

Mayor Jim Schwartz
Council Member Scott Wolfersberger
Council Member Jacob Gates



Council Member Ryan Underhill
Council Member Ryan Traver
City Manager Derek N. Perry

CITY COUNCIL AGENDA

February 6, 2023
Regular Meeting - 7:00 PM

- 1) **CALL TO ORDER**
- 2) **ROLL CALL**
- 3) **INVOCATION** -Bill Cole of Maple Grove Bible Church
- 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 AND NON-AGENDA ITEMS** - Persons addressing Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of five (5) minutes on any agenda item.
- 7) **CONSENT AGENDA**
 - A. **City Council Minutes**
Regular Session - January 17, 2023
 - B. **City Bills**

Purchases 1/13/2023	\$278,164.36
Purchases 1/20/2023	\$1,365,678.51
Purchases 1/27/2023	\$548,059.96
TOTAL	\$2,191,902.83
 - C. **ANNUAL REPORTS FOR TAX INCREMENT FINANCING PLANS**
- 8) **PRESENTATIONS AND RECOGNITIONS**
 - A. **SISTER CITY GIFT**
- 9) **INFORMATIONAL ITEMS**
- 10) **PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**
 - A. **ADOPTION OF THE JULY 1, 2023 – JUNE 30, 2029 CAPITAL IMPROVEMENT PROGRAM**
- 11) **OLD BUSINESS**

12) REPORTS AND RECOMMENDATIONS

- A. SET PUBLIC HEARING FOR PA425 FOR MULTIPLE MARSHALL TOWNSHIP PROPERTIES**
- B. ELECTRIC AMI GRANT SUBMISSION**
- C. TOBACCO ORDINANCE UPDATE**
- D. GENERAL PENALTY ORDINANCE UPDATE**
- E. LEGGITT ROAD AND EAST PROSPECT STREET CONSTRUCTION CONTRACT**
- F. COUNTY PARKS MILLAGE REPORT**
- G. T-MOBILE AND AARP GRANT REQUEST FOR EATON PARK**
- H. MAFFA COT FUNDING REQUEST**

13) APPOINTMENTS / ELECTIONS

- A. WARD 2 APPOINTMENT**
- B. WARD 4 APPOINTMENT**

14) PUBLIC COMMENT ON AGENDA AND NON-AGENDA ITEMS

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

15) COUNCIL AND MANAGER COMMUNICATIONS

16) ADJOURNMENT

CITY COUNCIL MINUTES

January 17, 2023
Regular Meeting - 7:00 PM

1) CALL TO ORDER

IN A REGULAR SESSIONS held on Tuesday, January 17, 2023 at 7:00 PM in the Council Chambers of Town 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: Council Members: Mayor Schwartz, Gates, Traver, Underhill and Wolfersberger

Also Present: City Manager Perry and Clerk Eubank

Absent: None

3) INVOCATION

Devon Shepard of Woodland Church led the invocation.

4) PLEDGE OF ALLEGIANCE

Mayor Shwartz led the Pledge of Allegiance.

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

Mayor Schwartz recommended a friendly amendment to move the Public Hearing for the PA425 for Multiple Township Properties to the first public hearing and stated that there is also the addition of the December power purchase totaling \$800,914.27 for a new purchase total of \$1,666,533.83.

Moved Jacob Gates, supported Ryan Traver to approve the agenda as amended . On a voice vote: **MOTION CARRIED.**

6) PUBLIC COMMENT ON AGENDA AND NON-AGENDA ITEMS - Persons addressing Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of five (5) minutes on any agenda item.

NONE.

7) CONSENT AGENDA

Moved Scott Wolfersberger, supported Ryan Underhill to approve the Consent Agenda as amended to include the December power purchase for a total amount on the city bills of \$1,666,533.83. On a roll call vote:

Ayes: Jacob Gates, Scott Wolfersberger, Ryan Traver, Ryan Underhill, James Schwartz

Nays: None

Abstain: None

A. City Council Minutes

Regular Session - January 3, 2023

Work Session- January 3, 2023

B. City Bills

Purchases- 12/30/2022	\$785,122.66
Purchases- 1/6/2023	\$80,496.90
TOTAL	\$865,619.56

8) PRESENTATIONS AND RECOGNITIONS**9) INFORMATIONAL ITEMS****10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION****E. PA425 FOR MULTIPLE MARSHALL TOWNSHIP PROPERTIES**

Manager Perry stated that the City received requests for City services from the mentioned properties, which requires the PA 425 agreement.

Mayor Schwartz opened the Public Hearing on PA425 for Multiple Township Properties.

A written comment was received from Mark Robinson of 1114 Fennimore opposing the megasite due to the loss of farm land and the existing parcels in the Brooks Industrial Park.

A written comment was received from Greg Kowalske of Marshall Township opposing the megasite as he believes it will change the character of the town and that hidden deals have been made.

Josh Sheppler of 17850 L Dr N stated that he opposes the megasite and believes at most 400 people in the local area would have a new job.

Michael Woods of 155 River Park Dr stated that this is the polar opposite of what Marshall needs and that it would completely change the character of the town.

Regis Klingler of 334 N Grand questioned if there would be capacity in the utilities, where new residents would live and if the current industrial park could handle the project as opposed to new land.

Maggie Rich of 616 Union St stated that she is opposed to the megasite as she doesn't believe the city can handle the infrastructure, nor does she feel a plant on the river is a good idea. She enjoys Marshall due to the small size and that an influx of people would ruin the town.

Amy Sheppler of 17850 L Dr N stated she felt farm land should be protected as it is an important resource.

Ian Stewart of 515 Schuyler stated that he supports the project as too many businesses have left, hurting the community. He further stated that this is a huge opportunity and if we miss it, it could be problematic.

Emily Emerson Rich of 616 Union St stated that her family left Lansing due to the toll industry took on the area. She questioned what the next steps would be, as more people would mean more need for education, police, groceries and other businesses.

Sara Jefferey of 116 S Sycamore stated that she supports the megasite as it would bring Marshall back all the jobs lost when State Farm and Eaton left. She further stated that the state is willing to invest a lot of money and Marshall should take advantage of that.

Robert Morse of 16325 Division Dr stated that he believes it would destroy the properties and the river and it would be better on one of the vacant industrial lands elsewhere.

Dave Mason of 229 Marshall St Ceresco stated that there are brownfields that currently exist in surrounding areas that could be used for the project as opposed to taking away farm land. He further stated that he believes the homeowners on C dr are being forced out and don't want to sell.

Stephanie Klingler of 334 N Grand stated she would like to see it go to a referendum.

Connie of 22680 B Dr N stated that she doesn't see any increase in tax benefits, as any big business would be given tax breaks, and there are no homes to house additional people. She further stated she was concerned about the possibility of contamination in the river which would lead into Lake Michigan.

Doug Damon of 13775 E Dr S stated that he had received several calls from people concerned about odor and that there would be a lack of control.

Tim White of 118 Single Tree Lane stated that he is concerned about all the unknowns surrounding the project and can't support it until there is more information.

Sherry Mason of 229 Marshall, Ceresco, asked the board to be their advocates and to shut down the megasite. She would also like to see more communication and transparency.

Lacy Pardoe of 18140 Homer Rd stated she would like to keep the farm land.

Dee Nelson of 333 Westbrook Ct stated she is concerned about the air quality and global warming and stated that while she understands the benefits, the risks don't outweigh them.

Frank Brownell of 21 Friendship Lane stated that he is concerned about contamination in the river and that property values will change.

Jim Dyer of 1118 O'Keefe stated that he spent a number of years on the City planning commission, city council and as mayor planning for this project. He believes that the city has a strong zoning ordinance and not to make a mistake out of fear. He further stated that the only thing on the docket is bringing the parcels in to the city and subjecting them to our zoning ordinance and regulations.

Rebecca Glotfelty of 02217 Us 31S, Charlevoix, stated that Marshall is dying and it

needs to create a community not an economy, and that jobs have to be appropriate for the community and the space. She does not want to see green space ruined.

Melissa Fish of 180 E Water St, stated that she is part of SW Michigan First and is in full support of the megasite and sees the PA425 as a critical step to making the site more competitive.

Marcia Strange of 604 Laura Ln stated that she supports the development and that while we currently have a strong local economy, that isn't always the case. She further stated that farms near a river also have a negative impact on the environment and encourages the close monitoring of the many steps this development will take along the way.

Georgina Morris of 118 Single Tree Ln, Emmett Twp, stated that she loves the small town of Marshall, and that the farm land is key for food and wildlife.

Tim Fisher of 10859 I Dr N, Emmett Twp, stated that he worries about crime, pollution and how long the factory will stay. He encouraged looking for a space to reuse.

Pete Baily of 19801 Michigan Ave stated that he put his local farm on a list of non-developable areas and believes these should not be developed as Calhoun county would not be the same.

Caryn Drenth of 602 Laura Ln stated that when State Farm and Eaton left, the town and businesses felt that impact and this would replace those lost jobs. She further stated that the state is going to spend the money somewhere and it should be here.

Julianna Kiessling of 137 Marshall St, Ceresco, stated that she moved to Ceresco for peace and animals and that a factory would ruin that. She further stated that factory work is not the kind of work we should be bringing in.

Justin Kazmar of 14200 18 1/2 Mile Rd stated that this will destroy Marshall and that MAEDA does not have the public interest at heart.

Laura Bartlett of 435 N Linden St stated that small town charm is what brings people to Marshall and she would like to stay that way. She further stated that the impact of pollution will be felt for generations.

Kelly Hills of 1113 Cathedral Pkwy stated that she is opposed to the development and questions how it would be staffed.

Elizabeth Wolfersberger of 22760 B Dr N stated that she started in schools that were overflowing and understaffed and when she moved to Marshall she felt safe, comforted and supported. She is opposed to the development.

Jim Durian of 351 E Bailey Circle, Mason, stated that he supports the megasite as it is a one of a kind opportunity that would bring in the 2,000 jobs lost when State Farm and Eaton left. He further stated that this would bring an increase to businesses around town and the property values.

Dale Borders of 12750 E Michigan stated that he is strongly opposed and is concerned

about potential environmental damage and the high potential for a disaster with the river.

Jack Reed of 116 S Sycamore stated that the PA425 is a unique and cherished agreement between Marshall and the surrounding townships and that this decision is for the future of the community. He further stated that as the population continues to decrease, this is a unique opportunity to bring in jobs which will support the downtown and schools.

Sabrina DeMott of 525 Hill Rd stated that she is opposed to the development as it will bring major changes to the area. She further stated that Ceres Farm should be looked in to for not paying taxes while they were looking to develop the property.

Matt Davis of 296 Lyon Lake stated that any of the owners in question could choose not to sell their properties and are doing it of their own free will. He further stated that this has been in the works for years and that all of the owners have requested the transfer.

Martha Beck of 305 Squaw Creek Rd stated that she is opposed to the development as it will change the heart and soul of the community. She further stated that there needs to be more transparency in the process and that residents shouldn't have to search for things.

Richard Lindsay of 15009 17 1/2 Mile Rd stated that economic development supports the schools. He further stated that this project has been a long time coming and that once there is something official to announce, it would be announced.

Mayor Schwartz closed the Public Hearing on PA425 for Multiple Township Properties.

Member Traver stated that he appreciated everyone coming out and voicing their opinions. He further stated that as all the property owners have requested this transfer, he is supporting the transfer, as that is what is on the agenda.

Member Wolfersberger thanked everyone for coming out and stated that the only way to ensure it is a good fit for Marshall is to bring it in to Marshall.

Member Gates stated that he appreciated everyone who came out and that he shares their passion for the community. He further stated that as there has been a request from the property owners, he feels it is in the best interest to grant their request.

Member Underhill stated that he appreciated everyone coming out and all the work staff had put in. He further stated that PA425 agreements have been made multiple times since he started on council, with several in the last year, and this one should be treated no differently.

