99928	PM ENGRAVING COMPANY	SUBSTATION SIGNS		120.92
23-1431	QUALITY EXCAVATORS INC	6 YARDS OF GRAVEL		264.00
06/13/2024	R.A. LAPLAND & ASSOC	(UB refund for account: 3690		50.00
000039	RICE'S SHOES, INC	BOOT ALLOWANCE - CRUZ, CHANDLER		289.99
06/13/2024	ROSENBERRY, ROBERT	UB refund for account: 2901560018		54.57
94450719	SAFETY-KLEEN SYSTEMS,	16G PARTS WASHER SOLVENT		218.78
41463	SONAR SOFTWARE	FIBERNET CUSTOMER MANAGEMENT SOFTWARE JU 2023.243		2,120.63
06/13/2024	SRAMEK, SHANNON & MARY	UB refund for account: 802240024		19.66

06/13/2024 04:58 PM
User: KWAGNER
DB: Marshall

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 06/14/2024 - 06/14/2024
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Page: 2/2

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
S01395553.001	STUART C IRBY CO	CUTTING JAWS		867.69
219-A	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE 6/3/24 - 6/9/24	2024.191	4,416.00
219-B	TOP TO BOTTOM TREE SER	TREE REMOVAL FOR STREET DEPT (MULBERRY/H		690.00
05302024	TRACTOR SUPPLY CREDIT	ACCT NO. 6035 3012 0359 5572 PLANT FOOD		59.98
INV00372219	USABLUEBOOK	LAB SUPPLIES		1,628.70
5715	UTB TRANSFORMERS	DISTRIBUTION PAD TRANSFORMERS PER QUOTE#	2024.148	61,460.80
9965623316	VERIZON WIRELESS	ACCT NO. 987146080-00001 MAY 02 - JUN 01		1,911.00
06/13/2024	WILDERNESS MAVEN HERBA	UB refund for account: 300480004		56.05
05292024	WOW! BUSINESS	ACCT NO. 014226414 FIRE STATION JUNE 202		140.30
05242024	WOW! BUSINESS	ACCT NO. 013934621 DPW MAY 2024		48.14
06/13/2024	ZUBIC, VUK	UB refund for account: 100710004		13.21
GRAND TOTAL:				282,056.43

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 06/21/2024 - 06/21/2024
JOURNALIZED
PAID

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
06/20/2024	ALLEN, KALLI & HINES	UB refund for account: 2104360014		50.36
5209400	ALLIANCE BEVERAGE DIST	2024 BLUES FEST SUPPLIES		7,008.00
SS1/434219	ALTA INDUSTRIAL EQUIPM	#412 FORK TRUCK REPAIR		405.45
1RW-C-TGL9-TQ1L	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 VOLLEYBALLS, TIE		152.14
06/20/2024	BABCOCK, KENNETH	UB refund for account: 234000		18.50
1830	BC SOUND	2024 BLUES FEST SOUND SYSTEM/EVENT PRODU	2024.270	4,241.25
06/20/2024	BERRY, JAMES & DAWN	UB refund for account: 400600003		107.26
06/20/2024	BOTTI, MATTHEW	UB refund for account: 3005120051		69.19
15448	BUD'S TOWING & AUTOMOT	DART BUS INSPECTION & OIL CHANGE 5/29/24		97.14
15464	BUD'S TOWING & AUTOMOT	DART BUS INSPECTION & OIL CHANGE 5/31/24		106.03
06172024	BURGHDORF, CODY	ARTICLE 32 SECTION 9: MEALS 6/13/24 - 6/		30.00
06182024	CALHOUN COUNTY TREASUR	CHARGE BACK INVOICE 432-24		6.03
06192024	CANAS, CHRIS	2024 BLUES FEST BAND		1,500.00
4194729432	CINTAS CORP	UNIFORM SERVICES - ELECTRIC & FIBER 6/4/		56.85
4194729329	CINTAS CORP	UNIFORM SERVICES - POWER HOUSE 6/4/24		94.46
4194729359	CINTAS CORP	UNIFORM SERVICES - WASTE WATER 6/4/24		61.33
4194729420	CINTAS CORP	UNIFORM SERVICES - WATER 6/4/24		52.78
06212024	CITY OF MARSHALL	REPLENISH FARMER'S MARKET PETTY CASH		474.00
06192024	CITY OF MARSHALL	2024 BLUES FEST START-UP CASH		2,000.00
71961423	COMFORT INN (CADILLAC)	HOTEL FOR PEHRSON 4/7/24 - 4/12/24		519.75
204212196086	CONSUMERS ENERGY	ACCT NO. 1000 9033 6411 AIRPORT JUNE 202		18.66
202165399595	CONSUMERS ENERGY	ACCT NO. 1000 0916 3435 CITY HALL JUNE 2		148.57
202165399597	CONSUMERS ENERGY	ACCT NO. 1000 0916 3971 DPW JUNE 2024		160.42
202610369897	CONSUMERS ENERGY	ACCT NO. 1000 0759 4680 DPW JUNE 2024		58.24
205280027209	CONSUMERS ENERGY	ACCT NO. 1030 1580 0248 FIRE STATION JUN		166.33
204034205619	CONSUMERS ENERGY	ACCT NO. 1000 8921 1096 KP FIREPLACE JUN		446.09
206792453218	CONSUMERS ENERGY	ACCT NO. 1000 0033 5602 MARSHALL HOUSE J		509.10
205458006337	CONSUMERS ENERGY	ACCT NO. 1030 1852 1130 MRLEC JUNE 2024		933.24
204034214351	CONSUMERS ENERGY	ACCT NO. 1030 1852 0884 MRLEC BARN JUNE		132.34
204479143012	CONSUMERS ENERGY	ACCT NO. 1000 0916 3203 WASTE WATER JUNE		16.80
202165399596	CONSUMERS ENERGY	ACCT NO. 1000 0916 3708 WASTE WATER JUNE		17.60
204123209472	CONSUMERS ENERGY	ACCT NO. 1030 1352 1119 WASTE WATER LIFT		19.19
203589264589	CONSUMERS ENERGY	ACCT NO. 1000 7224 3312 WATER JUNE 2024		123.58
06182024	CROW, CURT	ARTICLE 32 SECTION 9: MEALS 6/13/24 - 6/		40.00
827004	CRYSTAL FLASH MARSHALL	ACCT NO. 149759-1 REC GAS 5/22/24		1,649.17
S3-9027	CUMMINS SALES AND SERV	CUST NO. 179288 GENERATOR MAINTENANCE AT		1,272.00
183285	D & D MAINTENANCE SUPP	JANITORIAL SERVICE AT MRLEC 4/8/24 - 5/5		2,220.00
183380	D & D MAINTENANCE SUPP	JANITORIAL SERVICE AT MRLEC 5/6/24 - 6/2		2,220.00
183037	D & D MAINTENANCE SUPP	ACCT NO. CIMA1 JANITORIAL SUPPLIES FIRE		227.72
1257	D&D DIAGNOSTICS LLC	TRUCK #301 FUEL GAUGE REPAIR		678.55
635997	DARLING ACE HARDWARE	ANCHOR POINT 2 PK		18.99
636285	DARLING ACE HARDWARE	BATTERIES, HOLE SAWS		80.95
636459	DARLING ACE HARDWARE	HOLE SAWS		28.98
636652	DARLING ACE HARDWARE	HOLE STRAPS, WALL PLATES		17.41
06/20/2024	DEOCHOA, JOSE	UB refund for account: 3202360024		53.54
24-9577	ELECTIONSOURCE	ELECTION SUPPLIES & VOTING EQUIPMENT		990.00
06172024	ERB, JASON	ARTICLE 32 SECTION 9: MEALS 6/13/24 - 6/		30.00
80102405	FIRST ADVANTAGE RESIDE	ACCT NO. 138549 RESIDENTIAL SCREENING		20.39
55633	FLASH SANITATION	FARMER'S MARKET PORTABLE TOILET SERVICE		130.00
06172024	FREDS, MATT	ARTICLE 32 SECTION 9: MEALS 6/13/24 - 6/		30.00
IN102405300993	FS.COM INC	TRANSCIEVERS BROCADE	2024.323	1,176.00
06172024	FULLER, MIKE	ARTICLE 32 SECTION 9: MEALS 6/13/24 - 6/		30.00
24-05259	GARAGE DOORS UNLIMITED	SERVICE CALL AT MARSHALL HOUSE		175.00
24-05189	GARAGE DOORS UNLIMITED	SERVICE CALL TO DPW OVERHEAD DOOR		1,685.00
121938315	GLOBAL INDUSTRIAL	CART		180.29
9133512013	GRAINGER	TYVEK COVERALLS		53.14
9134589077	GRAINGER	HARD HATS		54.16
06/20/2024	GROESBECK, CHERYL	UB refund for account: 2503140004		150.00
06012024	HERITAGE CLEANERS	ACCT NO. 100243 DRY CLEANING SERVICE FOR		315.00
61	HERMAN ELECTRIC	REPLACED PLUG BOXES/FUSES IN DOWNTOWN TR		1,047.57
D455281-IN	ILLUSTRATUS, DIVISION	ACCT NO. 01-BT508 MARSHALL HOUSE SUBSCRI		48.77
180248	IMPACT SOLUTIONS	UTILITY BILL STOCK		1,900.81
120353	L.D. DOCSA ASSOCIATES	PHASE 2 CLARIFIER REHABILITATION	2024.176	127,365.57
06/20/2024	LEEANN FOX	UB refund for account: 2955		216.65
2405-505435	LEGG LUMBER	2X4X10' SPF		11.98
2405-505441	LEGG LUMBER	2X4X8' SPF		19.95
2406-506339	LEGG LUMBER	WOOD STAIN, O/S CORNER		73.95
06172024	MACK, JEFF	ARTICLE 32 SECTION 9: MEALS 6/13/24 - 6/		30.00
10823	MARSHALL FEED & GRAIN	BLUE POND DYE		36.25
05302024-5863	MARSHALL HARDWARE, LLC	AMERICAN FLAG		190.99
06072024-6343	MARSHALL HARDWARE, LLC	LONG ARM GRABBER, RAKE		37.57
05312024-5938	MARSHALL HARDWARE, LLC	ADHESIVE, NOTEBOOK, BATTERIES		48.45
24-110149-1	MILLENNIUM	HANDHOLES FOR INVENTORY 30X48X36	2024.343	12,133.59
24-110148-2	MILLENNIUM	HANDHOLE - LOT 12		784.49
79871508	MSC INDUSTRIAL SUPPLY	(V-GARD SLOTTED CAP		28.23
74962288	MSC INDUSTRIAL SUPPLY	(SAFETY VESTS, HARD HAT		53.85
641143	NAPA OF MARSHALL	ACCT NO. 1400 BATTERY		140.91
NNS65323	NEONOVA NETWORK SERVIC	ISP TECH SUPPORT MAY 2024		3,517.58
504610	NORTH CENTRAL LABORATO	LAB SUPPLIES	2024.005	139.35

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 06/21/2024 - 06/21/2024
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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
125977	O'LEARY WATER CONDITIONING	DPW BOTTLED WATER 4/25, 5/14, 5/31		32.00
125979	O'LEARY WATER CONDITIONING	METER OFFICE COOLER RENTAL (MAY/JUN) & B		115.00
2904179	OFFICE THREE SIXTY INC	STAPLERS, PERMANENT MARKERS		20.96
I12250	OVERHEAD DOOR CO. OF B.	SERVICE CALL MRLEC BARN DOOR		409.00
06192024	PARKER, RONNIE	2024 BLUES FEST BAND		1,200.00
06172024	PEHRSON, KORY	ARTICLE 32 SECTION 9: MEALS 6/13/24 - 6/		30.00
06192024	PHILLIPS, DANNY	2024 BLUES FEST BAND - BEER TENT		1,200.00
56824058	POWER LINE SUPPLY	MATERIALS FOR VOLTAGE CONVERSION PEARL S	2024.306	977.27
56824181	POWER LINE SUPPLY	MATERIALS FOR VOLTAGE CONVERSION PEARL S	2024.306	1,646.13
56824217	POWER LINE SUPPLY	FLOOD LIGHTS		2,636.35
56821492	POWER LINE SUPPLY	TOOLS FOR TRUCK #2024		1,675.00
56821496	POWER LINE SUPPLY	WIRE PULLING GRIPS		266.00
56821738	POWER LINE SUPPLY	GROUND ROD		2,966.00
56821739	POWER LINE SUPPLY	CUT OUTS	2024.158	4,052.66
56821744	POWER LINE SUPPLY	MATERIALS FOR VOLTAGE CONVERSION PEARL S	2024.306	128.56
56821745	POWER LINE SUPPLY	STAND OFF BRACKET		227.22
56821746	POWER LINE SUPPLY	MATERIALS FOR VOLTAGE CONVERSION PEARL S	2024.306	1,528.50
56821747	POWER LINE SUPPLY	MATERIALS FOR VOLTAGE CONVERSION PEARL S	2024.306	23.43
56821748	POWER LINE SUPPLY	METER SOCKETS		746.46
31955	PRO SERVICES, INC.	WORK ORDER 34100 PLUMBING SERVICE 5/16/2		457.10
1436259	PROSHRED SECURITY	MRLEC SHRED SERVICES THROUGH 5/24/24 (OV		155.00
3034733	RESCO	HAPCO BLACK FLUTED 12' POLES	2024.344	6,264.00
3035254	RESCO	200AMP SOCKETS		966.36
70921414	ROSE PEST SOLUTIONS	CLIENT NO. 70019775 MARSHALL HOUSE SERVI		1,499.00
06172024	SCHIPPER, CLINT	ARTICLE 32 SECTION 9: MEALS 6/13/24 - 6/		30.00
INV14144808	SCHOOL OUTFITTERS	PLANK OUTDOOR TRASH CANS W/LIDS FOR BROO	2024.301	2,955.05
761-11213238	STATE OF MICHIGAN	CUST ID: 156863 WATER SAMPLE TESTING		30.00
591-11215503	STATE OF MICHIGAN - MD	FY2023 LOCAL BUS OPERATING RECONCILIATIO	2024.345	4,789.00
06/20/2024	STEVE KARABA	UB refund for account: 2633		41.18
S013968655.001	STUART C IRBY CO	CRIMPER/PENCIL GUN		2,350.00
S013903037.001	STUART C IRBY CO	MATERIALS FOR PEARL STREET EXITS 11 & 12	2024.334	3,666.72
06172024	SUNDBERG, KIP	ARTICLE 32 SECTION 9: MEALS 6/13/24 - 6/		30.00
62387	TELNET WORLDWIDE	ACCT NO. 8948 JUNE 2024		1,041.78
06192024	THE SAX MANIACS	2024 BLUES FEST BAND (PAID \$200 DEPOSIT)		1,000.00
BC-PSINV027513	THERMALNETICS, LLC	3 YEAR HVAC SERVICE AGREEMENT (YEAR 1)	2024.027	1,040.58
06192024	THOMPSON, TONY	2024 BLUES FEST BAND		1,200.00
220-A	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE 6/10/24 - 6/16/2	2024.191	5,244.00
220-B	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE ON CALL STORM OV	2024.191	1,242.00
178854628	ULINE	MARKING FLAGS		102.49
03282022	VANDEBURG, AMBER	REIMBURSEMENT FOR PHONE CHARGERS FOR DAR		57.22
04052022	VANDEBURG, AMBER	REIMBURSEMENT FOR SAFETY UNLIMITED, INC		29.95
56147	VILLA ENVIRONMENTAL CO	AIRPORT QUARTERLY OPERATOR INSPECTION 5/		200.00
06172024	WAGNER, NATHAN	REIMBURSEMENT FOR FIRE OFFICER II BOOK		127.95
0572124	WJE WISS, JANNEY, ELS	BROOKS FOUNTAIN INVESTIGATION, RESEARCH,		2,120.00
GRAND TOTAL:				237,673.40