Mayor Schwartz stated that he cares deeply about the city and the surrounding area and that everyone utilizes the resources here. He further stated that the properties being brought into the City would stimulate economic growth. He stated that the issue at hand is the PA425 agreement and that if it comes into the City it will fall under much more stringent rules and ordinances.

Moved Ryan Traver, supported Scott Wolfersberger to Approve the Public Act 425

Conditional Land Transfer for the following parcels: 16-282-003-00, 16-281-024-00, 16-201-015-00, 16-290-009-00, 16-290-006-00, 16-201-021-00, 16-281-021-00, 16-291-009-00, 16-282-006-00, 16-320-003-00, 16-330-015-00, 16-330-003-00 and 16-291-015-00 and authorize the City Manager to execute the associated Contract for Conditional Transfer of Property documents. On a roll call vote:

Ayes: Scott Wolfersberger, James Schwartz, Jacob Gates, Ryan Traver, Ryan Underhill,
Nays: None
Abstain: None

Mayor Schwartz called for a 10 minute recess, with the meeting to resume at 9:20 pm.

A. REZONING OF 211 W SPRUCE

Director Zuzga gave background, stating that this would bring the parcel in line with the others that were part of the former Oether's complex.

Mayor Schwartz opened the Public Hearing on the Rezoning of 211 W Spruce.

Hearing no comment, Mayor Schwartz closed the Public Hearing on the Rezoning of 211 W Spruce.

Council questioned the ownership of the property. Zuzga stated that the railroad who currently owns the property is in the process of selling it to the requesting party.

Moved Jacob Gates, supported Ryan Traver to Approve Ordinance 2023-01 for the rezoning of 211 West Spruce to Regional Commercial (B-4) from Research and Technology (I-1). On a roll call vote:

Ayes: Ryan Traver, Ryan Underhill, James Schwartz, Jacob Gates, Scott Wolfersberger
Nays: None
Abstain: None

**CITY OF MARSHALL
ORDINANCE #2023-01**

**AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF
MARSHALL SO**

**AS TO CHANGE THE ZONING OF A PARCEL OF REAL PROPERTY AT 211
WEST SPRUCE STREET, PARCEL #53-001-329-00, FROM RESEARCH AND
TECHNOLOGY DISTRICT (I-1) TO REGIONAL COMMERCIAL DISTRICT (B-4).
THE CITY OF MARSHALL, MICHIGAN ORDAINS:**

Section 1. Pursuant to the authority granted in Section 7.1 of the Marshall City Code, the Zoning Map of the City of Marshall is hereby amended so as to change the zoning

district for the below described properties from Research and Technology District (I-1) to Regional Commercial (B-4).



TAX PARCEL #53-001-329-00 (311 West Spruce Street) Legal Description
 MARSHALL CITY, UPPER VILLAGE LOTS 328 TO 339 INCL. ALSO LOTS 350 TO 353 INCL.& INCLUDING ALL OF VACATED UNNAMED STREET LYING BETWEEN LOT 338 & 339 AND LOTS 350 & 351. ALSO INCLUDING E 1/2 OF VACATED GRAND STREET ADJACENT ABOVE PARCEL. ALSO INCLUDING W 1/2 OF VACATED EAGLE ST LYING SLY OF N LI RAILROAD.EXC THAT PART LYING SLY OF A LINE DESCRIBED AS BEG NE COR LOT 391; NWLY 233 FT TO PT ON W LI EAGLE ST VACATED 190 FT N OF N LI PEARL ST; NWLY PARL & 10 FT SLY AT R/A OF SLY RAIL MOSCOW BRANCH TRACK CONNECTION 233 FT; SWLY 22 FT; NWLY 32 FT; NELY 17.9 FT TO PT 8.5 FT SLY AT R/A OF CL MOSCOW BRANCH; SWLY PARL & 8.5 FT SLY OF MOSCOW BRANCH 198 FT; S 63.9 FT; W 66 FT; S 45.5 FT; W 45 FT TO NW COW LOT 347.COMBINED 001-328-00,001-330-00,PART OF 001-334-00, & 001-350-00 12/1/16 TO CORRECT LEGAL DESCRIPTIONS BLL ON THIS PROPERTY 299-101-00, 299-102-02,299-102-01, 299-341-10

Section 2. This Ordinance or a summary thereof shall be published in the Marshall Chronicle, a newspaper of general circulation in the City of Marshall qualified under state

law to publish legal notices, within ten (10) days after its adoption. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the

signature of the Mayor and the City Clerk.

Section 3. This Ordinance is declared to be effective immediately upon publication.

Adopted and signed this 17th day of January, 2023.

James Schwartz, Mayor

Michelle Eubank, City Clerk

I, Michelle Eubank, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved

by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on January 17, 2023, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.

Michelle Eubank, City Clerk

B. ORDINANCE 2023-02- ADDING ARTICLE 8- SPECIAL DEVELOPMENT DISTRICTS IN THE CITY ZONING ORDINANCE

Director Zuzga gave background on the proposed Ordinance. He stated that this is the fourth public hearing that has been held on the issue, and that it has been in the works for 9 months, with input from Marshall Township, the MEDC, and a private consultant among others. He pointed out that the Planning Commission recommended the Ordinance on a 6-0 vote, with some proposed amendments that have been presented to council.

Mayor Schwartz opened the Public Hearing on Ordinance 2023-02- Adding Article 8-Special Development Districts in the City Zoning Ordinance.

Maggie Rich of 616 Union St questioned if this was the last public hearing on the issue. Director Zuzga replied that it depends on the motion from the Council.

Jim Dyer of 1118 O'Keefe stated that he had read through the proposed ordinance and that he believed it was a strong ordinance that would protect the city.

Mayor Schwartz closed the Public Hearing on Ordinance 2023-02- Adding Article 8-Special Development Districts in the City Zoning Ordinance.

Council requested adding flour mills, steel mills and refineries to the list of Special Land Uses. They further questioned having unlimited height on items not adding to the square footage. Zuzga stated that it was in line with the existing industrial uses. Council questioned having the plan review done in a public meeting. Perry stated that it could be made a policy that all plan reviews be done in a public forum with the meeting posted.

Moved Scott Wolfersberger, supported Ryan Traver to Approve Ordinance 2023-02 which would create Article 8- Special Development Districts in the City Zoning Ordinance with the following amendments:

1. Section 8.10.B.10 Move chemical factories, flour mills, steel mills and refineries to Special Land Use- 8.10.C.3
2. Section 8.26.C.2- Change American Nurserymen & Landscape Association (ANLA) to AmericanHort
3. Section 8.26.H- Change American Nurserymen & Landscape Association (ANLA) to AmericanHort
4. Section 8.30.D.5.a- Add the following language in italics "and the Zoning Administrator, subject to the review and recommendation *of the Development Review Team*, shall be responsible for granting approval"

On a roll call vote:

Ayes: Ryan Underhill, James Schwartz, Jacob Gates, Scott Wolfersberger, Ryan Traver

Nays: None

Abstain: None

CITY OF MARSHALL, MICHIGAN

ORDINANCE #2023-02

AN ORDINANCE TO AMEND THE CITY OF MARSHALL ZONING CODE, BY THE ADDITION OF ARTICLE 8.0-
SPECIAL DEVELOPMENT DISTRICTS

THE CITY OF MARSHALL HEREBY ORDAINS:

Section 1. That Article 8.0, Special Development Districts is added to the Marshall City Zoning Code as follows:

8.1 PURPOSE.

This Article is established to provide for the creation of Special Development Districts that are specifically written to address circumstances and types of development that are unique for reasons of considerable size, intensity of use, or other condition that is typically not found within other City of Marshall zone districts.

8.2 DESIGN AND DEVELOPMENT REQUIREMENTS.

All uses shall comply with all applicable provisions of this Article and other City codes and ordinances. Unless otherwise indicated within this Article, requirements for Articles 3, 4, 5, and 6 of the City of Marshall Zoning Ordinance shall not apply to districts in zones created by this Article. No structure shall be erected, reconstructed, altered, or enlarged, nor shall permits or certificates of occupancy be issued, except in conformance with this Chapter and other City codes and ordinances.

8.3 DISTRICTS ESTABLISHED, ZONING MAP, AND DISTRICT BOUNDARIES.

For the purpose of this Ordinance, the following districts are created for use in the City of Marshall:

1. I-3 Industrial & Manufacturing Complex

1. Purpose and Intent. The purpose of the I-3 zone district is to provide for the siting of larger scale manufacturing, processing, and production operations which may require extensive access to transportation facilities and community utilities and may include multiple supporting ancillary services such as storage, daycare, cafeteria, gym, or other supportive amenities. This district may be established in areas that are;
 - a. comprised of an extensive amount of contiguous land area that is greater than two-hundred (200) acres;
 - b. served by major highways, rail or air service, or secondary road improved to state standards;
 - c. served by public water and sewer, and
 - d. clearly suitable for intended uses with regard to physical characteristics and relationship to surrounding development.

2. The boundaries of the zoning district are hereby established as shown on the official zoning map for the City, which is hereby made an integral part of this Chapter. All references, notations and information shown on the zoning map shall be as much a part of this Chapter as if fully described herein.

8.4 STREET, ALLEY, AND RAILROAD RIGHTS-OF-WAY.

All streets, alleys, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, or railroad rights-of-way. Where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

8.5 ZONING OF ANNEXED AREAS.

Wherever any area is annexed to the City or the boundaries of the City are otherwise extended through a development agreement to include additional land area, zoning classification of the land area brought in shall be subject to the following:

- A. Land that is brought into the City from another governmental jurisdiction shall be classified to whatever district of this Chapter most closely conforms with the zoning designation of the other governmental unit.
- B. The City Council may adopt a new official zoning map for the land area following a public hearing and recommendation from the Planning Commission, per Section 7.1.
- C. In making a recommendation to City Council on the zoning classification(s) for such land areas, the Planning Commission shall consider any previous township or county zoning classifications that existed for the land prior to extension of the City boundaries, the pattern of land uses in the area, adopted City Master Plan recommendations, and planned future land use designations for the land area or adjacent areas within the City.
- D. Rezoning processes may run concurrent with public hearings and development agreement processes.

8.6 ZONING OF VACATED AREAS.

Any street, alley, railroad right-of-way or other public way or portion thereof within the City not otherwise classified within the boundaries of a zoning district on the official zoning map shall, upon vacation, automatically be classified in the same zoning district as the parcel(s) to which it attaches.

8.7 PROHIBITED USES.

Uses that are not specifically listed as a principal or special condition use permitted by this Chapter in a zoning district, or not otherwise determined to be similar to a listed and permitted use, shall be prohibited in the district.

8.8 PRINCIPAL PERMITTED USES IN DISTRICTS.

Within each zoning district there are uses that, when developed in accordance with sound planning and site plan principles, are consistent with the purpose and objectives of the district. For the purpose of this Chapter, these uses shall be known as principal permitted uses as set forth in the individual districts, and shall be allowed within that particular district subject to the development requirements of this Chapter.

8.9 LAND USES SUBJECT TO SPECIAL CONDITIONS.

- A. Within each zoning district it is recognized that there are uses, because of their unique characteristics which cannot be properly classified in any particular district or districts without consideration in each case of the impact of such uses upon neighboring land, and of the public need for the particular use at the particular location. Such uses may be consistent with the purpose and objectives of the particular zoning district only in specific locations, under specific conditions and when developed in accordance with sound planning and site plan principals.
- B. Uses subject to special conditions are listed as special land uses, which may be permitted as set forth in the individual districts, subject to a public hearing, review and recommendation by the Planning Commission, and approval by the City Council in accordance with the procedures and conditions specified in Section 8.51.

8.10 I-3 Industrial & Manufacturing Complex District.

- A. Intent. The I-3 Industrial & Manufacturing Complex district is intended to provide locations for larger scale manufacturing, processing, and production operations which may require extensive access to transportation facilities and utilities.