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 07/02/2024 - 07/02/2024
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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
82560	ALEXANDER CHEMICAL CORP	CHLORINE & SULFUR DIOXIDE	2024.002	3,182.53
196T-T34C-PTJM	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 HOUSING LITERATU		126.95
1H99-GPKM-M6LJ	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 MAGNETIC LOCATOR		605.99
1KHG-LYCY-6771	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 RETURNED WADER B		(10.64)
1NVY-WKCY-91XP	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 POOLRX		137.18
1HWF-4PWP-6N1D	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 WADER BOOT		108.98
13R7-QWJ9-N9L7	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 SQUARE READERS F		95.98
8266-A	ASI SECURITY	REPLACEMENT FOR SECURITY CAMERAS - FINAL	2024.309	14,525.00
225-520009	AUTO VALUE MARSHALL	OIL FILTER, AIR FILTER, MOUNTING BAR, OI		124.11
225-520019	AUTO VALUE MARSHALL	4-WIRE FLAT SET		5.79
225-520053	AUTO VALUE MARSHALL	OIL FILTERS		7.04
225-520071	AUTO VALUE MARSHALL	ABRASIVE CUT-OFF		11.56
225-520075	AUTO VALUE MARSHALL	EXMARK BELT		120.59
225-520076	AUTO VALUE MARSHALL	TANK VALVE, BRANCH TEE (SEWER PLUG REPAI		18.65
225-520274	AUTO VALUE MARSHALL	DRUM SANDING KIT		25.57
225-520275	AUTO VALUE MARSHALL	ABRASIVE DISC PACKS		28.58
225-520287	AUTO VALUE MARSHALL	VEHICLE BATTERY		209.19
225-520293	AUTO VALUE MARSHALL	OIL FILTER, OIL		78.45
93445	BUD'S TOWING & AUTOMOT	#106 LOADED/TOW FEE TO BOSHEARS FORD		203.00
768017	CHR SOLUTIONS	FIBERNET SUPPORT CONTRACT - JUNE 2024	2024.046	5,100.00
4195419670	CINTAS CORP	UNIFORM SERVICES - ELECTRIC & FIBER 6/11		56.85
4195419649	CINTAS CORP	UNIFORM SERVICES - POWER HOUSE 6/11/24		94.46
4195419645	CINTAS CORP	UNIFORM SERVICES - WASTE WATER 6/11/24		61.33
4195419752	CINTAS CORP	UNIFORM SERVICES - WATER 6/11/24		66.16
636828	DARLING ACE HARDWARE	PAPER RAGS		15.99
636853	DARLING ACE HARDWARE	PLIERS		43.98
636845	DARLING ACE HARDWARE	NUTS, BOLTS		3.52
636848	DARLING ACE HARDWARE	NUTS, BOLTS		3.50
636925	DARLING ACE HARDWARE	PAINT		26.99
636924	DARLING ACE HARDWARE	DRILL BITS, SCREWS, OIL THREAD, TAP WREN		90.90
636917	DARLING ACE HARDWARE	NUTS, BOLTS		16.72
636926	DARLING ACE HARDWARE	NUTS, BOLTS		32.28
636914	DARLING ACE HARDWARE	GAUGE PRESSURE, PIPE TEE		19.98
636982	DARLING ACE HARDWARE	CAULK GUN, SILICONE, PLEXIGLASS		37.72
637086	DARLING ACE HARDWARE	LP GAS, TEXTURE SPRAY, SPACKLE, PAINT		125.58
637056	DARLING ACE HARDWARE	SLOTTED FLAT BAR, GALVANIZED FLAT BAR		43.16
637123	DARLING ACE HARDWARE	ANT SPRAY, LIGHT BULBS, GRASS SEED, SOIL		73.28
637171	DARLING ACE HARDWARE	TOP SOIL		7.98
637280	DARLING ACE HARDWARE	BACKPACK SPRAYER		104.99
637258	DARLING ACE HARDWARE	PAINT BRUSH, PAINT ROLLER, TRAY LINER		28.97
637249	DARLING ACE HARDWARE	SHOCK GRANULE 5.5LB		35.99
637319	DARLING ACE HARDWARE	KEYS		4.78
637364	DARLING ACE HARDWARE	WINDOW AIR CONDITIONER		179.99
637336	DARLING ACE HARDWARE	NOZZLE, HOSE SHUT OFF, JOINT COMPOUND, S		156.10
637384	DARLING ACE HARDWARE	SILICONE, NUTS, BOLTS		20.77
637400	DARLING ACE HARDWARE	WATER FILTER, BLEACH		57.97
637436	DARLING ACE HARDWARE	TEXTURE SPRAY, DRYWALL		47.98
637492	DARLING ACE HARDWARE	BATTERIES		12.99
637493	DARLING ACE HARDWARE	MOP, UTILITY BUCKET		22.98
637457	DARLING ACE HARDWARE	POOL SKIMMER, PAINT TRAY SET, PAINT		57.57
637490	DARLING ACE HARDWARE	GARDEN SPRAYER, WEED KILLER		45.98
637521	DARLING ACE HARDWARE	SILICONE		139.86
637102	DARLING ACE HARDWARE	AIR FILTERS		35.16
637359	DARLING ACE HARDWARE	LAWN FERTILIZER, WEED KILLER		61.98
635244	DARLING ACE HARDWARE	POOL POLE		27.99
636175	DARLING ACE HARDWARE	DRIVEWAY MARKER		39.90
636126	DARLING ACE HARDWARE	NUTS, BOLTS		11.94
INV226975	E.H. WACHS UTILITY PRO	VALVE NUT RX KIT	2024.335	9,609.27
I131179	ERIC DALE HEATING & AI	SERVICE CALL AT CITY HALL FOR AC 6/14/24		147.00
1005	FREDONIA TOWNSHIP FIRE	ELECTRIC VEHICLE CLASS AT TEKONSHA FIRE		85.00
16520	FREDRICKSON SUPPLY, LL	PART #55552-00-X HOSE BARB		124.36
2409	GREAT LAKES FUNDRAISIN	SUMMER PLAYGROUND T-SHIRTS		546.00
4991	GREEN EARTH ELECTRONIC	PICK UP AND RECYCLE LCD MONITORS/TV		220.00
2512560	GRIFFIN PEST SOLUTIONS	PEST SERVICES AT FIRE STATION 6/19/24		42.00
2530501	GRIFFIN PEST SOLUTIONS	PEST SERVICES AT MRLEC 6/20/24		88.00
2024405	GRP ENGINEERING, INC.	ENGINEERING SERVICES FOR THE MEGASITE CI	2024.261	3,864.89
2024406	GRP ENGINEERING, INC.	ENGINEERING SERVICES - GENERAL MISC SERV		160.00
36062	J AND K PLUMBING SUPPL	SLOAN R-1002-A MASTER KIT, TAPE		30.54
76742	KEBS, INC.	PROJECT 102772.LOT ALLCOTT ST V/L STAKE		675.00
642281	KENNEDY INDUSTRIES, IN	RAS PUMP SEALS		264.60
124098	LARRY'S FLOOR COVERING	CARPET AT FIRE DEPT PER QUOTE #2499	2024.341	7,856.78
2406-507490	LEGG LUMBER	DRYWALL		19.99
06112024-6512	MARSHALL HARDWARE, LLC	SLEEVE ANCHORS		5.96
06112024-6511	MARSHALL HARDWARE, LLC	SLEEVE ANCHORS		5.80
3885	MARSHALL WELDING & FAB	REPAIRED ALUMINUM TRAILER FOR PARKS		98.00
M500-166	MEDALLION MANAGEMENT,	MARSHALL HOUSE CONSULTING FEES JUNE 2024	2024.242	4,800.00
M500-167	MEDALLION MANAGEMENT,	MARSHALL HOUSE PAYROLL/INSURANCE 5/11/24	2024.242	11,051.26
S5382708.002	MEDLER ELECTRIC COMPAN	4" ELBOW		71.16
S5382708.001	MEDLER ELECTRIC COMPAN	PVC PARTS		1,033.47

06/26/2024 08:28 AM
User: KWAGNER
DB: Marshall

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 07/02/2024 - 07/02/2024
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Page: 2/2

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
55382708.003	MEDLER ELECTRIC COMPAN	4" CAP		26.71
2908389	OFFICE THREE SIXTY INC	COPY PAPER		83.98
56825543	POWER LINE SUPPLY	SKINNING KNIVES		384.00
56825545	POWER LINE SUPPLY	COVER-UPS		1,050.00
56825825	POWER LINE SUPPLY	ELECTRIC INVENTORY		814.89
56825826	POWER LINE SUPPLY	ELECTRIC INVENTORY		1,603.40
56825827	POWER LINE SUPPLY	MICROMETER		399.30
56825828	POWER LINE SUPPLY	ELECTRIC INVENTORY		175.80
56825829	POWER LINE SUPPLY	MATERIALS FOR VOLTAGE CONVERSION PEARL S	2024.306	75.78
56825830	POWER LINE SUPPLY	METER SOCKETS		870.54
56826532	POWER LINE SUPPLY	LED ROADWAY FIXTURES INVENTORY	2024.158	6,000.00
16060	POWER PLANT COMPLIANCE	ON-SITE PERFORMANCE TESTING COMPLIANCE U		2,201.28
2248135	STANTEC CONSULTING MIC	BOBP SITE PLAN AND NOISE STUDY THROUGH 5	2024.174	6,520.50
1137491	STEENSMA	CUST NO. 5154 STIHL PRUNING SAW		615.99
7178-4	THE SHERWIN-WILLIAMS C	ACCOUNT NO. 6731-5519-8 PAINT		144.84
31196	THOMPSON TECH SUPPLY,	TIRE REPAIR SUPPLIES		304.01
18868	TIRE CITY TIRE PROS	NEW TIRES & INSTALL #M9		943.55
INV8680VC3	VC3 INC	ACCT NO. 44996 PANASONIC TOUGHBOOK LAPTO	2024.327	9,422.00
153400	VC3 INC	ACCT NO. MAR11 OFFICE 365 JUNE 2024 BILL		1,065.90
GRAND TOTAL:				100,120.32

ITEM: 8.A

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
DATE: July 1, 2024
SUBJECT: **INTRODUCTION - ROD AUTON- CALHOUN COUNTY SENIOR SERVICES**

Mr. Rod Auton is the new manager for Calhoun County Senior Services and would like to introduce himself to the Marshall City Council and community.

BUDGET IMPACT:
N/A

RECOMMENDATION:
Receive introduction from Mr. Auton, Calhoun County Senior Services Manager.

ITEM: 9.A

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: David Revore, City Attorney
DATE: July 1, 2024
SUBJECT: **COURT OF APPEALS OPINION - JUNE 18, 2024**
Committee for Marshall-Not the Megasite v. City of Marshall

On June 18, 2024, the Michigan Court of Appeals, in a 3-0 Published Opinion, affirmed the Calhoun County Circuit Court's dismissal of the appeal filed by the Committee for Marshall - Not the Megasite ("Committee") against the City of Marshall and Clerk Eubank. (COA Opinion No. 369603 enclosed.)

Following the Calhoun County Circuit Court's dismissal of all claims alleged by the Committee in its Amended Petition, the Committee filed an appeal to the Michigan Court of Appeals. The Court determined that, among other things, the Committee's mandamus request failed for at least two reasons: 1) the existence of an alternate remedy; and 2) lack of a legal right to put the referendum on the ballot. Further, the Court of Appeals determined that the Calhoun County trial court did not err when it determined that the City could validly make an appropriation by ordinance; and thus, the Court concluded that the Committee was not entitled to have the referendum put on the ballot. Accordingly, the Megasite and the Ford BlueOval development may continue.

(For reference, the January 16, 2024, City Council packet (<https://marshallmi.portal.civicclerk.com/event/71/files/agenda/356>) contains the Calhoun County Circuit Court's opinion dismissing all of Petitioner's claims in its Amended Petition. See, *Committee for Marshall – Not the Megasite, et al v City of Marshal and Michelle Eubank*, Circuit Court Case No. 23-1712-CZ.)

BUDGET IMPACT:

The total cost to defend the lawsuit at the Calhoun County Circuit Court and the Michigan Court of Appeals to date for FY2024 is \$201,676.65.

RECOMMENDATION:

Receive the report from City Attorney Revore.



TO: Honorable Mayor and City Council
FROM: David Revore, City Attorney
DATE: June 28, 2024
SUBJECT: COURT OF APPEALS UPDATE - COMMITTEE FOR MARSHALL - NOT THE
MEGASITE V. CITY OF MARSHALL

On June 18, 2024, the Michigan Court of Appeals, in a 3-0 Published Opinion, affirmed the Calhoun County Circuit Court's dismissal of the appeal filed by the Committee for Marshall - Not the Megasite ("Committee") against the City of Marshall and Clerk Eubank. ([COA Opinion No. 369603 enclosed.](#))

Following the Calhoun County Circuit Court's dismissal of all claims alleged by the Committee in its Amended Petition, the Committee filed an appeal to the Michigan Court of Appeals. The Court determined that, among other things, the Committee's mandamus request failed for at least two reasons: 1) the existence of an alternate remedy; and 2) lack of a legal right to put the referendum on the ballot. Further, the Court of Appeals determined that the Calhoun County trial court did not err when it determined that the City could validly make an appropriation by ordinance; and thus, the Court concluded that the Committee was not entitled to have the referendum put on the ballot. Accordingly, the Megasite and the Ford BlueOval development may continue.

(For reference, the January 16, 2024, City Council packet (<https://marshallmi.portal.civicclerk.com/event/71/files/agenda/356>) contains the Calhoun County Circuit Court's opinion dismissing all of Petitioner's claims in its Amended Petition. See, *Committee for Marshall – Not the Megasite, et al v City of Marshall and Michelle Eubank*, Circuit Court Case No. 23-1712-CZ.)

STATE OF MICHIGAN
COURT OF APPEALS

COMMITTEE FOR MARSHALL-NOT THE
MEGASITE,

Plaintiff-Appellant/Cross-Appellee,

and

REGIS KLINGLER, STEPHANIE KLINGLER,
HOLLY HARNDEN, MARK ROBINSON,
GRETCHEN ESSER, JAMES SLEIGHT, JR., and
DIANE KOWALSKE,

Plaintiffs,

v

CITY OF MARSHALL and MICHELLE EUBANK
in her capacity as the MARSHALL CITY CLERK,

Defendants-Appellees,

and

MARSHALL AREA ECONOMIC
DEVELOPMENT ALLIANCE,

Intervening Defendant-Appellee,

and

MICHIGAN ECONOMIC DEVELOPMENT CORP.
and MICHIGAN STRATEGIC FUND,

Cross-Appellants.

FOR PUBLICATION
June 18, 2024
2:45 p.m.

No. 369603
Calhoun Circuit Court
LC No. 2023-001712-CZ

Before: CAMERON, P.J., and N. P. HOOD and YOUNG, JJ.

PER CURIAM

In its simplest form, this case is about (1) when a party is entitled to mandamus and (2) interpretation of the city of Marshall’s charter. This case started with efforts by defendant-appellee, the city of Marshall (the City), to rezone a parcel of real estate from Marshall Township zoning to the City’s new industrial and manufacturing zoning designation, as part of a project to develop an electric battery manufacturing facility called the Ford BlueOval Battery Park (the so-called “Marshall Megasite”), and counterefforts by plaintiff-appellant/cross-appellee, Committee for Marshall-Not the Megasite (the Committee) to prevent the rezoning. The City eventually rezoned the property through an ordinance that also included appropriations. Plaintiffs Regis Klingler, Stephanie Klingler, Holly Harnden, Gretchen Esser, and Mark Robinson (the petitioners)¹ then formed the Committee and, with others, circulated a petition for a ballot referendum on the City’s decision. The City Clerk, defendant Michelle Eubank, rejected the petition because it related to an ordinance that included appropriations (among other reasons). The Committee and the petitioners sued seeking a writ of mandamus compelling Eubank to put the referendum on the ballot as well as injunctive and declaratory relief, claiming that the ordinance violated the City’s charter. Numerous other stakeholders, including the Marshall Area Economic Development Alliance (MAEDA), the Michigan Economic Development Corporation (MEDC), the Michigan Strategic Fund (MSF), and others, sought to intervene; only MAEDA succeeded.

The Committee now appeals the trial court order dismissing its claims. It argues that the trial court erred in several ways by rejecting its claims that the City violated the law when it rezoned the property. It also maintains that the trial court should have determined that Eubank exceeded her authority when she rejected the petition for a referendum.

On cross-appeal, MEDC and MSF challenge the trial court’s order denying their motions to intervene. They also argue—in the form of issues on cross-appeal—that this Court should affirm the trial court’s decision to dismiss the Committee’s claims.

We affirm the trial court’s decision to dismiss the Committee’s claims. It correctly concluded that the Committee was not entitled to mandamus relief because of the existence of an alternative adequate remedy (namely, an appeal of the Marshall City Council’s final decision on certification) and the lack of a clear, legal right. It also correctly concluded that the ordinance at issue complied with the Marshall City charter. We dismiss MEDC and MSF’s cross-appeal for lack of jurisdiction. For these reasons and those stated below, we affirm.

I. BACKGROUND

The subject of the City’s rezoning efforts and the Committee’s petition drive, and ultimately its lawsuit, was the development of the Ford BlueOval Battery Park. The City,

¹ The seven individual plaintiffs are not parties to this appeal. Only the Committee filed a claim of appeal.

MAEDA, MEDC, MSF, and others worked to facilitate the development. The Committee and petitioners worked to stop the development.

A. THE MASTER 425 AGREEMENT

In February 2022, the City and Marshall Township (Township) entered a land transfer agreement (the Master 425 Agreement).² Previously, from 2006 until the 425 Agreement, the City and Township were parties to another agreement governing land transfers between the two jurisdictions for economic development. Under the new agreement, the City and Township contemplated that they would enter individual “425 Agreements” governing particular transfers consistent with the Master 425 Agreement, and provided rules for such agreements. The applicable rules depended on whether the individual agreement involved a commercial or industrial development, or involved a residential development; it also depended on the location of the development relative to certain interstates.