2. Principal Permitted Uses-

1. Light manufacturing and equipment servicing
2. Assembly and packaging of products
1. Manufacture or treatment of goods
2. Compounding, manufacturing, and processing or treatment of materials or products
3. Electroplating, heat-treating, metal plating, stamping, pressing, casing, buffing, and polishing
4. Laboratories for research and testing
5. Experimental product development facilities
6. Machine shops
7. Printing, lithographic, blueprinting, and similar processes
8. Canning factories and chemical plants
9. Assembly, fabrication, manufacture, or treatment of goods
10. Recycling collection facilities
11. Recycling processing facilities
12. Wireless communication facilities
13. Electronics production and assembly, including semiconductors and batteries
14. Steel fabrication plants for large stampings, such as automobile chassis
15. Utility services and municipal uses such as water treatment plants, reservoirs, sewage treatment plants, public utility structures, substations, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, and public works maintenance facilities (excluding outdoor storage)
16. Electric vehicle charging stations, Levels 1, 2, and 3
17. Parking Structures
18. Open space, wetlands, woodlands, drains, and greenbelt areas dedicated to the public, and publicly owned or operated pedestrian malls, parks, trails, playgrounds, and playfields
19. Worker mobility accommodations, including bus shelters, bus stations, carpooling area, and parking structures

3. Special Land Uses

1. Parking facilities, off-street and off-site, when not accessory to a permitted use
1. Trade schools, regional educational facilities, vocational education facilities, intermediate career centers, and similar technological or vocational training facilities
2. Chemical Plants
3. Refineries
4. Steel Mills
5. Flour Mills

4. Accessory Permitted Uses

1. Accessory Structures customarily incidental to permitted uses
2. Adult and child care centers
3. Ground-level large solar facilities
4. Helipads
5. Indoor warehousing
6. Medical facilities, health clubs, and recreational facilities
7. Mobile food vending
8. Outdoor storage, fully screened
9. Parking facilities and structures

10. Retail sales of goods produced on-site
11. Restaurants, cafeteria facilities
12. Test Track
13. Solar energy systems- small, medium, and large
14. Wind Energy Conversion Systems
15. Where an above-listed use is desired to be the primary use, then Special Land Use procedures shall apply

5. Development Standards

1. Lot Size
 1. Minimum Lot area- 200 acres
2. Lot Coverage
 1. Maximum Lot Coverage- 60%
 2. An additional 10% of lot coverage may be allowed with the submittal of a Leadership in Energy and Environmental Design (LEED) checklist and proof of registration that demonstrates the intent to apply for LEED building certification with the U.S. Green Building Council, facilities that are Zero Net Carbon (ZNC), Zero Net Energy (ZNE), or other generally recognized building certification.
3. Setbacks
 1. Minimum front yard setback- 50 feet
 2. Minimum rear yard setback- 30 feet
 3. Minimum side yard setback- 30 feet
 4. To protect the public health, safety, comfort, and welfare and minimize land use conflicts, it may be required that structures for uses which pose a potential nuisance as determined by the Zoning Administrator or Planning Commission in its review of matters addressed under the impact assessment of Section 8.12 , shall be setback a minimum of 200 feet from any residential district or use.
4. Building Height
 1. Maximum building height- 200 ft by right, w/proportionate setback for structures over 80'
 2. Structures within 200 feet of a residential district or use and are greater than 80 feet in height, shall have setbacks circumscribed by the minimum front, side, and rear setbacks plus one additional foot of setback for each foot of height above 60 feet. Setback requirements associated with this provision may be reduced or waived by the Planning Commission in accordance with Special Land Use standards.
 3. Structures greater than 80 feet in height must incorporate on-site fire control provisions, unless the applicant submits certification that proposed building height meets the ability of local fire and rescue teams to serve the facility. Certification in the form of a letter signed by the fire chief shall be provided. If the building cannot be certified, then on-site fire control provisions must be provided.
1. Floor Area
 1. Minimum floor area per unit- None specified
2. Exceptions to Height Limitations, Lot Area, or Width Requirements
 1. Elevator and stairway towers; ventilation fans or mechanical equipment; firewalls or parapet walls; skylights; individual domestic radio and television reception antennae; wireless communication facilities; scenery lofts; steeples; chimneys; grain elevators; silos; gas containers; industrial production facilities for flour mills, steel mills and refineries; and similar appurtenances may be erected above the height limits herein prescribed. No such structures shall be allowed for the purpose of providing additional floor space for business or industrial use.
 2. Lots of record existing prior to the adoption or amendment of this Article with less than the required minimum lot area or width for the zoning district in which such lot is located may be used for any use permitted within the district.

8.11 NOTES TO DISTRICT STANDARDS.

A. Applicability. The notes contained in Section 8.11 are additions, exceptions, and clarifications to the district standards contained in Section 8.10.

B. Notes to district standards:

1. Except as otherwise specified, all side yards abutting residentially zoned land shall have a minimum distance of twice the one-yard requirement.
2. All rear yards abutting residentially zoned land shall have a minimum distance of 75 feet between the principal building and rear property line.
3. The Planning Commission may waive these standards if it determines it is necessary to allow flexibility in the siting and construction of new buildings in the district.
4. Accessory Permitted Uses, in the I-3 zoning district, as listed in 8.11.D shall equal no more than 15% of the gross building square footage for interior uses and shall be the sum of no more than 20% of the gross developable area of the lot or lots in common ownership of outdoor uses, unless approved by the Planning Commission.
6. Any parcel subdivisions must meet Land Division Act, Planned Unit Development (Chapter 3.1.17), or Site Condominium standards (Chapter 6.1) for multiple parcel planned development.
7. The City reserves the right to hire experienced professionals to evaluate information provided by the applicant and prepare additional analyses, with the cost borne by the applicant.

8.12 I-3 DEVELOPMENT BUILDING REQUIREMENTS AND IMPACT ASSESSMENT.

To ensure compatibility with the intent and purpose of the I-3 (Industrial & Manufacturing Complex) district, any uses occurring within 500' of a residential building and any portion of a principal or accessory building or structure erected within 500' of a residential building shall be subject to the following additional development requirements. The requirements of this Section may be reduced or waived by the Planning Commission in accordance with Special Land Use standards.

- A. Materials. All exterior walls of office related functions shall be constructed of not less than 20 percent brick, face brick, stone, or cast stone. Metal siding or paneling may be used, provided it is not higher than 24 gauge and any change in profile shall be non-corrugated with a minimum rib depth of 1-inch.
- B. Windows. A minimum of 10 percent of building walls of office related functions shall have windows. Glass block shall be allowed in non-office locations.
- C. Impacts. Due to the intensive nature of many uses allowed in the I-3 zone district, measures to evaluate potential adverse impacts within 500' of a residential building are provided in this section. The applicant shall document how the site and proposed use will affect the community, including any potential mitigation methods. Proposed mitigation methods required by this Section shall be approved by the Planning Commission. Failure to perform in conformance with the information provided may be cause for enforcement.
 1. Stormwater. Stormwater and soil erosion permits must be received from the City of Marshall and Calhoun County Road Department respectively.
 2. Odors. Describe how the use will not produce the emission of hazardous, objectionable, or offensive odors in such concentration as to be readily perceptible at or beyond the lot line of the property on which the use is located.
 3. Noise and Vibration. Detail what noise and/or vibration impacts are expected for the proposed use. Where such impacts are anticipated, the applicant shall detail the frequency, duration, noise level, hours of operation, or other factors that could be potentially disturbing to nearby uses. All measurements to assess potential adverse effects shall be made from the use's nearest parcel boundary to the primary building or structure of an affected use.
 4. Electromagnetic Interference. Describe how any use, activity, or processes that may produce electromagnetic interference with normal radio or television reception beyond the lot line of the property on which the use is located will be prevented.

8.13 ACCESS THROUGH YARDS.

Walks, terraces, access drives, or other pavement serving a like function shall be permitted in any required yard, except a minimum of ten (10) feet shall be maintained between the encroachment and the property line.

8.14 RUBBISH AND WASTE MATERIAL.

It shall be unlawful to openly store, collect or place garbage, discarded building materials, tires, refuse, junk, inoperable and unlicensed motor vehicles, or other similar materials, except upon land owned and operated as a solid waste site in accordance with applicable state or federal law.

8.15 RESTORATION OF UNSAFE BUILDINGS.

Nothing in this Chapter shall prevent the strengthening or restoring to a safe condition of any part of any structure declared unsafe by the Building Inspector, or required compliance with his or her lawful order.

8.16 ESSENTIAL SERVICES.

Essential services shall be permitted as authorized and regulated by law and other ordinances of the City, it being the intent hereof to exempt such essential services from the application of this chapter, with the following exceptions:

- A. Public utility transformer stations, substations, and gas regulator stations shall be subject to the following:
 1. A front yard setback of not less than 50 feet shall be provided, and two side yards and a rear yard shall be provided, each shall not be less than 25 feet in width.
 2. The site shall be enclosed by a fence; or another suitable screening as determined by the Zoning Administrator in accordance with the standards of Section 5.15.8.
 3. Such uses shall not include outdoor storage yards.
- B. Buildings 200 square feet or less and 12 feet in height or less shall be reviewed and approved by the Zoning Administrator and are subject to the accessory building requirements of the district in which they are located. Buildings associated with essential services not meeting the above criteria shall be subject to the height and setback requirements of the district and a site plan shall be reviewed and approved by the Planning Commission.

8.17 USE STANDARDS.

All uses listed in this Article shall be regulated in the same way as described in Article 3 Use Standards.

8.18 SIGNS.

- A. Intent. These regulations establish rules and standards for the construction, location, maintenance, and removal of privately-owned signs. Directional, emergency, or traffic-related signs owned by City, county, state, or federal government agencies are not regulated by this Section. The execution of these regulations recognizes that the purpose of this Chapter is to protect the interest of public health, safety, and welfare and to ensure the maintenance of an attractive physical environment while satisfying the needs of sign users for adequate identification, communication, and advertising. In order that such purposes can be achieved, the following objectives shall be applied for this Chapter and any future additions, deletions, and amendments:
 1. General. Ensure that signs are located, designed, constructed, installed, and maintained in a way that protects life, health, morals, property, and the public welfare;
 2. Public Safety. Protect public safety by prohibiting signs that are structurally unsafe or poorly maintained; that cause unsafe traffic conditions through distraction of motorists, confusion with traffic signs, or hindrance of vision; and that impede safe movement of pedestrians or safe ingress and egress from buildings or sites;
 3. Protect Aesthetic Quality of Districts and Neighborhoods. Prevent blight and protect aesthetic qualities by preventing visual clutter and protecting views; and eliminating signs and sign structures on unused commercial properties. Also, to avoid glare, light trespass, and skyglow through selection of fixture type and location, lighting technology, and control of light levels;
 4. Content. Respect constitutional rights and to allow signs as a means of communication;
 5. Reduce Conflict. Reduce conflict among signs and light and between public and private information systems;
 6. Business Identification. Allow for adequate and effective signage for business identification and other commercial speech, non-commercial speech, and dissemination of public information, including but not limited to, public safety information and notification as may be required by law;
 7. Foster Economic Development. Ensure that signs are located in a manner that does not cause visual clutter, blight, and distraction, but rather promotes identification and communication necessary for sustaining and expanding economic development in the City; and,
 8. Recognize Unique Areas. Acknowledge the unique character of certain districts, and establish special time, place and manner regulations that reflect the unique aesthetic, historical, and/or cultural characteristics of these areas.
- B. General Sign Regulations.