The Master 425 Agreement provided a process for property owners with property designated within the Master 425 Agreement and located within the Township to request services and conditionally transfer the property to the City for commercial or industrial purposes. Once a property owner requests services, a contract for the property’s conditional transfer is presented to the Marshall City Council and the Township Board of Trustees for approval.

Under the Master 425 Agreement, and pursuant to the Joint Municipal Planning Act, 2003 PA 226, MCL 125.141 *et seq.*, the City and Township also established a Joint Municipal Planning Commission (JPC). They agreed that the JPC would “control all land usages for lands subject to a 425 Agreement between the City and Township.” The JPC had an equal number of members from both the City and the Township.

Schedule A to the Master 425 Agreement provided the rules for the JPC, including rules regarding the application of the City’s zoning ordinances versus the Township’s. Critically, the zoning definitions within the City’s zoning ordinances applied to residential lands located south of I-94 and east of I-69. The parties also agreed that the City’s zoning ordinances applied to all commercial and industrial lands subject to the JPC jurisdiction regardless of location. But “residential zoned lands lying west of I-69 or north of I-94 shall be administered by the JPC” per the Township’s zoning and planning acts and Township procedures and definitions.

B. REZONING THE MEGASITE

In February 2023, the Marshall Board of Trustees and the Marshall City Council approved conditional land transfers that brought certain properties located in the Township under the City’s jurisdiction. This followed requests the City manager received from property owners to enter into individual 425 agreements to bring their properties located in the Township under the City’s

² The parties refer to land transfers under this agreement as Act 425 transfers after the law that permits cities, townships, and villages to enter into agreements to transfer jurisdiction over land for a period of years for the purpose of facilitating economic development, which was first enacted by 1984 PA 425. See MCL 124.21 *et seq.*

jurisdiction in order to receive the City’s services. The owners had either transferred their property to MAEDA or were under contract to do so. MAEDA eventually obtained approval to combine these properties into one parcel. It subsequently obtained approval to split off 741 acres for the proposed development. Those 741 acres formed a new parcel, identified as parcel no. 53-281-021-00 and commonly known as 13700 West Michigan Avenue. This was the proposed development site for the Ford BlueOval Battery Park.

In April 2023, both MAEDA and the City took steps to rezone the parcel in overlapping processes before both the JPC and the Marshall City Council. On April 4, 2023, MAEDA applied to the JPC to rezone the land at issue from Township zoning to the City’s new Industrial and Manufacturing Complex (I-3) zoning designation, a special zoning classification that the City had adopted specifically for the parcel to be used as the Marshall Megasite. See MCL 125.3401. On April 25, 2023, the JPC held a meeting where it considered and denied MAEDA’s request to rezone 13700 Michigan Avenue in a four-to-two vote.

Meanwhile, a parallel rezoning effort was proceeding before the Marshall City Council. On April 15, 2023, 11 days after MAEDA’s application and 10 days before the JPC vote, Eubank, the City Clerk, published a Notice of Public Hearing, scheduled for May 1, 2023 at 7:00 p.m. before the Marshall City Council regarding MAEDA’s rezoning application. The published notice was in the Ad-visor and Chronicle, a local weekly publication. On April 17, 2023, the Marshall City Council introduced Ordinance 2023-8, titled “AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CHANGE THE ZONING OF A PARCEL OF REAL PROPERTY, PARCEL #53-281-021-00, FROM TOWNSHIP ZONING TO INDUSTRIAL AND MANUFACTURING COMPLEX (I-3).” On May 1, 2023, the City held a public hearing on MAEDA’s rezoning application, where it adopted Ordinance 2023-08. The ordinance rezoned 13700 Michigan Avenue from Township zoning to Industrial and Manufacturing Complex (I-3). It also included an appropriation of \$40,000 for site plan review services and \$250,000 for building inspection services for the proposed development of the land at issue.

C. THE COMMITTEE AND ITS FAILED REFERENDUM EFFORTS

Days after the City rezoned 13700 Michigan Avenue, five of the petitioners, all City electors,³ filed an affidavit to form a ballot question committee—the Committee—to initiate a referendum to challenge Ordinance 2023-08. On the affidavit, the petitioners agreed that they would “be responsible for circulating the referendum petition and for filing it in proper form.” Those five petitioners, along with others,⁴ collected and submitted 810 signatures for the ballot referendum petitions. The Committee filed its petition signatures with the City Clerk on May 30, 2023.

³ The five petitioners were Regis Klingler, Stephanie Klingler, Holly Harnden, Gretchen Esser, and Mark Robinson.

⁴ This included plaintiff James Sleight, Jr., who was a City elector but not a Committee member, plaintiff Diane Kowalske, who was a Marshall Township resident, and other circulators.

Eubank served a Certification of Insufficiency on the Committee on June 16, 2023. She stated that the petition was insufficient for two reasons. First, according to Eubank's certification, the petition was invalid because Ordinance 2023-08 was not subject to referendum. Eubank explained that under Marshall's charter, an ordinance that contained an appropriation was not subject to referenda. Second, she rejected the petition because the Committee included signatures that were not collected by the petitioners themselves. She reasoned that, because the petitioners agreed on the affidavit that they would be responsible for circulating the petition for signatures, only signatures actually collected by one of the individual petitioners would count toward the total number of signatures required to subject the ordinance to a referendum. She wrote that, when the signatures collected by persons other than the petitioners were excluded, the amount was not sufficient to meet the threshold for a referendum.

On June 20, 2023, the Committee hand-delivered a letter to the Marshall City Council seeking to review the legality of the Certificate of Insufficiency at its next regularly scheduled meeting.⁵ The Marshall City Council upheld Eubank's decision at a meeting held later that same day.

D. TRIAL COURT PROCEEDINGS

On July 27, 2023, the Committee and the petitioners filed a complaint for a writ of mandamus, seeking to compel Eubank and the City to certify the petition for a referendum on Ordinance 2023-08. The complaint requested three forms of relief: (1) mandamus, (2) injunctive relief, and (3) declaratory relief. Regarding mandamus, plaintiffs alleged that Eubank exceeded her authority by determining that the ordinance was not subject to referendum and invalidating the signatures on the ground that the person who collected the signatures was not one of the petitioners. The complaint alleged that Eubank's certification was a ministerial task, entitling them to a writ of mandamus. Regarding injunctive relief, plaintiffs alleged that their petition was valid and that submission of the petition automatically suspended Ordinance 2023-08. They asked the trial court to order such suspension until after a referendum on the ordinance. Finally, plaintiffs requested declaratory relief. Specifically, they asked the trial court to declare that the Marshall City Council violated the City's charter by including an appropriation in a zoning ordinance. They alleged that the ordinance violated the requirement that all ordinances have a single issue given that the ordinance included two issues: a zoning change and appropriations.

Shortly after plaintiffs filed their complaint, multiple third-parties sought to intervene. The only successful intervenor-movant was MAEDA, which moved to intervene as the owner of the subject property. But others, including Ford Motor Company, the proposed developer, and a group favoring the development called Marshall Citizens for Jobs and Opportunity, unsuccessfully

⁵ Under the Marshall City Charter, the City Clerk has 20 days to determine the sufficiency of a referendum petition. If she determines it to be sufficient, the City Council must either repeal the referred ordinance or place the referendum petition on the ballot. Marshall Charter, § 5.04(a). If she determines it to be insufficient, she must mail a certified copy of the certificate of insufficiency to the ballot committee. The ballot committee may then either amend the referendum petition or file a request with the City Council for a review of sufficiency. See Marshall Charter, § 5.04(b). That decision is subject to review by a court of competent jurisdiction. Marshall Charter, § 5.04(c).

moved to intervene. The MEDC and MSF filed a joint motion to intervene as investors and facilitators of the development project. Relevant to this appeal, the trial court denied MEDC and MSF's motion to intervene, allowing them to proceed as amici only. The trial court granted MAEDA's intervention, concluding it was in a significantly different position than the other proposed intervenors because it owned the property whose zoning was at issue. It further determined that the City might not adequately protect its interests. It denied MEDC and MSF's motion, concluding that their interests were perfectly aligned with and represented by the City and MAEDA's positions. The trial court's order denying intervention was entered on August 7, 2023. MEDC and MSF did not apply for leave to appeal this order.

The City, Eubanks, and MAEDA quickly moved for summary disposition under MCR 2.116(C)(8). Plaintiffs filed a consolidated response in opposition. After a hearing on the motion, the Committee and petitioners filed an amended complaint for a writ of mandamus. Plaintiffs raised their original three claims: mandamus (Count I), injunctive relief (Count II), and declaratory relief (Count III). They also raised two new claims that mirrored arguments raised in (and which the court struck from) their response to the motion for summary disposition. First, plaintiffs added a claim in which they asked the trial court to declare that amending the zoning ordinances violated the Master 425 Agreement (Count IV). They also alleged a claim that Ordinance 2023-08 had not been properly noticed before it was adopted by the city council (Count V). The City, Eubank, and MAEDA moved to strike the amended complaint, maintaining that the Committee and petitioners failed to seek leave before filing the amended complaint and lacked standing to bring the new claims. The trial court entered an order holding the motion to strike in abeyance pending the issuance of its opinion and order in the original motion for summary disposition.

In September 2023, the trial court issued its opinion on the motion for summary disposition. Regarding mandamus, the trial court found that the Committee and the petitioners had an alternate avenue for relief: appealing the Marshall City Council's decision to affirm Eubank's refusal to certify to a court of competent jurisdiction. Specifically, the trial court found that Section 5.04 of the Marshall City Charter provides this alternative remedy. They did not avail themselves of that remedy. For that reason alone, the court wrote, the complaint for a writ of mandamus failed as a matter of law. The trial court further concluded that it should dismiss the mandamus action because the Committee and petitioners could not establish that Eubank violated a clear legal duty. It explained that Ordinance 2023-08 included an appropriation and was not subject to referendum. Eubank, therefore, had a clear legal duty to reject the petition. The trial court also rejected the collateral attacks on the validity of Ordinance 2023-08. It reasoned that the City's charter allows appropriations by ordinance. The trial court similarly determined that Ordinance 2023-08 did not violate the title and subject restrictions stated in the City's charter. Relying on these findings and conclusions, the trial court agreed that the City, Eubank, and the Marshall Development Alliance were entitled to dismissal of the complaint under MCR 2.116(C)(8). It, however, indicated that they should be given opportunity to amend.

After withdrawing their motion to strike the amended complaint, the City and Eubank moved for summary disposition of the amended complaint. The Committee and the petitioners responded in opposition. Each side largely reiterated arguments raised with respect to the earlier motion for summary disposition or motions to strike.

Following a hearing, the trial court granted summary disposition in favor of the City, Eubank, and MAEDA in January 2024. It dismissed Counts I through III for the same reasons that it stated in its first summary disposition opinion. Regarding Count IV (declaratory relief related to purported violations of the Master 425 Agreement), the trial court determined that neither the Committee, nor petitioners, had standing to challenge whether the City’s zoning decision breached the Master 425 Agreement. In a footnote, it alternatively concluded that even if they had standing, their argument lacked merit. Regarding Count V (declaratory relief related to purported improper notice of Ordinance 2023-08), the trial court concluded that the Committee and petitioners did not have standing, but it also concluded that the claim, as alleged, failed as a matter of law. It explained that the City gave notice of the proposed ordinance on April 15, 2023, and set the date of the city council’s meeting for May 1, 2023. The City did not, however, introduce the ordinance until April 17, 2023. Nevertheless, the City gave notice more than five days before the city council’s meeting, which met the literal requirements of the City’s charter. The court also stated that, as alleged, the City substantially complied with the notice requirement. The trial court entered its order dismissing the amended petition on the grounds set forth in the opinion.

This appeal followed. The Committee appealed by right the trial court’s order dismissing its claims. The seven individual petitioner-plaintiffs did not file a claim of appeal and are not parties to this appeal. MEDC and MSF cross-appealed on February 26, 2024, challenging the trial court’s order denying their motions to intervene.

II. STANDARD OF REVIEW

We review de novo a trial court’s decision on a motion for summary disposition under MCR 2.116(C)(8). See *Maiden v Rozwood*, 461 Mich 109, 118; 597 NW2d 817 (1999). We likewise review de novo whether the trial court properly interpreted and applied applicable statutes and court rules, *Franks v Franks*, 330 Mich App 69, 86; 944 NW2d 388 (2019), and whether a party has standing to bring a claim, *MCNA Ins Co v Dep’t of Technology, Mgt & Budget*, 326 Mich App 740, 743; 929 NW2d 817 (2019). We also review de novo the proper interpretation and application of the City’s ordinances, *Gmoser’s Septic Serv, LLC v East Bay Charter Twp*, 299 Mich App 504, 509; 831 NW2d 881 (2013), and charter, *Barrow v Detroit Election Comm*, 301 Mich App 404, 411; 836 NW2d 498 (2013).⁶

⁶ At the threshold, the Committee argues that the trial court erred by granting defendants’ first motions for summary disposition because plaintiffs filed a new complaint, which superseded the complaint that was the subject of the motions. This argument fails for at least two reasons. First, the Committee waived this issue by not raising it before the trial court. See *Tolas Oil & Gas Exploration Co*, ___ Mich App ___, ___; ___ NW3d ___ (2023) (Docket No. 359090); slip op at 3 (holding that the failure to raise an issue in the trial court waives that issue for appellate review). See also *Samuel D Begola Servs, Inc v Wild Bros*, 210 Mich App 636, 642; 534 NW2d 217 (1995) (a party asserting error must show that it brought to the trial court’s attention the same basis for the error later claimed on appeal). Second, the issue is moot. The trial court addressed the merits of the first motions, but it also granted the Committee leave to amend its complaint and gave the parties an opportunity to address the amended complaint in new motions for summary

III. MANDAMUS

The trial court did not abuse its discretion when it dismissed the Committee’s claim for a writ of mandamus. The trial court correctly concluded that the Committee’s mandamus claim failed for at least two reasons: first, an adequate alternative remedy existed (judicial review as provided in Section 5.04 of the Marshall Charter), and second, the Committee did not have a legal right to a ballot referendum on an ordinance containing appropriations.⁷

While we review de novo a trial court’s decision on a motion for summary disposition under MCR 2.116(C)(8), see *Maiden*, 461 Mich at 118, we review for an abuse of discretion the trial court’s decision whether to issue a writ of mandamus, *CB v Livingston County Comm Mental Health*, ___ Mich App ___, ___; ___ NW3d ___ (Docket No. 363697); slip op at 5. “A court abuses its discretion when its decision is outside of the range of reasonable and principled outcomes.” *Id.*, quoting *Citizens for Higgins Lake Legal Levels v Roscommon Co Bd of Comm’rs*, 341 Mich App 161, 177-178; 988 NW2d 841 (2022). “A trial court necessarily abuses its discretion when it makes an error of law.” *CB*, slip op at 5 (quotation marks and citation omitted).

A. STANDING

At the threshold, we reject MAEDA’s argument that the Committee lacks standing. MAEDA frames its standing argument as whether the Committee had standing to challenge the validity of Ordinance 2023-08. MAEDA, however, relies primarily on authorities related to appeals to zoning boards and circuit courts rather than standing to challenge a zoning decision in

disposition. When it granted the new motions for summary disposition, the trial court had to provide the Committee the opportunity to amend, notwithstanding that it had already granted leave to amend once before, unless the court determined that “amendment would not be justified.” See MCR 2.116(I)(5); see also *Yudashkin v Linzmeyer*, 247 Mich App 642, 652; 637 NW2d 257 (2001) (stating that when a “plaintiff’s amended complaint arises from the same conduct, transaction, or occurrence as that of the original complaint, the fact that summary disposition was granted in favor of these defendants does not preclude amendment”). The trial court’s decision to consider the merits of the first motions, therefore, did not bar the Committee from seeking leave to amend its complaint again to correct the defects that led to dismissal under MCR 2.116(C)(8). The Committee merely *chose* not to amend. We conclude that whether the trial court should have treated the amended complaint as by leave and whether it should have declined to address the first motions for summary disposition are moot questions. See *League of Women Voters of Mich*, 506 Mich at 580-584.

⁷ Because we affirm on the basis that the trial court correctly declined to issue a writ of mandamus because there was an alternative remedy (judicial review of the Council’s decision under the Marshall Charter) and no legal right to have a referendum on an ordinance that included appropriations, we need not address the thornier issue of whether Eubank’s certification of the petitions was a ministerial task. See, e.g., *Plunkett v Dep’t of Transp*, 286 Mich App 168, 190; 779 NW2d 263 (2009) (declining to address remaining issues after finding the resolution of others to be dispositive).

the first place. See *Sakorafos v Lyon Charter Twp*, ___ Mich App ___, ___; ___ NW3d ___ (2023) (Docket No. 362192); slip op at 5-6.