1. General Requirements. The following regulations shall apply, unless otherwise specifically stated in this Chapter, to all signs erected or located in any zoning district within the City.
 - a. All signs shall conform to all applicable codes and ordinances of the City and, where required, shall be approved by the Building Inspector, and have a license and permit issued.
 - b. Signs not visible from any street, alley or publicly-owned property are exempt from the provisions of this Chapter and do not require a sign permit.
 - c. A sign shall not be placed in, upon or over any public street, public right-of-way, alley, or other publicly-owned land, except as otherwise expressly permitted by this Chapter.
 - d. Only signs established and maintained by the City, county, state, or federal governments or expressly permitted by this Chapter shall be permitted in a public street right-of-way, dedicated public easement or upon publicly-owned land.
 - e. No public or commercial pole, utility pole or other supporting member located in a public right-of-way shall be used for the placement of any sign unless specifically designed and approved for the use.
 - f. No sign shall be located on or attached to any tree or other natural feature.
 - g. A sign shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of or be confused with any authorized traffic sign, signal, or device, obstruct the view of any intersection or entrance to any public street or alley, or constitute a public nuisance.
 - h. No sign shall employ animated or moving parts, except as otherwise permitted in this Section.
 - i. No sign shall employ any flashing, moving, oscillating, blinking or variable intensity light; except as otherwise provided for in this Chapter.
 - j. No sign shall exhibit statements, words, or pictures of an obscene or pornographic nature.
 - k. No sign shall emit a sound, odor, or visible matter such as smoke or vapor.
 - l. All signs with a sign height of greater than two feet shall be set back the lesser of three feet from a street right-of-way line or 15 feet from any front, side or rear property line unless attached to a building or permitted within the public street right-of-way.
 - m. Signs affixed to the ground shall not obstruct vision above a height of two feet from the established street grades within a clear vision zone. A clear vision zone is the triangular area formed by the intersection of any street right-of-way lines and a point along each right-of-way line 25 feet from the point of the intersection.
 - n. All signs, except directional signs must be set back 15 feet from the intersection of the edge of an access drive and a street right-of-way line.
 - o. Signs required by any federal, state, or municipal statute or ordinance shall be exempt from the provisions of this Chapter and shall not be included when calculating sign area.
 - p. Any commercial message lawfully established on a sign may be replaced with a non-commercial message provided that the regulations of this Chapter are otherwise met.
 - q. Abandoned signs shall be removed or put into service. Removal of such signs shall include removal of the poles and/or supports. If the property upon which the sign is located is vacant and the previous use is abandoned, the entire sign (including above-ground base, height, poles, size, wires, panels, and any other element) shall be removed within 30 days of the property becoming abandoned.
2. Signs Not Requiring a Permit. The following signs shall be permitted without a permit, pursuant to the applicable regulations in this Section:
 - a. Address signs.
 - b. Construction signs
 - c. Directional signs.
 - (1) On premises.
 - (2) Temporary signs.
 - e. Flag signs.
 - f. Incidental signs.
 - g. Murals.
 - h. Real estate signs.
 - j. Water tower signs.
3. Prohibited Signs. The following signs are prohibited:
 - a. Balloon signs.
 - b. Portable signs, except as otherwise permitted in this ordinance.
 - c. Roof signs.
 - d. Snipe signs.
 - e. Pennant signs.
 - f. Feather and flutter signs.

- g. Any sign which requires a permit and is erected without a permit.
 - h. Any sign or sign structure which obstructs the view of, or may be confused with, a traffic directional/safety sign.
 - i. Signs which simulate or imitate in size, color, lettering or design, any traffic sign or signal or any sign which by design or location may in any manner interfere with, mislead, or confuse the public with respect thereto or obstruct the public view thereof.
 - j. Any signs not permitted under this Chapter.
4. Measuring Sign Area.
- a. The sign area shall include the surface area which encloses the extreme limits of sign copy, together with the frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
 - b. A double-faced sign, as defined in this Chapter, shall be considered as having one face and the area of one face shall be included in computing the sign area.
5. Measuring Sign Height. Sign height shall be the vertical distance measured from the point of ground immediately beneath the sign to the highest point of the sign, including decorative embellishments. Where the ground elevation beneath a sign varies, the average grade of the ground within a five-foot radius of the sign structure shall be used. The average grade shall be the highest point within said radius plus the lowest point within said radius, divided by two. Any filling, berming, mounding or excavating solely for the purpose of locating the sign shall not be included in the calculation of average grade.
6. Addresses. Address signs shall be visible and legible from the public right-of-way.
7. Illumination of Signs.
- a. Where illumination of signs is permitted by this ordinance, three methods of illumination are permitted:
 - (1). Internal Illumination. Where a sign is internally illuminated, no portion of the surface of the sign shall be transparent.
 - (2). External Illumination. Where a sign is externally illuminated, the source of illumination shall be directed downward and shielded from directing glare onto neighboring properties or into the public right-of-way.
 - (3). Halo Illumination (Backlighting). Where a sign is backlit, forming a halo of light around the sign copy on the surface behind the sign, the source of illumination shall not be visible from neighboring properties or the public right-of-way.
- C. Signs by Type

Sign Type	Max Surface Display Area	Max Height	Number	Permit Required
Construction Signs	32 square feet	8 feet	1	Y
Directional	4 square feet per sign	6 feet	5	N
Flag Signs	120 square feet	40 feet when ground- mounted	3	N
Incidental	24 square feet (total of all signs)	6 feet	Limited by total permitted area	N
Ground; Changeable copy permitted	60 square feet; 120 square feet for multi-tenant buildings; 100 total square feet where more than one ground sign is present; no more than 25% changeable copy	9 feet	1 per frontage on a thoroughfare	Y
Real Estate	24 square feet	8 feet	1 per frontage	N

Wall	Total 25% of ground floor wall area, up to 500 square feet	Shall not project above the eave or roofline	1	Y
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D. Specific Sign Regulations.

1. Changeable Copy Signs. Changeable copy signs are permitted as follows:
 - a. Any changeable copy area may be part of a permanent ground sign
 - b. The changeable copy sign area of any sign shall not exceed 25% of the sign area.
 - c. The changeable copy sign area shall be counted as part of the total sign area allowed.
 - d. Changeable copy signs include animated signs and electronic signs with changeable messages, including fuel price signs. The illumination average of any electronic sign shall be limited to 2,000 nits during daylight hours, and shall be reduced to 250 nits from a half hour before sunset to a half hour after sunrise. Animated signs shall be subject to the following:
 - (1). Animated signs shall be turned off from midnight to 5:00 a.m.; excluding businesses open during this time period.
 - (2). No animated sign will be allowed in the same yard that directly abuts or is across the street from a residential property.
 - (3). The rate of change for an animated sign shall not exceed once per 12 seconds where the speed limit is less than 45 miles per hour and once per 10 seconds where the speed limit is 45 miles per hour or greater.
2. Directional Signs. Directional signs are permitted in all districts subject to the following:
 - a. Permanent directional signs:
 - (1). The maximum height of an on-premises directional sign shall be six feet.
 - (2). The number of directional signs per parcel shall not exceed five.
 - (3). Directional signs shall not exceed four square feet in area.
 - (4). Permanent directional signs are permitted only for non-residential uses.
 - b. Off-premises temporary directional signs, including but not limited to directional signs for a real estate open house or auction sale:
 - (1). The maximum height of a temporary off-premises directional sign shall be three feet.
 - (2). Temporary off-premises directional signs shall not exceed four square feet in area. Temporary off-premises directional signs shall be permitted to remain on private property for a maximum of six days.
 - (3). Temporary off-premises directional signs may be placed in the right-of-way, provided they are at least five feet from the back of curb or the pavement where there is no curb, and that they are not located in the clear vision triangle of any driveway or roadway. Signs shall be removed within three days of posting.
3. Flag Signs. Flag signs are permitted in all districts subject to the following:
 - a. Flag signs shall not exceed 120 square feet.
 - b. Flag signs shall be displayed in one of two ways:
 - (1). Affixed to a permanent pole affixed to the ground. Said pole shall not exceed 40 feet in height.
 - (2). Affixed to a permanent or temporary pole that is attached to a mounting point on the ground floor exterior wall of a building. Where such a flag sign extends over a sidewalk, there shall be not less than 8 feet of clearance from the lowest part of the flag to the surface of the sidewalk.
 - c. Flag signs shall be maintained in good condition.
4. Ground Signs. Ground signs are permitted, subject to the following:
 - a. Ground signs shall have a maximum height of nine feet. The area of a ground sign shall 60 square feet. Ground signs for multi-tenant commercial developments shall be permitted a maximum sign area of 120 square feet.
 - b. Where a property fronts on two thoroughfares, one ground sign per frontage shall be permitted, provided that the total area of the ground signs does not exceed 100 square feet.
5. Incidental Signs. Incidental signs are permitted, subject to the following:
 - a. The total square footage of incidental signs on a property shall not exceed 24 square feet.
 - b. The height of any incidental sign shall not exceed six feet, except where an incidental sign is mounted on a building, fence, or other structure, in which case, the sign shall not protrude beyond the eave or upper edge of the structure.
6. Temporary Signs.
 - a. General Requirements:
 - (1). Temporary Off-Premises Directional Signs. See Directional Signs.
 - (2). Temporary Signs

- (a) Temporary signs shall not exceed six feet in height, except as otherwise permitted by the Requirements for Specific Types of Temporary Signs.
 - (b) No temporary sign shall exceed six square feet in area, except as otherwise permitted by the Requirements for Specific Types of Temporary Signs.
 - (c) The total area of all temporary signs displayed concurrently on one parcel shall not exceed 32 square feet.
 - (d) Temporary signs shall not be placed within the clear vision triangle.
 - b. Requirements for Specific Types of Temporary Signs:
 - (1). Construction Signs. Construction signs are permitted, subject to the following:
 - (a) One construction sign is permitted per site.
 - (b) Construction signs shall have a maximum height of 8 feet.
 - (c) Construction signs shall not exceed 32 square feet
 - (d) Construction signs shall not be erected until a building permit is obtained for the project, if required, or until construction begins, whichever is later.
 - (e) Construction signs shall be removed when construction is complete or when real estate signs are erected on the property, whichever occurs first.
 - (f) Construction signs 6 square feet in area or greater or greater than 6 feet in height shall require a permit.
 - (2). Real Estate Signs. Real estate signs are permitted, subject to the following:
 - (a) One real estate sign is permitted per street frontage;
 - (b) Real estate signs shall not exceed 24 square feet in area in non-residential districts. An additional two square feet is permitted for attachments such as, but not limited to, announcements that the property is sold, reduced, or pending, information regarding the property, or the agent's name.
 - (c) Including attachments, the height of a real estate sign shall not exceed 8 feet.
 - (d) One temporary real estate "open house" sign may be located on the premises being sold. Temporary real estate open house signs shall be erected no more than ten days prior to the day(s) of the open house and shall be removed within one day after the open house.
 - (e) Real estate signs shall be removed within 5 days of completion of the sale, signing of a lease agreement or other similar action, as determined by the City.
- 7. Wall Signs. Wall signs are permitted, subject to the following:
 - a. Wall signs shall not project outward from the surface of the wall more than 12 inches. No sign attached to the wall of a building shall be erected so as to extend above the top of the wall or beyond the edge of the wall of the building to which it is attached.
 - b. Each property is permitted one or more wall signs. Total sign area:
 - (1). Shall not be greater than the maximum sign area permitted for the property;
 - (2). Shall not be more than 25% of the ground floor wall area of the wall to which it is attached. In a commercial development with more than one tenant, the total sign area of all wall signs may exceed 25%, provided that no sign for any tenant shall exceed 25% of that tenant's ground floor store frontage.
- E. Signs Permitted Subject to Special Conditions.
 - 1. The Planning Commission may, through granting a special use sign permit, approve signs that exceed the number, sign area or height permitted by the other provisions of this Chapter for sites that exceed two acres in area and have more than 200 feet of public street frontage, provided the applicant furnishes the surveys, site plans and other information as may be reasonably required by the Commission for proper consideration of the matter.
 - 2. The Planning Commission shall notify all parties having an interest in property within 300 feet of the affected site of the time and place of any hearing or meeting which may be held relative to the application.
 - 3. The Commission may impose such conditions or limitations granting approval as may, in its judgment, be necessary to fulfill the spirit and purpose of this Chapter.
 - 4. In reviewing the application, the Commission shall consider the following standards as a basis for establishing size, setback, and placement of signs:
 - a. Visibility of vehicular and pedestrian traffic off-site and at the site, visibility, and legibility of signs for drivers and/or pedestrians and the impact upon the visibility of traffic signals or regulatory devices in the public street right-of-way.
 - b. Negative impact of proposed signs upon adjacent properties and their signage and the impact of lighting and appearance of signs upon nearby residential zoned property.
 - c. Particular site characteristics such as yard areas, landscaping, topography, location of buildings, site use and number of street frontages.