Standing refers to a party's right initially to invoke a trial court's power to adjudicate a claimed injury in fact. *Saugatuck Dunes Coastal Alliance v Saugatuck Twp*, 509 Mich 561, 592; 983 NW2d 798 (2022). Our Supreme Court has stated that Michigan's standing doctrine is a prudential doctrine that recognizes that a litigant has standing whenever he or she has a valid cause of action:

[A] litigant has standing whenever there is a legal cause of action. Further, whenever a litigant meets the requirements of MCR 2.605, it is sufficient to establish standing to seek a declaratory judgment. Where a cause of action is not provided at law, then a court should, in its discretion, determine whether a litigant has standing. A litigant may have standing in this context if the litigant has a special injury or right, or substantial interest, that will be detrimentally affected in a manner different from the citizenry at large or if the statutory scheme implies that the Legislature intended to confer standing on the litigant. [*Lansing Sch Ed Ass'n v Lansing Bd of Ed*, 487 Mich 349, 372; 792 NW2d 686 (2010) (footnotes omitted).]

MAEDA contends that the Committee cannot challenge Ordinance 2023-08 because it is a zoning ordinance and the Zoning Enabling Act, MCL 125.3101 *et seq.*, limits who can challenge a zoning ordinance. Its argument misses the point and posture of the Committee's action. As this Court has explained, the Zoning Enabling Act governs who may *appeal* a zoning decision to a zoning board or the circuit court. See *Sakorafos*, ___ Mich App at ___; slip op at 5-6. It does not govern standing to assert direct challenges to a zoning ordinance. See *id.* The common-law standard governs direct challenges like the challenge at issue here. *Id.*

Here, the petitioners formed the Committee and had it petition for a referendum on Ordinance 2023-08. The City's charter specifically provided standing to do just that. See Marshall Charter, § 5.02. Once Eubank certified the petition as insufficient, the Committee had standing to challenge the decision by Eubank and to challenge the City's decisions to approve Eubank's decision through a writ of mandamus, see MCR 3.305(A)(2), because it had a "substantial and distinct interest" in ensuring that its petition for a referendum was not improperly certified as insufficient, see *Lansing Sch Ed Ass'n*, 487 Mich at 374. In short, the Committee had (and has) standing.

B. THE COMMITTEE WAS NOT ENTITLED TO MANDAMUS RELIEF

As stated, the Committee's mandamus request failed for at least two reasons: (1) the existence of an alternative remedy; and (2) lack of a legal right to put the referendum on the ballot.

The writ of mandamus is an extraordinary form of relief. See *Taxpayers for Mich Constitutional Gov't v State of Michigan*, 508 Mich 48, 81; 972 NW2d 738 (2021). Its purpose is to enforce duties the law created under circumstances in which the law has not created a specific remedy, and justice requires one. See *id.*, citing *State Bd of Ed v Houghton Lake Comm Schs*, 430 Mich 658, 666; 425 NW2d 80 (1988). As observed by our Supreme Court, mandamus has four elements:

To obtain this extraordinary remedy, the plaintiff bears the burden of showing that (1) the plaintiff has a clear, legal right to performance of the specific duty sought, (2) the defendant has a clear legal duty to perform, (3) the act is ministerial, and (4) no other adequate legal or equitable remedy exists that might achieve the same result. [*Taxpayers for Mich Constitutional Gov't*, 508 Mich at 81-82 (quotation marks and citation omitted).]

“A clear legal right is a right clearly founded in, or granted by, law; a right which is inferable as a matter of law from uncontroverted facts regardless of the difficulty of the legal question to be decided.” *Attorney Gen v Bd of State Canvassers*, 318 Mich App 242, 249; 896 NW2d 485 (2016). A clear legal duty is one that may be inferred as a matter of law from the uncontroverted facts. *Adams v Parole Bd*, 340 Mich App 251, 260; 985 NW2d 881 (2022). “A ministerial act is one in which the law prescribes and defines the duty to be performed with such precision and certainty as to leave nothing to the exercise of discretion or judgment.” *Id.* (quotation marks and citation omitted).

The trial court correctly concluded the Committee was not entitled to a writ of mandamus because it did not have a clear, legal right to have a referendum on a Marshall ordinance containing appropriations, see Marshall Charter § 5.01(b) (prohibiting referenda or ordinances containing appropriations), and it had an adequate legal remedy, namely judicial review of the city council’s decision, see Marshall Charter § 5.04(c) (explicitly providing that the city council’s final determination as to the sufficiency of a petition is “subject to review by a court of competent jurisdiction”). Although these are narrow grounds, to determine whether the Committee had a legal right to have the referendum certified and included on the ballot, and to determine whether other adequate legal or equitable remedies existed, we must examine the scope of the power of referendum within the Marshall Charter.

As a home rule city, the City had to include certain provisions in its charter. See MCL 117.3. Other provisions were, however, merely permissible. The City could include—but was not required to include—provisions for “initiative and referendum on all matters within the scope of the powers of that city and the recall of city officials.” MCL 117.4i(g). The people of Marshall chose to include provisions for a referendum in their charter. See Marshall Charter, § 5.01(b). The people, however, limited that power to reviewing ordinances other than certain enumerated types of ordinances: “such power shall not extend to the annual operating budget or capital programs, any emergency ordinance, or *any ordinance relating to the appropriation of money or levy of taxes.*” Marshall Charter, § 5.01(b) (Emphasis added).

This limitation means that there is no right under the charter to a referendum on an ordinance relating to appropriations. In this case, the Committee and the petitioners petitioned to hold a referendum on Ordinance 2023-08, the zoning ordinance at issue. An ordinary zoning ordinance could be subject to referendum. See *Albright v Portage*, 188 Mich App 342, 347-349; 470 NW2d 657 (1991) (holding that zoning ordinances are legislative acts—not administrative acts—and are subject to referendum if the charter allows for referenda on ordinances). This ordinance, however, included appropriations for “\$40,000 for site plan review services and \$250,000 for building inspection services for the development of the proposed industrial project on the properties identified and described under this ordinance.” So long as the ordinance

contained these appropriations, the Committee and the petitioners lacked a legal right to a referendum on the ordinance. See Marshall Charter, § 5.01(b). Without a clear, legal right to certification of the referendum and its placement on the ballot, see *id.*, the trial court had no authority to issue a writ of mandamus. See *Taxpayers for Mich Constitutional Gov't*, 508 Mich at 81-82. The trial court correctly reached this conclusion.

In doing so, the trial court relied on our Supreme Court's decision in *MGM Grand Detroit v Comm Coalition for Empowerment, Inc*, 465 Mich 303; 633 NW2d 357 (2001). The trial court relied on *MGM Grand* for the proposition that Eubank had the authority to determine whether Ordinance 2023-08 was subject to referendum and whether plaintiffs had a right to have the issue on the ballot. There, the Detroit city council passed an ordinance changing the zoning at a particular site to allow operation of a casino. See *id.* at 311-312 (CAVANAGH, J., dissenting) (reciting the facts). After the defendants in that case collected sufficient signatures to subject the zoning ordinance to a referendum, the city council repealed the ordinance and passed a new zoning ordinance that included an appropriation. See *id.* The defendants again collected sufficient signatures to subject the zoning change to referendum, but the city clerk refused to certify it because the ordinance was exempt from the power of referendum. See *id.* at 312. MGM sued for a declaration that the petition was invalid, and the defendants filed a third-party complaint asking the trial court to order the city clerk to certify the petition. See *id.* The trial court agreed that the ordinance was not subject to referendum, granted MGM's motion for summary disposition, and denied the relief requested by the defendants. See *id.* at 312-313.

On appeal to our Supreme Court, the majority observed that Detroit's charter specifically excluded ordinances that included appropriations from the power of referendum, noted that the ordinance at issue included an appropriation, and concluded that the ordinance was not subject to the power of referendum. *Id.* at 304-305. In short, there was no clear right to have the referendum placed on the ballot. See *id.* It therefore affirmed the trial court's decision to grant MGM's motion for summary disposition. *Id.* at 305. Even though the majority's analysis did not include an assessment of the clerk's authority, it nevertheless plainly held that the trial court correctly denied the defendants' request for a writ of mandamus to compel the city clerk to certify a petition to subject an ordinance to referendum when the ordinance was not in fact subject to the power of referendum. To the extent that the trial court in this case correctly determined that Ordinance 2023-08 was not subject to the power of referendum under the Marshall Charter, it did not err when it relied on the decision in *MGM Grand Detroit* to conclude that it could not order Eubank to certify a petition for referendum that was plainly contrary to the Marshall Charter without regard to whether Eubank should have certified the sufficiency of the petition in the first place.⁸

The trial court also correctly concluded that the mandamus claim failed because of the existence of another adequate legal remedy, namely, the ability to challenge the city council's final decision on certification in court. See Marshall Charter, § 5.04(b). A trial court may not issue a

⁸ The Committee also argues that the decision in *MGM* can be distinguished from the facts of this case because, in its view, the Marshall Charter does not permit appropriations to be made by ordinance. We address this issue below.

writ of mandamus if the party requesting the writ has another adequate remedy. See *Taxpayers for Mich Constitutional Gov't*, 508 Mich at 81-82.

The Marshall Charter specified the manner for petitioning for a referendum on an ordinance in the charter. See Marshall Charter, § 5.02. It also specified the signature requirements, form, and manner for submitting the petition to the city clerk. See *id.*, § 5.03(a), (b), (d). Once submitted, the city clerk had a duty to review the petition within 20 days. The city clerk “shall complete a certification as to its sufficiency, specifying if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioner’s committee by certified mail.” Marshall Charter, § 5.04. The Marshall Charter provided that a committee whose petition has been certified as insufficient may request that the city council review the certification. See Marshall Charter, § 5.04(b). In such cases, the city council “shall review the certificate at its next meeting . . . and approve or disapprove it, and the council’s determination shall then be a final determination as to the sufficiency of the petition.” Marshall Charter, § 5.04(b). But the charter provided that the city council’s final determination was subject to judicial review:

A final determination as to the sufficiency of the petition shall be subject to review by a court of competent jurisdiction. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose. [Marshall Charter, § 5.04(c).]

In other words, the charter explicitly provides a legal remedy to challenge the council’s final determination regarding petition sufficiency: an appeal.

In other circumstances, we have traditionally concluded that the availability of a legal or equitable remedy through the courts renders the fourth prong of a mandamus claim (i.e., no other adequate legal or equitable remedy exists) unsatisfied. See, e.g., *Hanlin v Saugatuck Twp*, 299 Mich App 233, 248-249; 829 NW2d 335 (2013) (affirming trial court’s grant of summary disposition on mandamus claim “because an action in the nature of quo warranto was available to [the plaintiffs, so] they could not maintain a claim for mandamus”); *Mich Ass’n of RR Passengers v Southeastern Mich Transp Auth*, 140 Mich App 111, 114-115; 362 NW2d 904 (1985) (affirming trial court’s dismissal of a complaint for a writ of mandamus, due to an adequate legal remedy, where the statute authorizing the defendant regional transit authority required the authority to give public notice and hold hearings before making a final decision to change its rail service and “[a]ny party aggrieved by [the authority’s] decision can appeal to the circuit court.”). See also *Hill v State*, 382 Mich 398; 170 NW2d 18 (1969). Here, the charter explicitly provided an appeal of the city council’s decision to a court of competent jurisdiction. Such an appeal is an adequate legal (or equitable) remedy capable of reaching the same desired result. The Committee did not pursue such an appeal. The trial court correctly concluded that this was a basis for dismissing the mandamus claim.

Either of these bases provided grounds for dismissing the Committee’s complaint for mandamus. And either provides a basis for affirming. We need not analyze the issue of the scope of Eubank’s legal duties and whether they were ministerial.⁹

IV. VALIDITY OF APPROPRIATIONS IN ORDINANCE 2023-08

The trial court did not err when it determined that the City could validly make an appropriation by ordinance. This is a core aspect of the Committee’s claims. In substance, the Committee argues that the City appropriations within Ordinance 2023-08 were invalid because (1) the charter only allows appropriations by resolution, not by ordinance, and (2) Ordinance 2023-08’s title did not identify appropriations as part of its purpose. If the appropriations were not part of the ordinance, then Ordinance 2023-08 would be vulnerable to ballot referenda. We conclude

⁹ The Committee also argues that Eubank’s decision not to certify the ballot referendum was an unconstitutional limitation on who can collect signatures for a petition to subject an ordinance to a ballot referendum. Specifically, the Committee contends she interpreted the City’s charter to require the members who formed the committee to petition for a referendum to be the only persons who could collect signatures for the petition. The trial court refused to consider this purported error. We also decline to reach this issue because our decision on mandamus renders it, for the purposes of this appeal, moot. See *Gleason v Kincaid*, 323 Mich App 308, 314-315; 917 NW2d 685 (2018); see also *Mich Republican Party v Donahue*, ___ Mich App ___, ___; ___ NW3d ___ (2024) (Docket No. 364048); slip op at 2.

This Court decides actual cases and controversies; it does not entertain abstract questions of law or decide cases that do not rest on existing facts or rights. *Gleason v Kincaid*, 323 Mich App 308, 314-315; 917 NW2d 685 (2018). This Court will instead dismiss as moot appeals that do not involve actual cases or for which it cannot grant relief. *Id.* For that reason, the party seeking relief must establish that there is an actual case or controversy at every stage of the litigation. See *Lewis v Continental Bank Corp*, 494 US 472, 477-478; 110 S Ct 1249; 108 L Ed 2d 400 (1990). A court cannot redress an injury with a favorable decision if the decision would not affect the rights of the litigants in the case before the court. *Id.* This Court may, however, review a moot issue if it is publicly significant, likely to recur, and yet likely to evade judicial review. See *Mich Republican Party*, ___ Mich App at ___; slip op at 2.

Because we conclude that the Committee was not entitled to have the referendum put on the ballot, a declaration regarding the constitutionality of limiting who can collect petition signatures for the ballot referendum based on their membership in the Committee, would have no conceivable effect on the rights of the litigants—the City would still be entitled to have the petition rejected as a matter of law. See *Lewis*, 494 US at 477-478. Nonetheless, to the extent that the City or its officers interpret Section 5.02 of the Marshall Charter to limit petition signature gathering to only members of a petitioners’ committee, the City should strongly consider whether such a limitation on protected political speech is untethered from a valid government interest. See *Buckley v American Constitutional Law Foundation, Inc*, 525 US 182, 186-187, 194-196; 119 S Ct 636; 142 L Ed 2d 599 (1999) (holding that banning paid circulators or limiting the circulators to registered voters amounts to a diminution in speech that is not justified by the government’s interest in policing lawbreakers among petition circulators).

that the trial court correctly interpreted the charter as allowing the City to pass appropriations by ordinance and that Ordinance 2023-08 did not violate the charter's title-ordinance rules.

This Court reviews de novo whether a party has standing to bring a claim. See *MCNA Ins Co*, 326 Mich App at 743. This Court also reviews de novo the proper interpretation and application of the City's ordinances, *Gmoser's Septic Serv, LLC*, 299 Mich App at 509, and charter, *Barrow*, 301 Mich App at 411. This Court reviews a trial court's decision whether to grant a preliminary injunction for an abuse of discretion. *Slis v Michigan*, 332 Mich App 312, 335; 956 NW2d 569 (2020). The trial court abuses its discretion when its decision falls outside the range of reasonable and principled outcomes. *Id.*

A. STANDING

As explained, the Committee and the petitioners had the right under the City's charter to challenge the city council's decision to ordain an ordinance by petitioning for a referendum on the ordinance. See Marshall Charter, § 5.02. Once the Committee submitted its petition, it had standing to ensure that its petition was not wrongfully certified as insufficient. See *Lansing Sch Ed Ass'n*, 487 Mich at 374. To that end, it had standing to challenge whether the city council could lawfully include an appropriation in the ordinance that would exempt the ordinance from the power of referendum. Put differently, after filing its petition, the Committee had a concrete and distinct interest that gave it standing to contest the appropriation provisions to the extent that those provisions affected the decision whether to certify its petition as insufficient. See *id.* The Committee continues to have standing to challenge those provisions on appeal.

B. APPROPRIATIONS BY ORDINANCE AND RESOLUTION

The Marshall Charter does not explicitly prohibit passing appropriations by ordinance, like those in Ordinance 2023-08, and it does not explicitly require or authorize them. It does, however, explicitly contemplate appropriations by ordinance. See Marshall Charter, § 5.01(b).

The City's charter provides that the City has "any and all powers, privileges and immunities which home rule cities are or may hereafter be required or permitted to exercise" Marshall Charter, § 1.03. The City's charter further provides that it must be liberally construed in favor of the City and states that "the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power stated in this article." Marshall Charter, § 1.05.

The City's charter vests all the City's powers in the city council. See Marshall Charter, § 2.05. The city council had the power to adopt resolutions, ordinances, and technical codes as provided under Article IV of the charter. See Marshall Charter, § 2.16. The City's charter also required the city council to adopt an annual budget as provided under Article IX. See Marshall Charter, § 2.19.

Article IV of the City's charter states that all "legislation of the city shall be by ordinance or resolution." Marshall Charter, § 4.01(a). The charter limits the use of resolutions to "matters required or permitted by law, or this charter, and to matters pertaining to the internal concerns of the city." Marshall Charter, § 4.01(c). The charter further required the city council to act by ordinance when "establishing a rule or regulation which provides for a penalty" or when "amending or repealing an ordinance previously adopted, or when required by law or this charter."

Marshall Charter, § 4.01(d). Critically, unlike Section 4.01(c), Section 4.01(d) is not a limitation on the city council's authority. Although the charter required the city council to legislate by ordinance when one of the criteria under Section 4.01(d) applied, the charter did not preclude it from legislating by ordinance under circumstances when one of those criteria did not apply. Read together, the City's charter provided that legislation by ordinance was the default, whereas legislating by resolution would be permissible only when one of the criteria stated under Marshall Charter, § 4.01(c), applied. In short, nothing in Article IV prevented the city council from legislating an appropriation by ordinance. It is worth noting that legislating by ordinance is a significantly more cumbersome process than legislating by resolution. Compare Marshall Charter, § 4.01(b) (providing the process for legislating by resolution: a motion followed by a vote of the council members present) with § 4.02 (providing the process for legislating by ordinance, including written introduction, title requirements, notice by publication, public hearing, and vote).

On appeal, the Committee argues that Article IX of the charter bars appropriations by ordinance. It does not. Article IX of the charter provides the City's budgeting process. Article IX requires various city officials to "submit to the city manager an itemized estimate of their expenditures for the next fiscal year." Marshall Charter, § 9.02. It then requires the city manager to prepare an itemized budget with an estimate of the revenues for the coming fiscal year and the city manager's recommendations. See Marshall Charter, § 9.02. Section 9.05, the section on which the Committee primarily relies, provides, "Not later than the first meeting of the council in June, the council *shall, by resolution*, adopt all budgets for the next year and *shall, in such resolution, make an appropriation* of the money needed for municipal purposes during the ensuing fiscal year" Marshall Charter, § 9.05 (emphasis added). The charter further limits the city council's authority to spend money outside the budget process: "After the budget has been adopted, no money shall be drawn from the treasury of the city nor shall any obligation for the expenditure of money be incurred, except pursuant to the budget appropriation." Marshall Charter, § 9.06.

The prohibition against drawing money from the treasury or incurring obligations, "except pursuant to the budget appropriation," does not prohibit the City from spending money on matters not included in the budget. City governments routinely confront unanticipated circumstances that sometimes result in unanticipated expenses which require them spend money on contingencies that arise during the fiscal year. The limitation stated under Marshall Charter, § 9.06, most naturally means that the city council must limit its draws and pay its debts within the parameters set by the budget.

The Committee, however, disagrees and emphasizes the prohibition stated under Marshall Charter, § 9.06. It argues Section 9.06 requires the City to make all appropriations for entire fiscal year during the initial budgeting process. In other words, it maintains that the charter renders the budget adopted in June of each year inviolate and prohibits any further appropriations throughout the year. It then argues from that proposition that it necessarily follows that the city council lacked the authority to include an appropriation by ordinance and that the trial court erred when it refused to sever the appropriation from Ordinance 2023-08.

The Committee's interpretation would require us to view the budgeting process in a silo without considering the provisions that give the city council the ability to respond to changing conditions throughout the fiscal year. It also requires us to map that narrow view onto the entirety of the charter, ignoring conflicts it creates with other provisions within the charter. The charter,

for example, authorizes the city council to “transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund, or agency to another,” with some exceptions, during the fiscal year. See Marshall Charter, § 9.06. This power authorizes the city council to appropriate funds for an unanticipated expense during the fiscal year by moving unused and unencumbered funds between departments or agencies to cover the appropriation. See *id.* The charter also allows the city council to act during the year to reduce appropriations when income is less than was anticipated in the budget. See Marshall Charter, § 9.07.

Unlike the provisions for borrowing, which provide that the city council could exercise its borrowing power by resolution or ordinance, see Marshall Charter, § 9.08, the city council could not exercise its powers under Marshall Charter, §§ 9.06 and 9.07, by resolution. This is because the city council was empowered to act by resolution only when “required or permitted by law, or this charter,” or when the matter pertained “to the internal concerns of the city,” Marshall Charter, § 4.01(c), and Marshall Charter, §§ 9.06 and 9.07, do not include authority to act by resolution. Accordingly, the city council can act in a manner consistent with Marshall Charter, §§ 9.06 and 9.07, through an ordinance.

The Committee reads the deliberate inclusion of the term ordinance as a permissible means for borrowing under Marshall Charter, § 9.08, as proof that the authority to transfer funds under Marshall Charter, § 9.06, must be done by resolution. Marshall Charter, § 9.06, makes no mention of the method for performing the transfer, and Marshall Charter, §§ 4.01(c) and (d), establish that the city council cannot act by resolution except in certain specified cases and may act by ordinance even in the absence of a statement to that effect. The most logical interpretation for the decision to include the power to act by resolution or ordinance in Marshall Charter, § 9.08, was to establish that the city council had the power to act by resolution to borrow. The failure to include that provision would have precluded the city council from acting by resolution under Marshall Charter, § 4.01(c). Contrary to the Committee’s position, it was not superfluous to state that the city council had the authority to act by resolution or ordinance under Marshall Charter, § 9.08. See *Robertson v DaimlerChrysler Corp*, 465 Mich 732, 748; 641 NW2d 567 (2002) (“[I]t is important to ensure that words in a statute not be ignored, treated as surplusage, or rendered nugatory.”). Instead, this section tends to support the concept that the charter contemplated that ordinances, the default (and more cumbersome) mechanism for municipal legislation, would be a mechanism for appropriations. Cf. Marshall Charter § 9.08, § 5.01(b).

The failure to include that the city council could act by ordinance cannot be understood to imply that the city had no authority to act by ordinance. The city council had the authority to act by ordinance under Marshall Charter, § 4.01(d), without the need to mention that power because acting by ordinance is the city council’s default manner of legislating. Even assuming that the city council could perform the appropriation changes stated under Marshall Charter §§ 9.06 and 9.07, by resolution, nothing prevented the city council from acting by ordinance. Compare Marshall Charter, § 4.01(c) and § 4.01(d). Moreover, the requirement to act by resolution stated in Marshall Charter, § 9.05, by its own terms, applied only to the adoption of the initial budget for the coming fiscal year; it did not prevent the city council from making any appropriation otherwise permitted under the charter in an ordinance during the fiscal year.

As the trial court correctly noted, the City’s charter also specifically contemplates that the city council may make appropriations in an ordinance. See Marshall Charter, § 5.01(b). If that

were not the case, then there would be no need to exempt ordinances that contain appropriations from the power of referendum. See Marshall Charter, § 5.01(b). It is the Committee’s preferred interpretation that renders a part of the charter nugatory. See *Robertson*, 465 Mich at 748.

Because the City’s charter must be liberally construed in favor of the exercise of the City’s powers, see Marshall Charter, § 1.05, and the charter does not contain any prohibition—direct or implied—that the city council cannot make an appropriation by ordinance, the city council’s decision to include an appropriation in Ordinance 2023-08 was not necessarily unlawful under the charter. We therefore conclude that the trial court did not err when it concluded that the city council could lawfully appropriate funds by ordinance.

C. TITLE-OBJECT AND SINGLE-SUBJECT RULES

The Committee also argues that the appropriation in Ordinance 2023-08 violated the charter’s title-object rule. Though this presents a closer question, we conclude that the ordinance substantially complied with the charter.

The charter provides, in relevant part, that “no ordinance shall contain more than one subject, and the ordinance title must clearly express that subject.” Marshall Charter, § 4.02(a). This limitation is substantially similar to the title-object clause in Michigan’s constitution. See Const 1963, art 4, § 24 (“No law shall embrace more than one object, which shall be expressed in its title.”). The purpose of such clauses is to “prevent the Legislature from passing laws not fully understood, to ensure that both the legislators and the public have proper notice of legislative content, and to prevent deceit and subterfuge.” *Enbridge Energy, LP v Michigan*, 332 Mich App 540, 545-546; 957 NW2d 53 (2020) (quotation marks and citation omitted). A challenge under a title-object rule, such as that found in the City’s charter, can take two forms: (1) a title-body challenge and (2) a multiple-object challenge. *Id.* The challenge at issue here takes both forms.

When reviewing a title-object challenge, this Court must make “all possible presumptions” in favor of constitutionality and must construe the title “reasonably, not narrowly and with unnecessary technicality.” *Advisory Opinion re Constitutionality of 1972 PA 294*, 389 Mich 441, 464; 208 NW2d 469 (1973). As this Court has explained, a title-object limitation is not intended to restrict the Legislature’s power, it is intended to ensure that the Legislature gives fair notice of the challenged provision:

A title-body challenge is an assertion that the body of an act exceeds the scope of its title. However, the title of an act is not required to serve as an index to all of the provisions of the act. The goal of the clause is notice, not restriction of legislation. A title will only fail to give fair notice if the subject in the body is so diverse from the subject in the title that they have no necessary connection. Even if not directly mentioned in the title of the act, if the title comprehensively declares a general object or purpose, a provision in the body is not beyond the scope of the act as long as it is germane, auxiliary, or incidental to that general purpose. [*Enbridge Energy, LP*, 332 Mich App at 546 (quotation marks and citations omitted).]

A multiple-object challenge looks at the body of the law to determine whether the act embraces more than a single object. See *Ray Twp v B&B’s Gun Club*, 226 Mich App 724, 731;

575 NW2d 63 (1997). An ordinance does not violate a title-object clause solely because it contains more than one means of attaining its primary purpose. *Id.* Rather, a violation exists only when “the law contains subjects so diverse that they have no necessary connection.” *Id.*

The Committee argues that Ordinance 2023-08 suffered both a title-object defect and a multiple-object defect. The city council gave the following title to Ordinance 2023-08: “AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CHANGE THE ZONING OF A PARCEL OF REAL PROPERTY, PARCEL #53-281-021-00, FROM TOWNSHIP ZONING TO INDUSTRIAL AND MANUFACTURING COMPLEX (I-3).” It is undisputed that the title did not mention appropriations. But, in the ordinance, the city council not only amended the zoning map to change the zoning for the identified parcel, it also appropriated “\$40,000 for site plan review services and \$250,000 for building inspection services for the development of the proposed industrial project on the properties identified and described under this ordinance.” The Committee maintains that the title of Ordinance 2023-08 did not encompass these appropriations because a change in zoning bears no connection to an appropriation for services related to a development project. It likewise argues that Ordinance 2023-08 also had multiple objects in violation of Marshall Charter, § 4.02(a), because an ordinance change is one object, and a budget amendment is another object.

We conclude that the appropriations did not violate Section 4.02(a) of the Marshall Charter. The city council did not state in its title that it was amending the zoning map in general; it provided that it was amending its zoning map to change the zoning classification for a specific parcel, which it identified, and stated that it was changing the zoning to a special category, I-3. It was well publicized that the parcel identified in Ordinance 2023-08 was the parcel intended for the development of Ford’s Blue Oval Battery Park. The City had also created the I-3 zoning classification specifically for that parcel and to further the development intended for that parcel. The title, for that reason, encompassed a significant zoning change involving a known and controversial development project.

A provision in an ordinance that is germane, auxiliary, or incidental to the generally stated purpose of the ordinance is not beyond the scope of the title. *Enbridge Energy LP*, 332 Mich App at 546. Even a routine zoning change may encompass costs that would ordinarily be borne by the agency charged with effecting the change. As such, the fact that Ordinance 2023-08 included appropriations did not necessarily violate the object-title rule stated under Marshall Charter, § 4.02(a), simply because the city council chose to address the fiscal need accompanying the zoning change in the zoning ordinance rather than in a separate ordinance.¹⁰ Additionally, because of the nature of the zoning change at issue and the specified parcel to which it applied, an appropriation to pay for costs associated with the later development contemplated by the zoning

¹⁰ Citing MCL 141.437(1), the Committee claims that all appropriations are always required to be in the form of an amendment to the general appropriations. That statute requires a legislative body to amend the general appropriations as soon as it becomes apparent that a deviation from the original general appropriations act is necessary. There is no indication in the record that the appropriation at issue caused a deviation in the general appropriations.

change would be within the range of expenses that the City would incur after making the zoning change. An ordinance “may contain any provision which directly relates to, carries out, and implements the principal object of the [ordinance].” See *Livonia v Dep’t of Soc Servs*, 423 Mich 466, 499; 378 NW2d 402 (1985). As the trial court observed in its earlier opinion and adopted in its later opinion, the appropriation for the site plan review and for building inspections had a necessary connection to the development that the City intended to support by implementing the zoning change. Consequently, the appropriations did not violate the title-object clause and did not constitute a second, distinct purpose not encompassed by the object identified in the title. See *id.*; *Ray Twp*, 226 Mich App at 731.¹¹

We conclude that the trial court did not err when it determined that Ordinance 2023-08 did not violate Marshall Charter, § 402(a). We therefore affirm the trial court’s decision to dismiss the Committee’s claims for injunctive and declaratory relief under MCR 2.116(C)(8). See *Mettler Walloon, LLC v Melrose Twp*, 281 Mich App 184, 221 & n 6; 761 NW2d 293 (2008) (noting that a claim for declaratory relief is actually a request for equitable relief that typically is cumulative to a request for a writ of mandamus or injunctive relief). The trial court did not err when it dismissed Counts I through III of the Committee’s amended complaint.

V. COMPLIANCE WITH THE CHARTER’S NOTICE REQUIREMENTS

The Committee argues that the trial court erred by dismissing Count V, a request for declaratory relief that Ordinance 2023-08 was invalid for failing to comply with the charter’s notice requirements. We conclude that the Committee has failed to establish that the trial court erred when it dismissed this claim.¹²

¹¹ The Committee maintains that the trial court applied the wrong standard, but the trial court specifically acknowledged that the requirement would not be met “in the absence of a necessary connection between a section of the ordinance and its subject.”

¹² Again, the Committee had standing to raise this claim. As explained, the standing test stated under the Zoning Enabling Act, on which MAEDA’s standing arguments rely, does not apply to a direct claim. See *Sakorafos*, ___ Mich App at ___; slip op at 5-6. Direct challenges are governed by the common-law standard. *Id.* Under the common-law standard, the Committee has standing if it can establish that it has met the requirements of MCR 2.605 for declaratory relief or because it established that it had a special injury or right, or substantial interest that will be detrimentally affected in a manner different from the citizenry at large. See *Mich Republican Party*, ___ Mich App at ___; slip op at 5.

MAEDA argues that the Committee cannot seek a declaration that Ordinance 2023-08 was passed in violation of the City’s charter because it did not even exist when the city council passed Ordinance 2023-08 and, for that reason, could not have suffered an injury. It is well settled that an organization, such as the Committee, has the same standing that its members have to assert claims. See *Mich Citizens for Water Conservation v Nestle Waters North American, Inc*, 479 Mich 280, 296; 737 NW2d 447 (2007), overruled not in relevant part by *Lansing Schs Ed Ass’n*, 487 Mich 349 (2010). MAEDA also argues that the Committee failed to state a claim for relief because

The City’s charter provides that the City must give notice of a proposed ordinance before holding a hearing to consider whether to pass the ordinance. The City’s charter states: “Following introduction of any ordinance, the city clerk shall publish a summary of the proposed ordinance in a local newspaper of general circulation in the city, together with a notice setting out the time and place for a public hearing on the proposed ordinance.” Marshall Charter, § 4.02(b). The charter further provides that the city council may not hold the public hearing on the proposed ordinance “sooner than five (5) days after the publication.” Marshall Charter, § 4.02(b). Giving these words their ordinary meaning, the City must publish at least one summary of the ordinance with a notice of the date of the public hearing to consider the ordinance, and the hearing must not be sooner than five days after the publication.