F. Non-Conforming Signs.

1. A sign lawfully erected prior to the adoption of this Chapter or any applicable amendment thereto which does not meet the standards of this Chapter may be continued as a legal non-conforming sign, except as hereinafter provided. A legal non-conforming sign shall not:
 - a. Be substantially altered in content unless the use to which it applies remains the same after the change in the words or symbols;
 - b. Be substantially altered in structure so as to change the shape, size, location, type, or design of the sign; or
 - c. Be reestablished or continued after the activity, business or use to which it applied has been discontinued for 180 days or longer.
 - d. "Substantially altered" does not refer to normal maintenance, such as painting, or a change in message panels.
 - e. A non-conforming sign may remain as long as the sign is properly maintained and is not detrimental to health, safety, and welfare. If damaged beyond normal maintenance, the sign shall not be repaired/replaced except in conformity.
2. If the owner of the premises on which a sign is located changes the use of the premises, or changes the location of a property line or sign so that a sign is rendered non-conforming, the sign must be removed or made to conform to the provisions of this Chapter.

G. Administration and Enforcement.

1. Enforcement.

- a. The sign provisions of this ordinance shall be administered and enforced by the Building Inspector(s) or their designee.
- b. The Building Inspector(s) or their designee may enter at any reasonable time upon the premises where any sign is located. All sign violations shall be considered civil infractions. No criminal penalty shall be attached for violations except where a police officer has actually observed a criminal violation being committed or probable cause exists for such enforcement.
2. Permits. No person shall erect, place, relocate, alter, or add to any sign for which a permit is required without obtaining a permit.
3. Plans and Specifications. No person shall erect or alter any sign, except in accordance with the plans and specifications approved by the Building Inspector.
4. Application and Permit Fee. Application for sign permits shall show the name and address of the owner of the sign and the person responsible therefore and the location, type, sign height and sign area of the sign and shall contain a drawing or other rendering of the proposed sign. The application and permit fee shall be filed with the Building Inspector for investigation. If the Inspector finds that the sign conforms to all provisions of this Chapter a permit shall be issued. The Inspector shall make a finding within ten business days of filing the application or within 30 calendar days of the filing of the application if the code official requires an interpretation or the application shall be deemed approved as submitted.
5. Fees. The fee for sign permits shall be as adopted and amended from time to time by resolution of the City Council.
6. Inspection.
 - a. After being erected, each sign for which a permit is required, shall be approved and inspected by the Building Inspector for zoning compliance.
 - b. If, upon any inspection by the Building Inspector, a sign is found to be unsafe or in a condition that does not comply with the provisions of this Chapter, the Building Inspector shall give notice of the condition to the owner or the person responsible. Within 30 days thereafter, the necessary repairs shall be made in order to bring the sign into compliance with this Chapter.
 - c. If the Inspector finds a sign to be in such an unsafe condition that immediate repairs or the removal thereof are required, the Building Inspector shall take such precautions as may be necessary to protect the safety of the public in the use of the streets the cost of which shall be the responsibility of the owner.
7. Maintenance.
 - a. Signs, including the face, framing and all supports thereof, shall be kept, and maintained in a safe condition, shall be adequately protected against corrosion, and shall conform to all the provisions of this Chapter.
 - b. Signs which are broken, torn, bent or whose supports are broken, bent or damaged, and signs that are not reasonably level and plumb shall be repaired and installed in a manner prescribed by the Enforcement Officer and / or Building Official, but in no case shall repair requirements exceed building code requirements and the original condition of the sign and/or its supports.

- c. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Code. Failure to comply with this Section may result in action by the Enforcement Officer or Building Official to rescind the permit with subsequent removal of the entire structure.
- d. A sign shall have no more than 20 percent of its surface area covered with disfigured, cracked, ripped or peeling paint, poster paper or other material for a period of more than 30 successive days.
- e. A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than 15 degrees from vertical for a period of more than 30 successive days, unless determined by the Building Official to pose a safety hazard, in which case immediate action may be required.
- f. A sign shall not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign from the public right-of-way from which it is to be viewed, for a period of more than 30 successive days.
- g. An internally illuminated sign shall not be allowed to stand with only partial illumination for a period of more than 30 successive days.
- 8. Nuisance. Any sign erected or displayed without a permit or any sign which does not comply with the provisions of this Chapter shall be deemed a hazard to the safety of the public and is declared to be a public nuisance and may be abated by removal without notice.
- 9. Signs Within Fire Limits. No person shall erect a lighted or mechanical sign within the fire limits of the City unless the sign and supports therefore be entirely constructed of fire-resistant materials and complies with the provisions of the City's Fire Code.
- 10. Obstruction Hazard. No person shall erect, display, or maintain any sign which obstructs any fire escape, building entrance or public passage, or at a horizontal distance of less than ten feet from any fire hydrant or traffic light.
- 11. Appeals. The Zoning Board of Appeals is authorized to hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, or determination made by the Inspector in connection with the enforcement of this Section. The Zoning Board of Appeals shall also have the power to authorize a variance from the strict application of this Section where the strict application would result in peculiar or exceptional practical difficulties to the person owing or having the beneficial use of the property. The relief may be granted provided it is without substantial detriment to the public good and without substantially impairing the intent and purpose of this Section. In considering applications, the Board shall follow the procedures contained in Section 7.8 of the Zoning Ordinance.

8.19 ACCESSORY STRUCTURES AND USES.

Accessory structures, except as otherwise permitted in this Chapter, shall be subject to the following:

- A. General standards. Accessory structures and uses are permitted only in connection with, incidental to and on the same lot with a principal building within the same zoning district.
 - 1. No accessory structure or use shall be placed upon, occupied, or utilized on a lot unless the principal building is occupied or utilized except as provided for in this Chapter. No accessory structure shall be constructed upon or moved to any parcel of property until a principal building is under construction for which a building permit has been issued.
 - 2. Such accessory structure shall not be utilized as a separate place of business.
- B. No detached accessory structure shall exceed the primary building in height, unless approved by the Zoning Board of Appeals.
- C. An accessory structure having a two-foot overhang shall be subject to the following:
 - 1. Shall not be located closer than five feet to a side or rear lot line or public street right-of-way measured from the foundation. In the case of an easement, the easement shall become the setback for the accessory structure and in no instance shall any part of the accessory structure project into the easement.
 - 2. Be located closer than ten feet to any principal building measured from the foundation.
 - 3. The side and rear yard setback shall be increased one foot for every one foot of overhang beyond two feet.
 - 4. No accessory building shall be located in an easement.
- D. No accessory structure may be closer than four feet to any other accessory structure except for an accessory structure that complies with subsection E of this Section.
- E. Accessory structures shall be erected in a rear yard, except an accessory structure may be allowed in a non-required side yard, when set back a minimum of 75 feet from the front lot line and meets the side yard setback of the parcel.
- F. No accessory building, structure or use shall be erected in any yard with public street right-of-way frontage, including all such sides of a corner lot.
- G. In no instance shall such an accessory structure be nearer than five feet to any adjoining lot line.

- H. In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages wherever there are any principal buildings fronting on such streets in the same block or adjacent blocks.
- I. In the case of an accessory building located in the rear yard on a corner lot, the side lot line of which is substantially a continuation of the required front yard setback of the lot to its rear, such accessory building shall be set back from the street side at least as far as the required front yard setback of the lot at the rear of the subject corner lot.
- J. Additional standards. The following additional standards shall apply to attached garages, accessory mechanical equipment, and flagpoles:
 - 1. Commercial or industrial mechanical equipment - such as blowers, ventilating fans, exhaust fans, and air conditioning units greater than four tons located adjacent to a residential district shall be placed such that they will not have an adverse impact on the residential use due to noise and odors.
 - 2. Flagpoles. Flagpoles on the building or on the ground shall not exceed the maximum height allowed in the zoning district. Flagpoles shall be set back a minimum distance from all lot lines ten feet or the maximum extension of the largest flag intended to be displayed on the pole, whichever is greater. Flags may be illuminated, provided the source of illumination shall be designed, arranged, and shielded to prevent glare onto adjacent properties, telescopes, and adverse effects on motorist visibility on adjacent rights-of-way.
- K. Accessory structures and uses such as parking attendant, guard shelters, gate houses, and transformer buildings may be located in the front or side yard and may occupy any of the ground area that the principal building is permitted to cover or as otherwise allowed under this Chapter.

8.20 TEMPORARY CONSTRUCTION STRUCTURES AND USES.

The following standards shall apply to all structures used for construction purposes on a development site:

- A. A zoning permit for such structure shall be required, prior to installation.
- B. No temporary structure shall be used as a dwelling unit.
- C. The placement of temporary structures shall be in conformance with the requirements of this Chapter.
- D. Temporary structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation, solid waste or fuel facilities related to construction activity on the same lot.
- E. Temporary structures shall be removed from the lot within 15 days after an occupancy permit is issued by the City for the permanent structure on such lot, or within 15 days after the expiration of a building permit issued for construction on such lot.

8.21 CORNER CLEARANCE AREA.

- A. No structure, fence, wall, hedge, planting, tree, or other obstruction to vision shall exceed two feet in height from grade within a triangular section of land on that part of a corner lot formed by the two street right-of-way lines and a line connecting them at points 25 feet from the intersection of such street right-of-way lines. The Planning Commission may grant an exception to the height requirement of no more than one foot upon finding that pedestrian and vehicle safety has not been compromised.
- B. In any district branches of trees within such areas shall be trimmed to not less than six feet above the finish grade except for those branches overhanging into the City right-of-way shall be not less than ten feet above finish grade.

8.22 BUILDING GRADES AND GRADING OF LAND.

A minimum sloping grade of one foot above the street level, or other grade as established by the City, shall be required of all buildings having a front yard.

- A. No premises shall be filled or grades established so as to discharge the surface runoff on abutting property in such a manner that will cause inconvenience or damage to adjacent properties.
- B. The grade at any lot boundary shall be developed and maintained in accordance with the Michigan Building Code as amended and subject to inspection and approval.

8.23 PROTECTION OF EXCAVATIONS.

The construction, maintenance, or existence within the City of any unprotected, un-barricaded, open, or dangerous excavations, holes, pits, or wells that are reasonably likely to constitute a danger or menace to the public health, safety or welfare shall be prohibited. This Section shall not prevent any excavation under a permit issued pursuant to this Chapter or the State Construction Code enforced by the City, where such excavation is properly protected, warning signs are properly posted, and construction is progressing in a timely manner.