The Committee’s argument that the City did not properly notice the ordinance because it started publishing its summary and notice on April 15, 2023—two days before the City introduced the ordinance—fails because of the nature of the publication containing the notice. The newspaper at issue, the *Ad-visor and Chronicle*, was a weekly publication. We, therefore, treat the publication as having been published continuously every day through to the new issue date—April 22, 2023. The City’s notice, therefore, was effectively published anew every day, which included the day after Ordinance 2023-08 was introduced. See, e.g., *Leffler v Armstrong*, 4 Iowa 482 (1857) (stating that a notice is published continuously from the first day the paper includes the notice until the first issue without the notice); see also *Hinchman v Barns*, 21 Mich 556, 558 (1870) (stating that publication means taking some act to put the paper before the public). Nothing in Marshall Charter, § 4.02(b), prevented the City from making a continuous publication in order to ensure the greatest possible notice to the public. See *Petition of Boyd*, 332 Mich 553, 559; 52 NW2d 216 (1952) (rejecting a notice challenge premised on publication of the required one notice a week for two weeks on the ground that the notice appeared in two different newspapers because the statute did not require that each notice be published in the same paper). The Committee’s argument invites this Court to read a penalty into the charter for beginning a continuous publication before the introduction of an ordinance. We decline such invitation. See *Protecting Mich Taxpayers v*

a claim for declaratory judgment is a form of relief that must be premised on an underlying cause of action and the Committee did not have an underlying cause of action. More specifically, the Committee pleaded its claims under Count IV and V as alternatives to its claim for a writ of mandamus.

Although this Court has held that a request for declaratory relief is a remedy, not a claim, see *Mettler Walloon, LLC v Melrose Twp*, 281 Mich App 184, 221; 761 NW2d 293 (2008), our Supreme Court has recognized that a party who has met the requirements stated under MCR 2.605(A)(1) has a cause of action. See *Lansing Schs Ed Ass’n*, 487 Mich at 377 n 26 (“Thus, the teacher-plaintiffs seeking enforcement of MCL 380.1311a(1) must meet the requirements for some other cause of action, such as a writ of mandamus under MCR 3.305 or a declaratory action under MCR 2.605(A)(1).”); see also *League of Women Voters of Mich*, 506 Mich at 585-586 (stating that the plaintiffs requested a declaratory judgment, which was a proper claim under MCR 2.605, but plaintiffs failed to establish that there was an actual controversy under that court rule). Accordingly, if the Committee established the elements for a declaratory action under MCR 2.605(A)(1), then it would be entitled to declaratory relief.

Bd of State Canvassers, 324 Mich App 240, 250; 919 NW2d 677 (2018) (holding that this Court cannot read a penalty into a law when none exists).

Our Supreme Court has held that, as long as the municipality actually published notice and made postings, which served the purpose of providing notice to the general public, the fact that the notice was not for the full time required would not invalidate the election on the resolution. See *Bay Co v Hand*, 257 Mich 262, 268; 241 NW 256 (1932). Our Supreme Court has also held that it will not invalidate a law when the municipality has substantially complied with the steps required before holding a vote. *Mich Pub Serv Co v Cheboygan*, 324 Mich 309, 340; 37 NW2d 116 (1949). Although the City began publishing its notice on Ordinance 2023-08 before it introduced that ordinance, the City effectively provided notice for more than the required time before the hearing held to adopt it. Even if this were to amount to a technical violation as Committee alleges, it did not deprive the public of notice and does not warrant invalidating Ordinance 2023-08. See *Mich Pub Serv Co*, 324 Mich at 340; *Bay Co*, 257 Mich at 268.

The Committee complains that the summary published in the paper did not mention any appropriations. Echoing its title-object argument, it maintains that the failure to mention the appropriations in the summary rendered the notice improper. We disagree.

The Committee is correct that the City's notice only referred to an ordinance to change the zoning and provided information about the land to be affected along with a map of the area. The notice did not mention any proposed appropriations. But the City's charter does not specify what a summary must include to constitute adequate notice. It merely provides that the City had to publish a summary of the proposed ordinance. See Marshall Charter, § 4.02(b). A general summary is sufficient when the law governing notice does not require more. See *North Burns Park Ass'n v Ann Arbor*, 155 Mich App 686, 691; 400 NW2d 622 (1986). Here, the summary clarified that the *primary* purpose of the ordinance was to change the zoning for a specific parcel of property; that summary was adequate for purposes of noticing the public hearing. See *id.* Acknowledging that the appropriations within the ordinance are central to this appeal, they are far from the primary purpose of the ordinance. The critical issue was the rezoning, and the summary adequately notified the public of that issue.

The early publication did not violate the City's charter. The summary provided adequate notice of the ordinance at issue. The trial court correctly dismissed this claim under MCR 2.116(C)(8).

VI. DID ORDINANCE 2023-08 VIOLATE AGREEMENTS WITH TOWNSHIP

The Committee has not established that the trial court erred when it dismissed its claim that Ordinance 2023-08 violated the Master 425 Agreement. This relates to Count IV of the Committee's complaint. We conclude that although the trial court incorrectly concluded that the Committee lacked standing, it nonetheless reached the right conclusion by dismissing its claim.

Again, we begin with standing. Here, the trial court incorrectly concluded that the Committee lacked standing to seek a declaratory judgment related to the Master 425 Agreement. To the extent that the Committee was attempting to sue under the Master 425 Agreement—an agreement to which it was not a party—to compel the City to change its zoning, it would lack

standing to enforce the agreement. See *Bloomfield Estates Improvement Ass’n, Inc v Birmingham*, 479 Mich 206, 212-213; 737 NW2d 670 (2007). See also *Brunsell v Zeeland*, 467 Mich 293, 296; 651 NW2d 388 (2002) (stating that incidental beneficiaries to a contract cannot sue to enforce it under the third-party beneficiary statute). But that is not what the Committee was doing. Rather, it sued for a declaration that Ordinance 2023-08 was void because the City did not have the authority to pass Ordinance 2023-08 given that the City bargained away its authority to change the zoning for parcels governed by the Master 425 Agreement. The Committee would have standing to assert that claim for the same reasons that it had standing to sue for a declaration that Ordinance 2023-08 was void for failure to follow the charter’s notice provisions. See *Washington Gas Energy Servs, Inc v Dist of Columbia Pub Serv Comm*, 893 A2d 981, 988-989 (DC, 2006); *Town of Lima v Robert Slocum Enterprises, Inc*, 38 App Div 2d 503, 506; 331 NYS2d 51 (1972). Accordingly, the trial court erred when it dismissed this claim for lack of standing. We nonetheless conclude that the trial court reached the correct outcome.

The Committee’s claim fails on the merits for two reasons. First, under the Master 425 Agreement did not contract away its ability to zone property. Second, even if it did, Ordinance 2023-08 did not constitute a breach of the agreement.

The Legislature authorized municipalities to include provisions on the adoption of ordinances in agreements such as the Master 425 Agreement. See MCL 124.26(c). But this authority stops short of the municipality abandoning its core functions. A legislature can never bargain away a core legislative or governmental function. See *United States v Winstar Corp*, 518 US 839, 888-889; 116 S Ct 2432; 135 L Ed 2d 964 (1996) (opinion by SOUTER, J.) (state is precluded from bargaining away its police power). The power to enact zoning ordinances is a core function of the City’s police power. See *Landowners v South Regional Airport Agency*, 977 NW2d 486 (Iowa, 2022) (holding that zoning is a core governmental function that cannot be bargained away). The 425 Agreement did not amount to the City contracting away its ability to pass ordinances.

Even assuming that the City had the authority to contract away its right to zone the property at issue in the Master 425 Agreement, the existence of such an agreement does not render any zoning ordinance involving property governed by that agreement void as a matter of law because a city’s authority to pass ordinances does not depend on contractual agreements. See *Grand Haven v Grocer’s Co-op Dairy Co*, 330 Mich 694, 696-698; 48 NW2d 362 (1951) (recognizing that a home rule city’s authority to enact laws is subject only to state law and the city’s charter). Whether the passage of an ordinance amounted to a breach of the Master 425 Agreement and what relief would be appropriate would be a matter for the parties to resolve in a contract action. Yet, as previously concluded, the Committee had standing to sue for a declaration that Ordinance 2023-08 was void on other grounds. Because Ordinance 2023-08 was properly passed without regard to whether the City breached the Master 425 Agreement by passing it, the Committee’s claim that Ordinance 2023-08 was void failed as a matter of law.

In the Master 425 Agreement, the City and the Township agreed to create the JPC and stated that the JPC “shall control all land usages for lands subject” to the Master 425 Agreement. They further agreed that the JPC would conduct itself as provided in Schedule A. The parties agreed that the JPC would administer all commercial and industrial lands regardless of location using the City’s zoning and planning act, rather than the Township’s zoning act, and would follow

the City's procedures. The City and Township further agreed, in relevant part, that definitions for commercial and industrial lands, would be governed by the definitions given those lands in the City's then current zoning ordinance. They provided in ¶ 3 that the definition would remain the same for any land governed by the agreement, as least for purposes of the Master 425 Agreement, notwithstanding the passage of an ordinance changing the definitions, unless both parties agreed to the change.

The Committee focuses on the fact that the City and Township granted the JPC "control" over usage. It suggests that the grant of control over usage gave the JPC final authority over zoning classification. But we do not read the use of the word "control" so expansively as to deprive the City of its right to change its own zoning ordinances. See *LeRoux v Secretary of State*, 465 Mich 594, 615-616; 640 NW2d 849 (2002) (restating the fundamental principle that one legislature cannot bind a future legislature or limit its power to amend or repeal statutes). And the terms of the Master 425 Agreement do not support that interpretation.

The City and Township agreed to give the JPC control, but also agreed that the JPC had to apply the City's zoning act and procedures for commercial and industrial lands. Nothing within those procedures, or for that matter, the Master 425 Agreement, prevented the City from amending its zoning map to change a classification. The JPC had to accept any changes to the applicable zoning stated in the City's act as a matter of course, unless the change affected a definition. Enforcing the newly modified zoning ordinance did not diminish the JPC's control over usage—it still had the authority to control usage consistent with the amended zoning ordinances. Given the language of the Master 425 Agreement, the City had every right to change zoning classification for a particular area and the JPC had to accept that change. Additionally, as the City correctly notes, the City's zoning ordinances reserved the right to amend the zoning act on its own motion and the JPC would, in that event, have a purely advisory role. See Marshall Zoning Ordinance, § 7.1. Consequently, even if the Committee had standing to assert a breach of the Master 425 Agreement, its claim would fail as a matter of law.

The trial court did not err when it dismissed the Committee's claim under MCR 2.116(C)(8). See *Bailey v Antrim Co*, 341 Mich App 411, 420; 990 NW2d 372 (2022) (stating that this Court will affirm if the trial court reached the right result, even if for the wrong reason). The trial court did not err when it dismissed Count IV of the Committee's complaint.

VII. JURISDICTION OVER THE CROSS-APPEAL

We lack jurisdiction to rule on MEDC and MSF's cross-appeal even if we were to limit the scope of the cross-appeal to the issue of the trial court's decision on intervention. This Court reviews de novo whether it has jurisdiction to consider an appeal. *Chen v Wayne State Univ*, 284 Mich App 172, 191; 771 NW2d 820 (2009). Whether this Court has jurisdiction is always within the scope of this Court's review. *Id.*

The Michigan Constitution authorizes the Legislature to establish by law this Court's jurisdiction. See *id.* at 191-192. The Legislature has granted our Supreme Court broad authority to promulgate rules that establish whether and when this Court has jurisdiction to consider an appeal as of right or by leave granted. *Id.* at 192. Accordingly, the court rules generally govern this Court's jurisdiction. *Id.*

This Court has jurisdiction of an appeal of right filed by an “aggrieved party.” MCR 7.203(A). Here, the Committee was a party, and it was aggrieved by the trial court’s decision to dismiss its claims. See *Federated Ins Co v Oakland Co Rd Comm*, 475 Mich 286, 290-291; 715 NW2d 846 (2006). Because the order dismissing the Committee’s claim was a final order under MCR 7.202(6)(a), this Court had jurisdiction to hear the Committee’s appeal as an appeal of right under MCR 7.203(A). The court rules further provide that, “[w]hen an appeal of right is filed or the court grants leave to appeal, any appellee may file a cross appeal.” MCR 7.207(1). An appellee is a “party against whom an appeal is taken and who has an interest adverse to setting aside the judgment” and “any nonappellant party to a suit, whether involved in the appeal or not.” 4 CJS, Appeal and Error, § 334; see also *Black’s Law Dictionary* (9th ed) (defining “appellee” to be a “party against whom an appeal is taken and whose role is to respond to that appeal, usu[ally] seeking affirmance of the lower court’s decision”).

The genesis of the cross-appeal, however, was the trial court’s order denying intervention, dated August 27, 2023. Because the trial court denied their motion to intervene, they were never parties to the substance of the suit. Only aggrieved *parties* have an appeal of right under MCR 7.203(A). See also *League of Women Voters of Mich*, 506 Mich 561, 579; 957 NW2d 731 (2020) (noting that only a party has standing to appeal, but granting the Legislature’s request for leave to intervene and thereby giving it appellate standing). Further, only a *party* can be an appellee with a right to cross-appeal a decision under MCR 7.207(A)(1). See also *Costa v Comm Emergency Med Servs, Inc*, 263 Mich App 572, 583-584; 689 NW2d 712 (2004) (stating that MCR 7.207 allows any appellee to cross-appeal whenever an appellant has either filed an appeal of right or has been granted leave to appeal), *aff’d* 475 Mich 403 (2006). Accordingly, we do not have jurisdiction over an appeal of right or a cross-appeal of right by MEDC or MSF because neither were parties to the lower court case.

If they wished to challenge the trial court’s decision, then they had to apply for leave to appeal that decision under MCR 7.203(B)(1) (giving this Court authority to grant leave to appeal from a judgment or order of the circuit court that is not a final judgment appealable of right). Additionally, they had to file the application within 21 days of the entry of the order about which they now complain. See MCR 7.205(A)(1)(a). The time limit applicable to an application for leave to appeal is jurisdictional. See MCR 7.205(A); *Chen*, 284 Mich App at 192. The trial court entered its order denying the motion to intervene by the Development Corporation and the Strategic Fund on August 7, 2023. But MEDC and MSF did not apply for leave to appeal at any point and only filed their claim of cross-appeal on February 26, 2024.

We are also barred from treating the claim of cross-appeal as a delayed application for leave to appeal, because MEDC and MSF filed it more than six months after the trial court entered the order denying leave to intervene. See MCR 7.205(A)(4)(a); see also MCR 1.108(3) (stating that, if a period of time is measured by months, then the last day of the period is the same day of the month as the day on which the period began). We, therefore, lack the discretion to allow the MEDC and MSF to appeal by delayed leave. See *Chen*, 284 Mich App at 199 & n 8 (recognizing

that this Court cannot even grant a delayed application for leave when the time limit has passed). For these reasons we dismiss the MEDC and MSF's cross-appeal for lack of jurisdiction.¹³

We affirm.

/s/ Thomas C. Cameron

/s/ Noah P. Hood

/s/ Adrienne N. Young

¹³ We decline the Committee's request to find that MEDC and MSF's appeal is a vexatious appeal and impose sanctions. Although this Court has the inherent authority to sanction a vexatious appeal on its own motion, a party may not request such a sanction unless it complies with the requirements stated under MCR 7.211(C)(8). See MCR 7.216(C)(1). MCR 7.211(C)(8) provides that a party requesting such sanctions must move for the sanctions. It further provides that a request contained in a brief on appeal does not constitute a motion. MCR 7.211(C)(8) ("A request that is contained in any other pleading, including a brief filed under MCR 7.212, will not constitute a motion under this rule."). We decline to consider the request for sanctions as it was improperly raised. See *Bonkowski v Allstate Ins Co*, 281 Mich App 154, 181-182; 761 NW2d 784 (2008).

ITEM: 12.A

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Joshua Lankerd, Chief of Police
DATE: July 1, 2024
SUBJECT: **SOCIAL DISTRICT PERMIT REQUEST - STAGECOACH 1838**

The City of Marshall received a Social District Permit Application from Stagecoach 1838 LLC. In speaking with the new owners of the Stagecoach restaurant located at 201 W. Michigan Ave, they advised they are in the process of transferring the license.

The City of Marshall has designated a social district with common areas that are clearly marked and shared by and contiguous to the licensed premises of 8 existing businesses currently. The Stagecoach at 201 W Michigan Ave is located within the social district boundaries and qualifies for a Social District application per the Michigan Liquor Control Commission (MLCC) Rules. An approved resolution along with certification from the clerk are requirements for the Social District Application.

BUDGET IMPACT:

The City of Marshall receives a small percentage of license fees from the Liquor Control Commission.

RECOMMENDATION:

Approve Resolution 2024-21, Local Governmental Unit Approval For Social District Permit, requested by Stagecoach 1838 LLC for 201 W. Michigan Ave.

**Local Governmental Unit Approval For Social District Permit****Instructions for Governing Body of Local Governmental Unit:**

A qualified licensee that wishes to apply for a Social District Permit must first obtain approval from the governing body of the local governmental unit where the licensee is located and for which the local governmental unit has designated a social district with a commons area that is clearly marked and shared by and contiguous to the licensed premises of at least two (2) qualified licensees, pursuant to MCL 436.1551. Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a _____ meeting of the _____ council/board
(regular or special) (name of city, township, or village)

called to order by _____ on _____ at _____
(date) (time)

the following resolution was offered:

Moved by _____ and supported by _____

that the application from _____
(name of licensee - if a corporation or limited liability company, please state the company name)

for a **Social District Permit** is _____ by this body for consideration for approval by the
(recommended/not recommended)

Michigan Liquor Control Commission.