8.24 FENCE, WALLS, HEDGES OR SIMILAR PLANTINGS, OR STRUCTURES.

Fences, walls, and hedges may be permitted in any yard, or along the edge of any yard, subject to the following:

- A. Maximum height. The height of fences and walls shall not exceed eight feet in height in any side or rear yard. In all districts no fence, wall, planting, or hedge shall be over four feet along a property line in a front yard or front yard setback.
 - 1. Fences, walls, and hedges within corner visibility areas shall be further regulated by Section 8.21 unless otherwise allowed for in this Article.
 - 2. A fence may be permitted up to eight feet in height along the side or rear lot line.
 - 3. A maximum of one additional foot for barbed wire is allowed, in a side or rear yard, with the yes facing inside of the lot line.
- B. Obstructions prohibited. No fence shall be erected or maintained in such a way as to obstruct the vision of motorists exiting driveways. No fence or wall shall be erected within any public right-of-way.
- C. Orientation. A finished side of a fence in any yard shall face outwards away from the property on which they are placed.
- D. Trees, shrubs, flowers, or plants shall be permitted in any front, side, or rear yard, in conformance with subsection 1 of this Section or as regulated by Section 8.21.
- E. Other specified structures. Walls, driveways, arbors, curbs, retaining walls, mailboxes, and structures of a like nature shall be permitted in any front, side or rear yard provided they do not exceed the height allowed in subsection 1 of this Section for front yard fences or Section 8.21.
- F. Other standards. The following additional standards shall apply to all fences, walls, and hedges in any zoning district:
 - 1. Fences may be placed up to a lot line. No parts of any fences, including foundations, may extend beyond any lot line unless agreed to in writing by the owner of the adjacent property.
 - 2. If a fence exists in the rear or side yard of an adjacent lot, only one other fence may be placed along the adjoining boundaries of such adjacent lot. Areas between abutting fences must be maintained in accordance with this Chapter and the City's Code of Ordinances.
 - 3. The use of electric current or charge on any fence or part thereof is prohibited.
 - 4. Orange plastic fencing, snow fencing, cyclone fencing, silt fencing, or similar type fencing shall be prohibited unless required during construction to comply with other governmental agencies or regulations.

8.25 PARKING, LOADING, AND ACCESS MANAGEMENT.

- A. Purpose. The purpose of this section is to regulate the parking, loading, and access of automotive vehicles in all zoning districts.
- B. Scope.
 - 1. Parcels located within the I-3 Industrial and Manufacturing Complex zone district, and those areas designated on the official zoning map as being parking exempt, are exempted from the requirements of Section 8.25 Part E. It is the responsibility of property and building owners to provide sufficient on-site parking to meet their needs.
 - 2. Parking with adequate access to all spaces shall be provided in all districts at the time of erection or enlargement of any main building or structure. The number and character of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to occupancy, as hereinafter prescribed.
- C. Deferment of Required Parking Spaces.
 - 1. The Planning Commission, without proof of unnecessary hardship, may defer the requirements of this subchapter upon determination from the evidence presented by the property owner that the intended use will not require parking or loading facilities to the degree required by this subchapter. The proposed site plan shall show the location and layout of the deferred parking area which shall remain undeveloped to permit construction of the required parking should the use of the building change or a change in circumstances indicate that additional parking is required. At that time, a new site plan shall be submitted pursuant to Section 8.35.
 - 2. In addition, the property owner shall sign a development agreement which shall be recorded with the deed binding on future owners that the open space is retained for future parking and shall not be developed or sold for development except in conformance with the approved site plan.
 - 3. If a new site plan is submitted to develop the area reserved for deferred parking, the Planning Commission must evaluate the impact of the new development on existing parking when considering the new site plan. The Planning Commission may consider the reductions in parking requirements provided for in Section 8.26.D.3.
- D. General Regulations. The following regulations shall apply in all zoning districts.
 - 1. Location of spaces. All parking, loading and maneuvering space shall be contained within the site.
 - 2. Irrevocable use of spaces. All required off-street parking spaces shall be stated in an application for site plan review and shall be reserved irrevocably for such use, unless otherwise provided in this Chapter. Minimum

- required off-street parking spaces shall not be displaced by any other use unless the parking requirements of the site change.
3. Reduction of space area. Off-street parking existing at the effective date of this Chapter in connection with the operation of an existing use shall not be reduced to an amount less than that required for a similar new use except as allowed under Section 8.25.C.
 4. Collective use of spaces. The city recognizes that different types of uses may have different peak usage times. Therefore, two (2) or more non-residential buildings or uses may collectively provide the required off-street parking, in which case the required number of parking space for the uses calculated individually may be reduced for the following:
 - a. Reduction in required spaces. Where peak operating hours do not overlap or patrons can access more than one use from the parking lot, the Planning Commission may grant a reduction in the required number of spaces of up to 25%.
 - b. Agreement. A signed agreement between all parties concerned shall be provided to the City for the collective use of parking spaces.
 5. Similar use. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with a similar listed use, as determined during site plan review.
 6. Screening. Off-street parking areas shall be effectively landscaped, and screened on any side which adjoins or faces a residential district or street right-of-way, per Section 8.26.G.
 7. Setbacks. No part of any off-street parking area shall be closer than ten feet to any street right-of-way line or the lot boundary of any residential use.
 8. The number of required off-street parking spaces for new uses or buildings and additions to existing buildings shall be determined in accordance with the schedule set forth in Section 8.25.E.4 Schedule of minimum required parking by use. Parking requirements listed in Section 8.25.E.4 Schedule of minimum required parking by use shall not include loading spaces as set for in Section 8.25.H.
 9. Prohibited activities. The storage of merchandise, refuse storage and receptacles, or other materials, and the storage or repair of unregistered or unlicensed vehicles or inoperable vehicles or other machinery shall be prohibited in areas serving as parking spaces.
 10. Vehicular access for employees, delivery vehicles, and trucks shall be coordinated or shared with adjoining uses where feasible, in the determination of the Planning Commission, and shall be designed to minimize impacts on public streets and surrounding uses. Access management techniques will be employed.
- E. Minimum Number of Spaces Required. The following standards shall apply to the determination of the required minimum and maximum number of off-street parking spaces by type of use in all zoning districts, excepting those within the I-3 Industrial and Manufacturing Complex zone district and those designated on the official zoning map as parking exempt:
1. Fractional units. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one parking space.
 2. Maximum number of spaces permitted. To minimize excessive areas of pavement that contribute to higher rates of stormwater runoff, exceeding the minimum parking space requirements of this Section by more than 20% shall be prohibited. The Zoning Administrator may waive this provision to allow additional parking spaces upon determining that such parking is necessary, based on documented evidence, to accommodate the use on a typical day.
 3. Units of measurement. The usable floor area (UFA) shall be used to determine the required number of off-street parking and loading spaces, unless otherwise noted.
 - a. Usable floor area (UFA) shall apply to all internal building areas excluding the floor area used for incidental service, storage, mechanical equipment rooms, heating/cooling systems, lavatories, and similar uses, and other areas not intended for use by the general public. Where these areas are not yet defined, leasable floor area shall be considered to be 85% of the gross floor area.
 - b. Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of anticipated employees during the peak shift. An employee for the purposes of meeting the requirements of this Section shall include hourly, salaried, and contracted workers.
 4. Schedule of minimum required parking by use. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

Use	Minimum Spaces Required
Health, fitness, and exercise centers	One per four persons allowed within the maximum occupancy load as established by the building code
Business offices or professional offices	One per 300 square feet of usable floor area

Industrial, research or laboratory uses not otherwise specified herein, where established for a known user	Five, plus one per employee based upon the maximum number of employees per shift or overlapping shifts plus one per 275 square feet of usable floor area for office areas
Industrial, research or laboratory buildings established on speculation, or where the end user or number of anticipated employees is not known	Five, plus one per 2,000 square feet of GFA for the industrial, research or laboratory uses, plus one per 275 square feet of usable floor area for office areas
Research and development facilities, laboratories, and technical centers	One per 425 square feet of usable floor area for the research/laboratory uses, plus one per 300 square feet of usable floor area for any offices or other accessory uses
Warehouses and wholesale establishments and related accessory offices	Five, plus one per employee in the largest working shift
Trade schools, regional educational facilities, vocational education facilities, intermediate career centers, and similar technological or vocational training facilities	One (1) per four (4) persons allowed within the maximum occupancy load as established by the building code

- F. Barrier-Free Parking Requirements. Barrier-free parking spaces signed and striped shall be provided at conveniently accessible locations within each parking lot, in accordance with the Michigan Building Code.
- G. Off-Street Parking Layout, Construction, and Maintenance Standards. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Width of Maneuvering Lane Plus Two Rows
0 parallel parking	12'	8'	24'	40'
45	12' (one-way)	9'	20'	49'
60	16' (one-way)	9'	20'	56'
90	20' (two-way)	9'	20'	60'

- Backing directly onto a street, backing into an access drive, or requiring the use of the street for maneuvering between parking rows shall be prohibited.
- Adequate ingress and egress to the parking lot by means of clearly limited and defined maneuvering lanes and access drives shall be provided for all vehicles. Entrance to such area shall be only from a public street, an adjoining principal use or an adjoining alley.
- Ingress and egress to a parking lot accessory to a non-residential use shall not be across land in any residential district.
- Ingress and egress to a parking lot accessory to a non-residential use shall be set back at least 25 feet from the boundary of any residential district.
- All maneuvering lanes shall permit one-way traffic movement, except that the 90- degree pattern may permit two-way movement.
- The entire parking area, including parking spaces and maneuvering lanes, required under this Chapter shall be provided with a dust-free surfacing of concrete or plant-mixed bituminous material according to the requirements of this Chapter and the Marshall City Code.
- Parking areas must be landscaped in accordance with Section 8.26.G.
- Necessary curbs or other protection for the public and for the protection of adjoining properties, streets and sidewalks shall be provided and maintained. Where parking areas abut public sidewalks, a curb at least six inches high shall be placed thereon to prevent vehicle encroachment.
- Off-street parking areas shall be drained so as to dispose of accumulated surface water without drainage onto adjacent property or toward buildings.
- All lighting used to illuminate any off-street parking area shall be so designed, located, and shielded to prevent glare onto adjacent properties and prevent adverse impacts on motorist visibility. The source of illumination shall not be more than 25 feet above the parking surface.

11. All illumination for such parking facilities shall not exceed one foot-candle at any lot or property line, nor shall exceed 0.5 foot candles at a lot line adjacent to a single family residential district. The average to minimum foot candle ratio over the parking lot, drives, walkways, and similar illuminated areas shall not exceed 4:1.
 12. Off-street parking shall be permitted to occupy a portion of the required front yard, provided that a minimum setback of ten feet shall be maintained between the nearest point of the off-street parking area and the right-of-way line. The ten-foot setback shall be unobstructed except for landscaping plant materials. Access driveways may extend through this setback.
- H. Loading Space Requirements. For every building or addition to an existing building erected or occupied by a use requiring the receipt or distribution of materials or merchandise, there shall be provided and maintained on the same premises adequate off-street loading spaces, as follows:
1. No such space shall be located closer than 50 feet to any lot in any residential district unless wholly within a completely enclosed building or enclosed on all sides by a wall, or a greenbelt, berm, or buffer strip.
 2. Lights used to illuminate loading areas shall be arranged so as to reflect away from adjacent properties.
 3. Loading spaces shall not be provided in the front yard, the front side of any building, or on any side facing and directly visible to a public street, unless determined during site plan review that it's determined such a location is necessary due to the building's location or placement or existing street patterns.
 4. Access to the loading area shall be designed in such a manner as to allow trucks to enter and leave the loading area without having to back from or onto the public street.
 5. Loading spaces shall be covered with a pavement of concrete or plant-mixed bituminous material, and shall be graded and drained to a storm sewer so as to dispose of surface water in accordance and conformity with the requirements of the City.

8.26 LANDSCAPING AND SCREENING STANDARDS.

- A. Intent. The intent of this subchapter is to establish minimum standards for the design, installation, and maintenance of landscaping along public streets, as buffer areas between uses, on the interior of a site, within parking lots, and adjacent to buildings. Landscaping is a critical element contributing to the aesthetics, development quality, stability of property values, and the overall character of the City. The standards of this subchapter are intended to provide incentives to preserve quality mature trees, screen headlights to reduce glare, integrate various elements of a site, ensure compatibility between land uses, assist in directing safe and efficient traffic flow at driveways and within parking lots, and minimize negative impacts of storm water runoff and salt spray.
- B. Scope. The standards of this subchapter are considered the minimum necessary to achieve the above intent. Applicants are encouraged to provide additional landscaping to improve the function, appearance, and value of their property. The standards of this subchapter shall apply to all uses, lots, and sites altered, developed, or expanded after the effective date of this Chapter subject to site plan review under Section 8.30. Parcels that are developed under a planned unit development or other master planned industrial area can achieve the required site buffering from residential districts, residential uses, or street rights-of-way through landscaping on common space between the aforementioned uses and the development site.
- C. Requirements and Timing of Landscaping. All landscape plans, plant installations, and required plant materials shall conform to the following standards:
1. Plan required. A separate landscape plan shall be included with any site plan application reviewed by the City, subject to the following:
 - a. The plan shall be prepared at a minimum scale of one-inch equals 40 feet.
 - b. The plan shall show the location, type, size, and spacing of all existing and proposed plant materials, and details and specifications describing planting techniques, installations, planting mixtures, mulch, material depths, seed blends, and other necessary information.
 - c. Existing and proposed contours shall be shown at intervals not to exceed two (2) feet.
 - d. Existing and proposed utilities shall be shown.
 - e. All required and proposed walls, fencing, berms, and other screening treatments shall be shown on the plan.
 - f. Protection measures for preserved trees during construction shall be shown in accordance with City standards.
 - g. The Planning Commission shall require landscape plans to be reviewed and sealed by a State of Michigan licensed landscape architect for parcels of one acre or more in size and may require it for other projects that may have a significant impact on surrounding residential districts.
 - h. Parcels over 500 acres are not required to submit a detailed landscaping plan, however, should note general landscaping areas on their site plan.

2. Installation methods. Landscaping shall be installed in a manner consistent with the standards of AmericanHort and generally accepted planting procedures. Tree stakes, guy wires and tree wrap are to be removed after one year.
 3. Timing of installation. Required landscaping or screening shall be planted within 180 calendar days from the date of issuance of a certificate of occupancy, and shall be maintained in accordance with the standards of this subchapter and the approved landscape plan.
 4. Performance guarantee. The city may require a performance guarantee to cover the cost of landscaping installation for development activity or construction completed in an off-planting season.
 - a. Such guarantees shall be submitted to the City prior to the issuance of a certificate of occupancy to ensure installation of required landscaping in the next planting season.
 - b. The Zoning Administrator shall conduct an inspection of plant materials within three months of written notification of installation before releasing the performance guarantee.
 5. Maintenance. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance, and free from refuse and debris.
- D. Special Provisions for Existing Sites.
1. Special provision shall be made for applying these standards to developed sites that existed prior to the City adopting landscaping requirements. When an existing site is undergoing improvement, a change in use or expansion, the objective of these standards shall be to gradually bring the site into compliance with the minimum standards of this subchapter in proportion to the extent of the expansion or improvement.
 2. Upgrades to landscaping or screening on an existing site shall conform to the following guidelines:
 - a. Landscaping requirements for building expansions equal to or less than 300 square feet of gross floor area and/or projects that do not propose any additional hard surfaced area for parking, may be limited to areas outside of the internal parking lot and site landscaping.
 - b. Landscaping along the street and as a buffer between adjacent land uses shall take priority over parking lot and site landscaping. Where parking lot landscaping cannot be provided, additional landscaping along the street or in the buffer areas shall be considered.
- E. General Landscaping Provisions
1. Public Street Plantings - Street trees. On every site involving new development or redevelopment, deciduous street trees shall be provided along the fringe of the street right-of-way in conformance with §99.06 of this Code of Ordinances.
 2. Landscaping shall not obscure traffic signs or lighting, obstruct access to fire hydrants or interfere with adequate motorist sight distance.
 3. Adequate area shall be provided for snow storage within the parking lot.
 4. Waste Receptacle and Mechanical Equipment Screening. Waste receptacles such as dumpster(s) and ground mounted mechanical equipment excluding air conditioning units of four tons or less shall be located, screened, and secured in accordance with Section 8.26.J, except if a fence is used it shall be six feet in height, or as provided for in any other City Ordinance.
 5. Screening of Residential Districts and Uses. To provide adequate protective screening for residential areas adjacent to or near non-residential uses or districts, the following regulations shall apply:
 - a. Where the industrial district abuts directly upon a residential district unless provided for in Section 8.26.J, a landscaped greenbelt or other screening meeting the standards of Section 8.26.F. shall be required.
 6. Interior Landscaping. For every new development, under 500 acres, interior landscaping areas, exclusive of any other required landscaping, shall be provided. This landscaped area should be grouped near building entrances, along building foundations, along pedestrian walkways, and along service areas and contain grass or other suitable living groundcover.
 7. Plant Material Variety, Size, and Separation Standards. Required landscaping shall comply with the following minimum plant material and plant variety standards. The Planning Commission may vary these standards when these established minimums will not serve the purpose and intent of this subchapter. Suggested plant materials listed in Table 5.15.11.C is commonly available in hardiness Zone 5. This list is to be used as a general guideline for plant selection but is not meant to be limiting.
 - a. Species variety. The overall landscape plan shall not contain more than 33% of any one species. The use of a mixture of trees from the same species association shall be encouraged.
 - b. Plant size specifications. Required landscaping shall comply with the following minimum size standards at planting:
 - (1). Deciduous canopy trees. Two and one-half inch caliper minimum trunk measurement at four feet off the ground, with a minimum eight feet in height above grade when planted.
 - (2). Evergreen trees. Six feet in height, with a minimum spread of three feet. The size of the root ball shall be at least ten times the caliper of the tree measured six inches above grade.

- (3). Deciduous ornamental trees. One and one-half inch caliper minimum at three feet off the ground, with a minimum height of six feet above grade when planted.
 - (4). Shrubs. Minimum 30 inches in height above planting grade.
 - (5). Groundcovers. Planted in such a manner as to present a finished appearance and reasonably complete coverage after one complete growing season.
 - c. Grasses, other than ornamental types, shall consist of species normally grown as permanent lawns in the region.
 - d. Rolled sod, erosion reducing net or suitable mulch shall be used in swales or other areas subject to erosion. Groundcovers shall be clean and free of weeds, noxious pests, and disease.
 - e. Steel, aluminum, or black plastic edging shall be used for any planting beds.
 - f. Mulch material. Minimum of two and a maximum of four inches of biodegradable mulch or equivalent for planted trees, shrubs, and vines.
 - g. Prohibited plant materials. The following plant materials shall not be used for landscaping purposes, except where specified below:
 - (1). The following plant materials shall not be used for landscaping purposes under any circumstances because of susceptibility to storm damage, disease, insect infestation, fruit bearing or other undesirable characteristics: Ash varieties, American Elm, Aspen, Ailanthus, and European Barberry.
 - (2). The following tree species shall not be permitted except where appropriate for the ecosystem, such as in a wetland environment not in proximity to any existing or proposed structures: Box Elder, Poplars, Willows, Horse Chestnut (nut bearing), Tree of Heaven, Catalpa, Buckthorn, and European Alder.
 - h. Plant material spacing. Plant materials species grouped together shall meet the standards as indicated in Section L. General Layout and Design Standards.
- F. Greenbelt Buffer. A required greenbelt buffer shall be used around the perimeter of a parcel or parcels in common ownership within the I-3 Industrial and Manufacturing Complex zone district to shield views of the development site from the public where there are street rights-of-way, residential districts, or residential uses. Where a greenbelt buffer is provided, a parking lot perimeter screen shall not be required. A greenbelt buffer shall meet the following standards:
 - 1. Width. The minimum greenbelt width shall be seventy-five feet. No structures, drives, or parking areas may be located within the greenbelt. The Planning Commission may reduce the required width to accommodate existing conditions or maintain the character of the zoning district. In such cases, the greenbelt requirement may be met through the provision of street trees per § 90.06 of the City Code of Ordinances.
 - 2. Berm. A berm is required that consists of a raised earth mound that meets the following standards:
 - a. Minimum height of three feet with a crest of at least three feet in width. The height of the berm may meander if the intent of this subchapter is met, and an appropriate screen is provided.
 - b. The exterior face of the berm shall be constructed as an earthen slope, with a slope not to exceed one foot of vertical rise to three feet of horizontal distance (1:3 ratio). The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace, or other means that shall not exceed thirty inches (30").
 - 3. Vegetated Screen. Within the greenbelt and in association with the berm, a vegetated screen that obscures views will be provided in compliance with the following requirements:
 - a. Minimum width of ten feet.
 - b. Plantings shall consist of a mix of closely spaced evergreen and deciduous trees with year-round screening characteristics in compliance with the plant size specifications of this Article and recommended species as described in Sections 5.15.11.C. and 5.15.8.D.
 - c. A staggered planting pattern is encouraged.
 - d. Plant height at maturity will be a minimum of thirty (30) feet tall.
 - e. Irrigation shall be provided to ensure the long-term viability of the vegetation.
 - f. Grass or other suitable living ground cover shall be provided.
- G. Parking Lot Landscaping. The following standards shall apply to all proposed parking lots with ten or more parking spaces, any existing parking lot containing ten or more parking spaces that is proposed to be expanded, and any existing parking lot on an existing site subject, with the exception of lots that comply with the standard in 8.26.F for common area buffers, to review of a site plan per Section 8.30:
 - 1. Perimeter screening. A planted hedgerow, or a decorative masonry wall or fence with a planting strip; or any combination thereof will provide sufficient screening of off-street parking areas. The Planning Commission may accept existing vegetation to meet this requirement.
 - a. Hedgerow. The use of a totally obscuring hedge with a minimum height of 24 inches and a maximum height of 36 inches shall be provided.

- b. Decorative wall or fence with planting strip. This method shall consist of a planting strip abutting the base of a decorative brick wall, ornamental fence or wall and fence combination, subject to the following:
 - (1). The decorative wall or fence shall have a minimum height of thirty (30) inches, and shall not exceed three feet in height above grade. Decorative posts shall be allowed to extend a maximum of six inches above the top of the fence
 - (2) The planting strip shall abut the base of the wall or fence, and shall have a minimum width of six feet and a maximum height of 36 inches.
 - (3) A mixture of trees and shrubs shall be planted along the entire length of the planting strip, at a minimum concentration of one tree and five shrubs per each 30 linear feet of planting strip or plantings determined by the Planning Commission to meet the screening requirements.
 - c. Screen walls. Screen walls shall meet the following standards:
 - (1). A solid masonry wall, ornamental on both sides and not less than six feet in height above grade. Such walls shall be constructed of the same materials as that of the main building, or be faced with either brick, decorative block, or pre-cast concrete formed into a decorative pattern and painted in the same color scheme as that of the main building.
 - (2). Where vehicles, open-air displays, waste receptacles, or other site features exceed a six-foot height, the wall shall be increased to a height adequate to completely screen such features, not exceeding ten feet.
 - (3) Such walls shall be constructed of durable, weather resistant, rustproof materials.
 - 2. Landscaping within parking lots. Landscaping shall be provided and maintained within off-street parking lots, as follows:
 - a. Landscape island endcaps and midpoint. Landscaping islands shall be required at the end of any row of parking. There shall be at least 20 square feet of landscape island per parking space. For parking areas in excess of 40,000 sq. ft., at least one midpoint landscape island, a minimum of fifteen feet deep, shall be placed in a parking row.
 - b. Landscaping Island Standards. Landscaping islands shall have a minimum width of ten feet and a minimum area of 180 square feet, and shall be two (2) feet shorter than any adjacent parking space.
 - c. Minimum Landscaping Required. A minimum of one deciduous canopy tree shall be provided within the boundaries of the parking lot for every ten parking spaces. The required trees shall be planted in landscaping islands within the parking lot. Up to 33% of parking lot trees may be planted within 15 feet of the back of curb or edge of a parking space and shall not be utilized to satisfy other requirements. Landscaping islands, in addition to the canopy tree, shall be planted with lawn, perennials, ornamental grasses, or shrubs with a maximum height of 30 inches. Planting materials shall cover a minimum of 25% of the island area with mulch shall be used around plantings where appropriate.
 - d. Properties within the I-3 Industrial and Manufacturing Complex zone district consisting of five hundred (500) acres or more shall be exempt from Parts a - c of this Section. To provide areas for snow storage, stormwater pretreatment, and to mitigate the heat island effect the following will apply:
 - (1). One landscape area shall be provided equivalent to eight percent (8%), or fraction thereof, for each one (1) acre of surface parking.
 - (2). The use of white roof/s shall reduce the required landscape area to four percent (4%) for each acre where rooftop and parking area acreage is proportionate.
 - (3). Curbing is not required.
 - (4). Five (5) deciduous trees are required for each landscape area
 - 3. A parking space overhang of two feet may be used to widen a perimeter landscaped area and reduce the length of a parking space by two feet less than required by this Chapter.
 - 4. Landscaped areas within and around parking lots, except where exempted, shall be protected with concrete curbing.
- H. General Layout and Design Standards. Plant materials shall conform to the American Standard for Nursery Stock of AmericanHort, and the following:
 - 1. Plant quality. Plant materials shall be hardy to the climate of the central lower Michigan area, free of and resistant to disease and insects, and nursery grown with orderly growth characteristics.
 - 2. Replacement required. Any plant material required by this Chapter that dies or becomes diseased shall be replaced within 30 days of written notice from the Zoning Administrator or within an extended time period as specified in said notice.
 - 3. Protection of landscaped areas. Landscaped areas shall be protected from vehicular encroachment by use of curbing. Landscaped areas shall be elevated above surrounding driveways or parking lots to a minimum height of six inches to protect plant materials from snow removal operations, salt, and other hazards.