If not recommended, state the reason: _____

Vote

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the _____
council/board at a _____ meeting held on _____
(regular or special) (date) (name of city, township, or village)

I further certify that the licensed premises of the aforementioned licensee are contiguous to the commons area designated by the council/board as part of a social district pursuant to MCL 436.1551.

Print Name of Clerk

Signature of Clerk

Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

ITEM: 12.B

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Michelle Eubank, City Clerk
Marguerite Davenport, Director of Public Services
DATE: July 1, 2024
SUBJECT: SPECIAL EVENT APPLICATION - MARSHALL MOTORFEST

MAEDA-Choose Marshall is requesting to hold the inaugural Marshall MotorFest event on August 3, 2024. The event will consist of a family event with yard games, bounce houses and other items starting at 3 PM on N Jefferson St. between Michigan Ave. and Mansion St. A classic car vehicle cruise will also occur beginning at 5 PM until approx. 5:20 PM and be led by the Marshall Police Department. After cruising, the vehicles will park along Michigan Ave in the downtown for viewing. Michigan Ave. will be closed East of the Foutain Circle to Exchange St from 4 PM to 9 PM for the event. MDOT has approved the Michigan Avenue closure.

BUDGET IMPACT:

Estimated costs are anticipated to exceed the \$500 non-profit waiver. Costs over \$500 will be billed to the event organizer.

RECOMMENDATION:

Approve the MAEDA Marshall MotorFest Special Event Application for August 3, 2024.



Event Day Itinerary

Saturday, August 3, 2024

- | | |
|---------|---|
| 10:00am | Registration tent opens downtown (location?)
Discounts for participants with wristbands at downtown retailers
Summer Sidewalk Sales open until 4:00pm |
| 3:00pm | Family Zone events begin downtown (North Jefferson Street) <ul style="list-style-type: none">• DJ and dance floor• Photo booth• Corn hole, yard games, bounce house• Face painting |
| 4:00pm | East edge of fountain circle to Exchange St closes
Registration tent moves to former Kmart parking lot
Cruise line up begins at Kmart lot (clubs line up first/together) |
| 5:00pm | Registration tent closed/packed up
Police escorted cruise (two loops if time allows) <ul style="list-style-type: none">• Michigan Ave/West Drive intersection temporarily closed until all cars exit former Kmart parking lot• Fountain Circle closed until cruise is complete• All side streets/lots on Michigan Ave from McDonalds/Applebees to Fountain Circle staffed by a volunteer/posse to discourage cars from entering• Cruise through town, right on Exchange, left on E Green, left on S Marshall, left on Michigan Ave, back all the way to turn around in front of McDonalds, then back through town, Exchange turn around, then start backing in to park diagonally angled towards the east |
| 5:20pm | Cruise complete <ul style="list-style-type: none">• Car show participants angle park downtown (back in, angled east) |
| 7:30pm | Awards announced |
| 8:00pm | Family Zone closed
Michigan Avenue reopens for traffic
80s themed party at Dark Horse Brewery |

CITY OF MARSHALL

SPECIAL EVENT POLICY

May 2022

In General

1. The City of Marshall, believing there is a benefit to the community in allowing and encouraging community-oriented special events that may make use of public rights-of-ways, parks, or other properties, may allow the use of such properties for special events under the terms of this policy.
2. Any Special Event making use of City-controlled public rights-of-ways, parks, or other properties, shall be approved in advance by the City Council. Typically, a Special Event involves significant potential inconvenience to nearby residents and properties, through traffic, activity, noise, light, altered traffic routes, or other potentially deleterious factors that are not normally present in the area.
3. The normal use of City facilities, such as playing baseball on a baseball field, renting a pavilion, etc., shall not be considered a Special Event under this policy.
4. Events in the Downtown Development Authority (DDA) district, as shown below, will be presented to the DDA board at their regularly scheduled meetings. The DDA will be asked to formally support the Special Event prior to the event approval going to City Council. The City believes support and coordination with downtown business is critical to the success of the downtown area. The DDA meets once a month so timing of the application should be adjusted accordingly to allow for both DDA and City Council approval.
5. The City of Marshall prohibits the use of paint or permanent markings on surfaces within the public right of way. Anchoring of tents with stakes is prohibited through concrete or asphalt surfaces on City property or within the public right of way. Anchoring of any structure must be completed with alternative methods.
6. The City of Marshall partners with the Michigan Department of Transportation (MDOT) to manage two state trunklines within City limits. Michigan Avenue is the BL-94 trunkline while South Kalamazoo Avenue and Industrial Road are M-227. The City maintains a close relationship with the local MDOT office regarding street closures on Michigan Avenue. If a closure of Michigan Avenue is requested the City will pursue the permit from MDOT and prepare necessary traffic plans. Permit approval is the ultimate decision of MDOT. Proper deployment and display of traffic control signs will be discussed with applicants at the planning meeting.
7. The City of Marshall puts effort into planning and coordinating events with event sponsors. We understand that unexpected cancellation of events can occur. We schedule required work activities in advance of events and will require 72-hour notice prior to the start of an event for cancellation and avoidance of special event fees. If cancellation is received within 72-hours of an events start time, the sponsors will be billed for all activities completed by the time of cancellation.
8. The City of Marshall is a supporter of special events. However, applicants should understand

special events require additional work for City staff. The City requires payment for special events tasks directly attributable to the event. The City requires 100% reimbursement from for-profit sponsoring organizations and waives the first \$500 in fees for non-profit sponsoring organizations.

Procedures

9. An applicant desiring to hold a special event requiring the use of City-controlled property shall submit a Special Event Application Form to the City Clerk's Office, describing the particulars of the request. All requested information must be provided. The application should be submitted 90 days before the event to ensure ample time for the required staff review, correction of any defects, and time for the request to be placed on a City Council agenda. The City Council may consider whether a late approval date would provide inadequate notice to affected residents, property owners, and business owners.
10. Relevant City staff members will review the application and recommend changes if appropriate. The applicant may amend the application to address these concerns. Before the application is submitted to City Council, relevant staff members will indicate whether they have concerns with the application in its current form.
11. Additional permits and fees may be required for services requested including right-of-way permit, electric drop, and hydrant connections.
12. City staff, prior to council approval, will determine the cost to the City for supporting the event. This cost will be conveyed to the event sponsoring and payment is expected prior to the event date.
13. The City Council will consider the application during an open meeting, and will approve, approve with conditions, or reject the application.

Applications may be rejected if, in the sole judgment of the City, granting the application would not be in the best interest of the public health, safety, or welfare, through causing parking congestion, excessive disruption of traffic, blocking access to other properties, or reducing access for emergency vehicles; or if the public health, safety or welfare was negatively affected by previous similar special events or special events sponsored by the applicant; or if the applicant has previously failed to live up to his or her responsibilities as sponsor of a special event; or if the applicant has supplied false information on the Special Event Application Form. The decision of the City Council is final.



City Of Marshall
323 West Michigan Ave
Marshall, MI 49068
Phone: 269.781.5183
Fax: 269.781.2878

Special Events Application

Important: Please fill out each item as completely so that the application can be processed as quickly as possible, without unnecessary delays. Please return the completed, signed application, with any necessary attachments, to the City Clerk's Office, at the address shown above. Special Events must be approved by the City Council, which typically meets twice per month. We recommend submitting your application at least 90 days before your organization wishes to receive approval, to allow time to work through issues with the staff, and to allow for the possibility that the City Council may still see issues that should be addressed before approval.

Applicant Information

Name of Special Event: _____

Is the sponsoring organization: ☐ Non-Profit, please provide status letter* ☐ For Profit

Mailing/Billing Address: _____

City/State/ZIP Code: _____

Business Phone: _____ Cell Phone: _____

Email Address(es): _____

Event Information

*A separate event schedule and/or description may be attached in response to questions 1 through 5.

**For any question, if there is not room to include a complete response, please include the response on a separate attachment and note "see attached". When providing information in an attachment, please refer to the appropriate question number(s) to help the City staff review the application.

1. Requested day(s), date(s), and time(s) of the Special Event: _____

2. Is there a requested alternative date(s)? ☐ Yes ☐ No

If yes, please provide the alternative date(s): _____

3. Please describe the event(s): _____

4. What is the requested location(s) of the event(s): _____

5. Does this event require a street closure? ☐ Yes ☐ No Street Name: _____

Start and End Locations: _____

Please complete the following check list regarding your event and special needs: More detailed instructions are included on the following pages. Please use additional sheets where appropriate for more detailed responses.

General

6. Is this event expected to occur again in a future calendar year? Yes_____No_____
- Normal Annual Date?_____
7. Have you included a map indicating the location of your event?* Yes_____No_____
8. Is your event located within the Downtown Development Authority? Yes_____No_____
9. Does the applicant wish to prohibit vending within the event area? Yes_____No_____
10. Does the applicant plan to include vending as part of this event?* Yes_____No_____
11. Will this event include the use of signs? Yes_____No_____
12. Will the event require the hanging of a banner? Yes_____No_____
13. Is the applicant requesting special parking arrangements, such as reserved parking?* Yes_____No_____

Public Services

14. Is the applicant requiring utility connections, such as electric or water services?* Yes_____No_____
15. Does the applicant require other public services? Yes_____No_____
- a. Barricades Yes_____No_____
- b. Fencing Yes_____No_____
- c. Street Sweeping Yes_____No_____
- d. Mowing Yes_____No_____
- e. Rubbish Containers Quantity:_____ Yes_____No_____
- f. Picnic Tables Yes_____No_____
- g. Cessation of Lawn Sprinklings Yes_____No_____
- h. Other_____ Yes_____No_____
- i. Map including indicating location of these services?* Yes_____No_____
16. Do you plan to utilize volunteers to help run the event? Yes_____No_____
17. Do you plan to rent a park facility for the event? Yes_____No_____

Public Safety

18. Does the applicant have any special security or safety concerns? Yes_____No_____
19. Are you requesting assistance from the Police/Fire Departments? Yes_____No_____
20. Will the event include loud or unusual sounds? Yes_____No_____
- a. Musicians Yes_____No_____
- b. Singers Yes_____No_____
- c. Amplified Announcers Yes_____No_____
- d. Carnival Rides Yes_____No_____
- e. Motor Vehicle Noises Yes_____No_____
- f. Other_____ Yes_____No_____
21. What are the planned hours for loud or unusual sounds?_____
22. Will the event include unusual lighting beyond what is normal at that location? Yes_____No_____

Alcohol Consumption

23. Are alcoholic beverages proposed to be served as part of the event? Yes_____No_____
24. Will you be utilizing a LLC regulated boundary? Yes_____No_____
25. Are you using the Social District for outdoor alcohol consumption? Yes_____No_____
26. Have all necessary liquor licenses been obtain at the time of this application? Yes_____No_____
27. Does the applicant have any other requests that are not listed in this form? Yes_____No_____
28. The applicant is require to provide \$1,000,000 of liability insurance coverage with respect to the event; have you attached a Certificate of Insurance listing the City of Marshall as an additionally insured? Yes_____No_____

Questionnaire Explanations

6. **Is this event expected to occur again in a future calendar year?** You may ask to reserve a date for a future calendar year with this application. To reserve an event date for a future calendar year, please provide the normal annual event date. *Note:* Granting such a reservation does not constitute final approval of the event, but will reserve the same area as granted for the current year, until three months before the reserved date.
7. **An Event Map**—if your event will use streets or sidewalks or will use multiple locations, please attach one or more maps showing the locations requested. Please show any streets or parking lots that you are asking be blocked off or reserved for specific purposes, locations of specific events or objects (carnival rides, bleachers, medical care, exhibits, special parking, pick-up/drop-off areas, etc.), remote parking lots, the actual route of a parade or race, and similar information appropriate to clarify the exact request.
8. **Is your event located within the Downtown Development Authority?** The DDA will be asked to formally support the Special Event prior to the event approval going to City Council. The City believes support and coordination with downtown business is critical to the success of the downtown area. The DDA meets once a month so timing of the application should be adjusted accordingly to allow for both DDA and City Council approval.
- 9/10. **Does the applicant wish to have control of vending within the festival area?** In some instances, the applicant may be granted control of vending, the applicant is solely responsible for ensuring that all vendors are properly licensed with any appropriate agencies (Health Department). The City of Marshall Fire Department will hold vendors responsible for the National Fire Prevention Association's (NFPA) standards relating to general safety, fuel and power sources, clearances, and operational safety.
11. **Will this event include the use of signs?** If yes, please attach information on the size, content, and location of any requested signs; signs may be shown on the event map or on a separate map, if appropriate. Small directional signs that do not obstruct pedestrian or vehicular traffic may be placed in the event area, during the event, without being included in this application.
12. **Will the event require the hanging of a banner?** Event sponsors can purchase banners to be hung across North Kalamazoo Avenue or Michigan Avenue. The fee to hang a banner is \$400. The banner must be 3 or 4-foot by 20-foot in size for North Kalamazoo or 25 to 35-foot in length for Michigan Avenue. For proper hanging the banner must have grommets in each corner as well as along the top of the banner and wind slits throughout the banner. The city will supply the rope for hanging of the banner.
13. **Is the applicant requesting special parking arrangements—such as limiting parking areas to certain groups of users?** If yes, you must coordinate with the Police Chief.
14. **Is the applicant requiring utility connections, such as electric service or water?** If yes, you must coordinate with the Director of Public Services to review what utilities are available in the requested area, and provide a detailed map showing the utilities requested. Requests for electricity will require an *Electric Drop* form to be completed and submitted with the application.
15. **Does the applicant have any other requests for public services, such as street sweeping, mowing, rubbish containers or removal, placement or removal of picnic tables or other fixtures, or cessation of lawn sprinkling?** If yes, you must coordinate with the Director of Public Services to determine if assistance from Public Services is appropriate and available, and provide a description of the services Public Services has indicated it could provide. The applicant will be charged for these services. Any
16. **Do you plan to utilize volunteers to help run the event?** Depending on the scope of the event, volunteers can help reduce the cost of special events for the applicant. The City has limited staff to help with special events and encourages organizers to utilize volunteers as much as possible.
17. **Is your event located at Stuarts Landing Band Shell or Ketchum Park's Cronin Millrace Pavilion?** These two facilities are available for rent. A separate *Park Rental Agreement* for park facilities is required as part of the special event application.

- 18. Does the applicant have any special security or safety concerns? Is the applicant requesting assistance from the Police Department in addressing these concerns?** If yes, you must contact the Chief of Police to determine what assistance from the Police Department is appropriate and available, and provide a description of the services the Police Department has indicated it could provide. The applicant will be charged for these services.
- 19. Is the applicant requesting assistance from the Police or Fire Departments in addressing these concerns?**
If yes, you must contact both the Police and Fire Chief to determine what assistance from the Departments is appropriate and available, and provide a description of the services the Departments have indicated they could provide. The applicant will be charged for these services.
- 20. Will the event include loud or unusual sounds, such as a musicians, singers, amplified announcers, carnival rides, motor vehicle noises beyond those regularly present in the location, etc.?**
If yes, you must please attach information indicating all of these on this application.
- 20. Will the event include unusual lighting beyond that regularly present in the location that could have an impact upon occupants of neighboring properties?**
If yes, you must please attach information indicating all of the types of lighting, the location, the beginning and end times, and whether the lighting is constant or intermittent during those times.
- 21. Are alcoholic beverages proposed to be served as part of the event?**
If yes, you must advise the Police Department of your intention to serve alcoholic beverages. Approval of the special event does not constitute final approval of service of alcoholic beverages; any necessary approval of a liquor license is a separate process.
- 25. Please attach a separate sheet detailing any aspects of the event that are not specifically addressed in this form but of which the City Council should be aware to make a fully informed decision with regard to approval of the proposed event.**
- 26. The applicant is required to provide \$1,000,000 of liability insurance coverage with respect to the event. A Certificate of Insurance, with the City listed as an additional named insured, must be provided to the City Clerk's Office at least one calendar month before the event. Is the insurance certificate attached?**

The City of Marshall PROHIBITS any and all painting of any city property, including sidewalk and streets. Events of those persons violating this policy will be canceled and not future event will be allowed.

Continue to next page...

Applicant Signature

I hereby affirm that the information is true to the best of my knowledge and belief, and agree that the applicant will be responsible for making certain that the event follows the ordinances, rules, and regulations of the City of Marshall and that the event takes place in accordance with the application as approved by the Marshall City Council, including any conditions placed thereon.

Applicant Signature: _____

Printed Name: _____ Date: _____

The APPLICANT does hereby agree to indemnify, hold harmless and defend the CITY and each of its officers, officials, employees, agents and authorized volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by CITY, OWNER, PERMITTEE (Renter) or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fee and litigation expenses), arising or alleged to have arisen directly or indirectly out of the operation and use of CITY property and public right of way. APPLICANT'S obligations under the preceding sentence shall apply regardless of whether City or any of its officers, officials, employees, agents or authorized volunteers are negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused solely by the gross negligence, or caused by the willful misconduct, of CITY or any of its officers, officials, employees, agents or authorized volunteers.

ITEM: 12.C

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Michelle Eubank, City Clerk
Marguerite Davenport, Director of Public Services
DATE: July 1, 2024
SUBJECT: SPECIAL EVENT APPLICATION - ROTARY DUCK PLUCK

The Marshall Rotary Club is looking to host a Duck Pluck on July 20, 2024, at the Brooks Memorial Fountain. The event is a fundraiser and will consist of them selling tickets prior to the event and on the day of the event they will place approx. 1,000 ducks in the fountain and pull 3 winners. They are asking for use of the park for approximately an hour from 3:30 to 4:30 PM, with the actual event taking around 20-minutes at 4 PM. Safety concerns for those involved have been discussed to keep the participant pulling the duck, as well as the fountain, safe.

They are not looking for any city services outside the use of the Brooks Memorial Fountain and the fountain circle park for their event.

BUDGET IMPACT:

There is no cost anticipated with this event. Any costs associated with the event will be billed, less the \$500 non-profit waiver.

RECOMMENDATION:

Approve the Marshall Rotary Club Duck Pluck Special Event Application for July 20, 2024.



City Of Marshall
323 West Michigan Ave
Marshall, MI 49068
Phone: 269.781.5183
Fax: 269.781.2878

Special Events Application

Important: Please fill out each item as completely so that the application can be processed as quickly as possible, without unnecessary delays. Please return the completed, signed application, with any necessary attachments, to the City Clerk's Office, at the address shown above. Special Events must be approved by the City Council, which typically meets twice per month. We recommend submitting your application at least 90 days before your organization wishes to receive approval, to allow time to work through issues with the staff, and to allow for the possibility that the City Council may still see issues that should be addressed before approval.

Applicant Information

Name of Special Event: Marshall Rotary Club Duck Pluck Fundraiser

Is the sponsoring organization: ☒ Non-Profit, please provide status letter* ☐ For Profit

Mailing/Billing Address: PO Box 212, Marshall MI 49068

City/State/ZIP Code: Marshall, MI 49068

Business Phone: 269 579-5091 Cell Phone: _____

Email Address(es): all aikins @att.net

Event Information

*A separate event schedule and/or description may be attached in response to questions 1 through 5.

**For any question, if there is not room to include a complete response, please include the response on a separate attachment and note "see attached". When providing information in an attachment, please refer to the appropriate question number(s) to help the City staff review the application.

1. Requested day(s), date(s), and time(s) of the Special Event: Saturday, July 20, 2024

2. Is there a requested alternative date(s)? ☐ Yes ☒ No

If yes, please provide the alternative date(s): _____

3. Please describe the event(s): Duck Pluck - approximately 1,000 small rubber ducks will be floated in the fountain and ducks will be "plucked" to determine winners

4. What is the requested location(s) of the event(s): Brooks Memorial Fountain

5. Does this event require a street closure? ☐ Yes ☒ No Street Name: _____

Start and End Locations: _____

Please complete the following check list regarding your event and special needs: More detailed instructions are included on the following pages. Please use additional sheets where appropriate for more detailed responses.

General

6. Is this event expected to occur again in a future calendar year? Yes X No
 Normal Annual Date? hopefully will be an annual event- date will vary but in July
7. Have you included a map indicating the location of your event? Yes No
8. Is your event located within the Downtown Development Authority? Yes X No
9. Does the applicant wish to prohibit vending within the event area? Yes No X
10. Does the applicant plan to include vending as part of this event? Yes No X
11. Will this event include the use of signs? Yes X No
12. Will the event require the hanging of a banner? Yes No X
13. Is the applicant requesting special parking arrangements, such as reserved parking? Yes No X

Public Services

14. Is the applicant requiring utility connections, such as electric or water services? Yes No X
15. Does the applicant require other public services?
- a. Barricades Yes No X
 - b. Fencing Yes No X
 - c. Street Sweeping Yes No X
 - d. Mowing Yes No X
 - e. Rubbish Containers Quantity: Yes No X
 - f. Picnic Tables Yes No X
 - g. Cessation of Lawn Sprinklings Yes X No
 - h. Other if they happen during event Yes No X
 - i. Map including indicating location of these services? Yes NA No
16. Do you plan to utilize volunteers to help run the event? Yes X No
17. Do you plan to rent a park facility for the event? Yes No X

Public Safety

18. Does the applicant have any special security or safety concerns? Yes No X
19. Are you requesting assistance from the Police/Fire Departments? Yes No X
20. Will the event include loud or unusual sounds?
- a. Musicians Yes No X
 - b. Singers Yes No X
 - c. Amplified Announcers Yes X No
 - d. Carnival Rides Yes No X
 - e. Motor Vehicle Noises Yes No X
 - f. Other only to announce winners Yes No X
21. What are the planned hours for loud or unusual sounds? NA
22. Will the event include unusual lighting beyond what is normal at that location? Yes No X

Alcohol Consumption

23. Are alcoholic beverages proposed to be served as part of the event? Yes No X
24. Will you be utilizing a LLC regulated boundary? Yes No X
25. Are you using the Social District for outdoor alcohol consumption? Yes No X
26. Have all necessary liquor licenses been obtain at the time of this application? Yes No X
27. Does the applicant have any other requests that are not listed in this form? Yes No X
28. The applicant is require to provide \$1,000,000 of liability insurance coverage with respect to the event; have you attached a Certificate of Insurance listing the City of Marshall as an additionally insured? Yes No X

Will provide

Questionnaire Explanations

6. **Is this event expected to occur again in a future calendar year?** You may ask to reserve a date for a future calendar year with this application. To reserve an event date for a future calendar year, please provide the normal annual event date. *Note:* Granting such a reservation does not constitute final approval of the event, but will reserve the same area as granted for the current year, until three months before the reserved date.
7. **An Event Map**—if your event will use streets or sidewalks or will use multiple locations, please attach one or more maps showing the locations requested. Please show any streets or parking lots that you are asking be blocked off or reserved for specific purposes, locations of specific events or objects (carnival rides, bleachers, medical care, exhibits, special parking, pick-up/drop-off areas, etc.), remote parking lots, the actual route of a parade or race, and similar information appropriate to clarify the exact request.
8. **Is your event located within the Downtown Development Authority?** The DDA will be asked to formally support the Special Event prior to the event approval going to City Council. The City believes support and coordination with downtown business is critical to the success of the downtown area. The DDA meets once a month so timing of the application should be adjusted accordingly to allow for both DDA and City Council approval.
- 9/10. **Does the applicant wish to have control of vending within the festival area?** In some instances, the applicant may be granted control of vending, the applicant is solely responsible for ensuring that all vendors are properly licensed with any appropriate agencies (Health Department). The City of Marshall Fire Department will hold vendors responsible for the National Fire Prevention Association's (NFPA) standards relating to general safety, fuel and power sources, clearances, and operational safety.
11. **Will this event include the use of signs?** If yes, please attach information on the size, content, and location of any requested signs; signs may be shown on the event map or on a separate map, if appropriate. Small directional signs that do not obstruct pedestrian or vehicular traffic may be placed in the event area, during the event, without being included in this application.
12. **Will the event require the hanging of a banner?** Event sponsors can purchase banners to be hung across North Kalamazoo Avenue or Michigan Avenue. The fee to hang a banner is \$400. The banner must be 3 or 4-foot by 20-foot in size for North Kalamazoo or 25 to 35-foot in length for Michigan Avenue. For proper hanging the banner must have grommets in each corner as well as along the top of the banner and wind slits throughout the banner. The city will supply the rope for hanging of the banner.
13. **Is the applicant requesting special parking arrangements—such as limiting parking areas to certain groups of users?** If yes, you must coordinate with the Police Chief.
14. **Is the applicant requiring utility connections, such as electric service or water?** If yes, you must coordinate with the Director of Public Services to review what utilities are available in the requested area, and provide a detailed map showing the utilities requested. Requests for electricity will require an *Electric Drop* form to be completed and submitted with the application.
15. **Does the applicant have any other requests for public services, such as street sweeping, mowing, rubbish containers or removal, placement or removal of picnic tables or other fixtures, or cessation of lawn sprinkling?** If yes, you must coordinate with the Director of Public Services to determine if assistance from Public Services is appropriate and available, and provide a description of the services Public Services has indicated it could provide. The applicant will be charged for these services. Any
16. **Do you plan to utilize volunteers to help run the event?** Depending on the scope of the event, volunteers can help reduce the cost of special events for the applicant. The City has limited staff to help with special events and encourages organizers to utilize volunteers as much as possible.
17. **Is your event located at Stuarts Landing Band Shell or Ketchum Park's Cronin Millrace Pavilion?** These two facilities are available for rent. A separate *Park Rental Agreement* for park facilities is required as part of the special event application.

- 18. Does the applicant have any special security or safety concerns? Is the applicant requesting assistance from the Police Department in addressing these concerns?** If yes, you must contact the Chief of Police to determine what assistance from the Police Department is appropriate and available, and provide a description of the services the Police Department has indicated it could provide. The applicant will be charged for these services.
- 19. Is the applicant requesting assistance from the Police or Fire Departments in addressing these concerns?**
If yes, you must contact both the Police and Fire Chief to determine what assistance from the Departments is appropriate and available, and provide a description of the services the Departments have indicated they could provide. The applicant will be charged for these services.
- 20. Will the event include loud or unusual sounds, such as a musicians, singers, amplified announcers, carnival rides, motor vehicle noises beyond those regularly present in the location, etc.?**
If yes, you must please attach information indicating all of these on this application.
- 20. Will the event include unusual lighting beyond that regularly present in the location that could have an impact upon occupants of neighboring properties?**
If yes, you must please attach information indicating all of the types of lighting, the location, the beginning and end times, and whether the lighting is constant or intermittent during those times.
- 21. Are alcoholic beverages proposed to be served as part of the event?**
If yes, you must advise the Police Department of your intention to serve alcoholic beverages. Approval of the special event does not constitute final approval of service of alcoholic beverages; any necessary approval of a liquor license is a separate process.
- 25. Please attach a separate sheet detailing any aspects of the event that are not specifically addressed in this form but of which the City Council should be aware to make a fully informed decision with regard to approval of the proposed event.**
- 26. The applicant is required to provide \$1,000,000 of liability insurance coverage with respect to the event. A Certificate of Insurance, with the City listed as an additional named insured, must be provided to the City Clerk's Office at least one calendar month before the event. Is the insurance certificate attached?**

The City of Marshall PROHIBITS any and all painting of any city property, including sidewalk and streets. Events of those persons violating this policy will be canceled and not future event will be allowed.

Continue to next page...

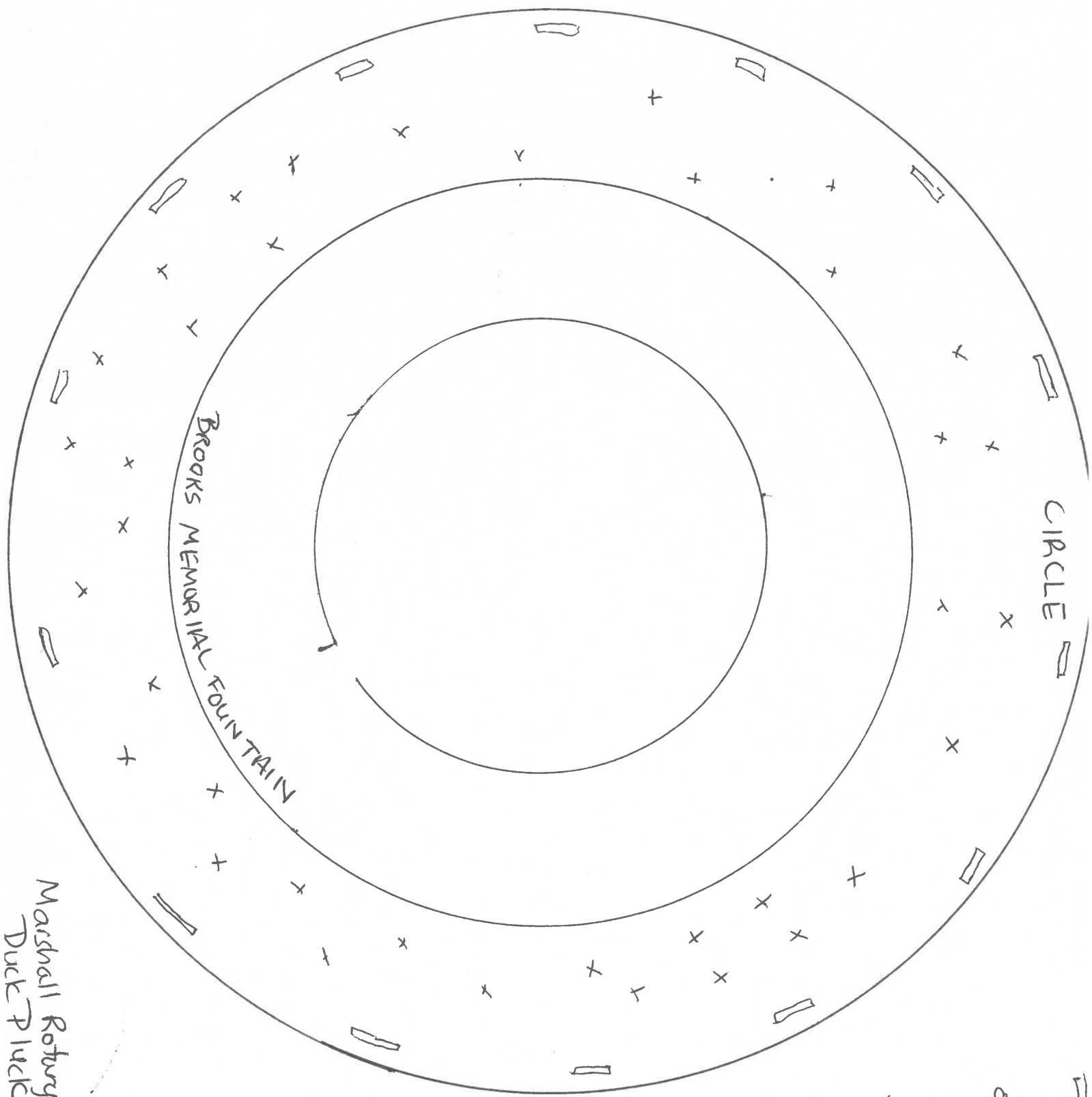
Applicant Signature

I hereby affirm that the information is true to the best of my knowledge and belief, and agree that the applicant will be responsible for making certain that the event follows the ordinances, rules, and regulations of the City of Marshall and that the event takes place in accordance with the application as approved by the Marshall City Council, including any conditions placed thereon.

Applicant Signature: Shannon L Aikins

Printed Name: Shannon L Aikins Date: 5-10-24

The APPLICANT does hereby agree to indemnify, hold harmless and defend the CITY and each of its officers, officials, employees, agents and authorized volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by CITY, OWNER, PERMITTEE (Renter) or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fee and litigation expenses), arising or alleged to have arisen directly or indirectly out of the operation and use of CITY property and public right of way. APPLICANT'S obligations under the preceding sentence shall apply regardless of whether City or any of its officers, officials, employees, agents or authorized volunteers are negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused solely by the gross negligence, or caused by the willful misconduct, of CITY or any of its officers, officials, employees, agents or authorized volunteers.



Marshall Rotary Club
Duck Place

[small rectangle] = small signs
 only on day of event
 7.20.24
 x = event attendee

ITEM: 13.A

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: James Schwartz, Mayor
Derek N. Perry, City Manager
DATE: July 1, 2024
SUBJECT: ZONING BOARD OF APPEALS APPOINTMENT

The Zoning Board of Appeals (ZBA) is composed of five members and up to two alternates who are appointed to three-year terms. The ZBA exists to hear appeals for variances from the zoning ordinance, appeals of interpretation of zoning maps, and appeals of administrative interpretations. State statute allows a member of the City Council to serve as a regular or alternate member of the ZBA and allows a member of the Planning Commission to serve on the ZBA.

The ZBA has an open seat for an alternate and an expiring term for regular member Russell Byrne. Mr. Byrne has indicated an interest in being reappointed.

Current Zoning Board of Appeals members include:

Justin Fisher Short, term ending March 10, 2027
Arthur Hill, term ending March 10, 2025
Ian Stewart, term ending March 10, 2026
Jeff Karns, term ending March 10, 2025
Scott Wolfersberger, Alternate, term ending March 10, 2027, City Council Liaison

BUDGET IMPACT:
Members of the Zoning Board of Appeals serve without compensation.

RECOMMENDATION:
Approve the reappointment of Russell Byrne to the Zoning Board of Appeals for a term ending on March 10, 2026.