4. Salt-resistant species. Cul-de-sacs, site entrances, parking lots, street tree areas, and boulevard medians shall be landscaped with species tolerant of roadside conditions.
5. Irrigation. All landscaped areas shall be provided with a readily available and acceptable water supply.
6. Clearance and visibility. Landscaping materials and arrangement shall ensure adequate sight visibility for motorists, and adequate clearance for pedestrians and vehicles in accordance with Corner Clearance under Section 5.10 and the following:
 - a. Required landscaping and screening elements shall not inhibit access to fire hydrants. Plantings within 15 feet of a fire hydrant shall be no taller than six inches.
 - b. Landscaping within the site shall provide adequate overhead clearance, maintain visibility to approved signs of adjacent uses, and preserve sight lines from rights-of-way and public property to streams, lakes, and other waterways.
- I. Incentives to Preserve Existing Trees. The City encourages the preservation of quality and mature trees by providing credits toward the required trees for greenbelts, buffer strips, interior landscaping, and within parking lots. Preserved trees shall be protected during construction through use of a fence around the drip line, with protection measures noted on the landscape plan.
 1. To obtain credit, a tree survey shall be submitted to the Zoning Administrator prior to clearing the site. The survey shall identify the tree by species, location, and caliper on the landscape plan.
 2. The preserved trees shall be of a high quality and at least two and one-half inches caliper.
 3. Trees to be preserved shall be counted for credit only if they are located on the developed portion of the site or required screening area, as determined during site plan review. Trees over 12 inches in caliper to be removed shall be noted on the landscape plan.
 4. Preserved trees receiving credit that are lost within two years after construction shall be replaced by the land owner with trees otherwise required.
 5. The credit for preserved trees shall be as follows.

Caliper of Preserved Tree	Numbers of Trees Credited
Over 12 inches	3
8 to 12 inches	2
2 ½ to 8 inches	1

Note: Caliper measurement for existing trees is the diameter at a height of four and one-half feet above the natural grade (Diameter at Breast Height, D.B.H.).

- J. Waiver of Modification of Standards. The Planning Commission may determine existing landscaping or screening intended to be preserved, or a different landscape design, would provide all or part of the required landscaping or screening to meet the intent of this subchapter and Chapter. In making such a determination to waive or reduce the landscape or screening requirements of this subchapter, the following circumstances shall be considered:
 1. Extent that existing natural vegetation provides desired screening.
 2. There is a steep change in topography that would limit the benefits of required landscaping.
 3. The presence of existing wetlands.
 4. Existing and proposed building placement.
 5. The abutting or adjacent land is developed or planned by the city for a use other than residential.
 6. Building heights and views.
 7. The adjacent residential district is over 500 feet away from the subject site.
 8. Similar conditions to the above exist such that no-good purpose would be served by providing the landscaping or screening required.

8.27 SIDEWALKS.

- A. Intent. The intent of this subchapter is to protect and promote public health, safety, and welfare by specifying standards for design, development, and maintenance of a comprehensive non-motorized system to allow for enhanced access. Sidewalks, walkways, and pathways shall be designed to provide convenient access within all properties.

- B. Site Plan Review. For all developments requiring site plan review, the proposed sidewalk or pathway shall be shown on the site plan, which shall be reviewed in accordance with the site plan review procedures set forth in the Zoning Ordinance.
- C. Sidewalks (public ROW). The City will determine where sidewalks shall be required along public ROW. Sidewalks may be required in other locations as part of site plan review where the Zoning Administrator determines that they are needed for pedestrian traffic, safety, or connectivity.
 - 1. Location. Sidewalks shall be installed one foot from the property line, within the dedicated street right-of-way, private street access easements or special easement where grades or other factors prevent placement within the right-of-way or access easement. Sidewalks shall align horizontally and vertically with existing sidewalks on adjacent lots. The Planning Commission has discretion to waive or modify the location of the sidewalk when it is not practical or an alternate design is necessary due to the existing site conditions.
- D. Sidewalks (internal). Pedestrian access and connectivity within internal circulation areas shall be required for all new site plans.
 - 1. Accessways shall be provided for pedestrians through parking lots to building entries.
 - a. Walkways shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination; not solely based on parking lot configuration.
 - b. Where the primary pedestrian access to the site crosses drive aisles or internal roadways, the pedestrian crossing shall emphasize pedestrian access and safety.
 - c. Required walkways shall not be within the driving aisle, and, where possible, shall be within a landscaped island running perpendicular to the building entry.
 - 2. Walkways shall be provided in each surface parking area that has one hundred (100) or more parking spaces, and/or where parking spaces are located more than five hundred (500) feet from the main entry door associated with the parking area.
 - 3. Walkways shall be:
 - a. Paved dedicated sidewalks that are raised above the surface of the parking lot, or, if at the same level as the parking lot, clearly marked with tactile alerts, pavement striping, alternative paving material, or a stamped pattern or texture in the pavement.
 - b. A minimum of five (5) feet in width and installed in accordance with the City's engineering design standards.
 - c. At least seven (7) feet in width where parking spaces are adjacent to the sidewalk to allow for vehicular overhang or car doors.
 - 4. Pedestrian scale lighting fixtures no greater than 15 feet in height shall be provided along walkways to provide ample lighting during nighttime hours. This may be waived when street or parking lot lighting fixtures are deemed by the Zoning Administrator to be sufficient to adequately illuminate adjacent walkways.
 - 5. Pedestrian access points at property edges and to adjacent parcels shall be coordinated with existing development to provide pedestrian circulation between developments, where feasible.
 - 6. Pedestrian accessways may be included in the calculation of open space required by this Ordinance.
- E. Pathways. An off-road shared use, non-motorized path, with paved surface or boardwalk, separate from the public road, may be required when a wider multi-surface use is desired, there are environmentally sensitive areas that require an alternate type of construction, and/or the pathway would serve as a connection to an existing trail system shall be provided where required by the non-motorized transportation plan or designated open space.
- F. Construction Standards. All sidewalks shall be concrete, at least five (5) feet wide and constructed to the specifications of the Department of Public Works. Pathways shall be a minimum of ten (10) feet, or as designated by the City.
- G. Crosswalks. An inclined approach shall be required where sidewalks and pathways intersect curbs for barrier free access. Crosswalk pavement markings and signs may be required at intersections.
- H. Modification. The Zoning Administrator may modify these width and location requirements upon finding that another location would be more appropriate because of the location of utilities, existing landscaping or trees, the location of connecting sidewalks or pathways on adjacent parcels, or other site considerations.
- I. Maintenance. It shall be the duty of the property owner to maintain and keep clear of obstructions public sidewalks or pathways on or adjoining property.
- J. Deferment. A deferment for the installation of sidewalks may be granted by the City Council when topographic conditions exist that make the sidewalk installation difficult or when the installation of the sidewalk is premature. Where the installation of a sidewalk is deferred by the City Council, an agreement will be executed between the property owner/developer and the City of Marshall that will ensure the future installation of the sidewalk. The deferment agreement will be accompanied by a cash escrow, letter of credit or other form of acceptable financial security to cover the cost of the installation of the sidewalk.

- K. Performance Guarantees. The City may request performance guarantees in accordance with Section 7.10 Performance Guarantees.

8.28 EXTERIOR LIGHTING.

Subject to the provisions set forth herein, open space and recreational uses, all non-residential parking areas, walkways, driveways, building entryways, off-street parking and loading areas, and building complexes with common areas shall be sufficiently illuminated to ensure the security of property and the safety of persons using such public or common areas.

- A. Permitted Lighting. Only downward-directed, fully shielded, concealed-source lighting shall be permitted. Lighting shall be placed and shielded so as to direct the light onto the site and away from adjacent properties. The lighting source shall not be directly visible from adjoining properties. Lighting shall be shielded so that it does not cause glare or interfere with the vision of motorists. Fixtures attached to canopies or eaves of a building or structure shall be recessed and flush with the surface of the structure. Low voltage, upward-directed lighting for flags, landscaping, or other decorative feature, with the exception of searchlights, may be permitted during site plan review.
- B. Required Conditions:
 - 1. All lighting used to illuminate any off-street parking area shall be so designed, located, and shielded to prevent glare onto adjacent properties and prevent adverse impacts on motorist visibility.
 - 2. Soffit or canopy lighting shall be installed so the lens cover is recessed and the fixture is flush with the building.
 - 3. The following illumination levels shall act as standards for all exterior lighting. Lighting will be governed by the four to one (4:1) ratio of average to minimum illumination of surface being lit. Illumination levels shall not exceed one foot-candle at any residential zoned or used lot or property line, nor ten foot-candle at any point within the site.
 - 4. Height. Fixture height shall be measured from the grade of the illuminated surface to the bottom of the fixture and shall be 25'.
 - 5. Exposed bulbs, LED displays, or other bright lights that may be used as advertising to draw attention to a site are prohibited.
 - 6.. Barn lights, non-shielded wall packs, floodlights, or lights not aimed downward are prohibited.
- C. Sign lighting. Sign illumination shall be in accordance with the regulations set forth in Section 8.18, Signs.
- D. Site Plan Requirements
 - 1. All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objective of these specifications is to minimize undesirable off-site effects.
 - 2. A detail of the lighting fixture, including manufacturer's specifications for shielding, wattage, and illumination, shall be provided on a site plan. The location and height of all fixtures shall be noted on the site plan.
 - 3. A photometric plan shall be required showing all lighting levels and averages to determine compliance.
- E. Modifications. The Planning Commission may modify the requirement for existing developed sites seeking modest expansions to bringing all lighting into compliance with these lighting standards based on consideration of the following: the position and height of buildings, other structures, and trees on the site; the potential off-site impact of the lighting; the character of surrounding land use; and the extent of the proposed change in floor area and/or land use.

8.29 SPECIAL LAND USES.

- A. Purpose.
 - 1. Special land uses include those uses that serve an area, interest or purpose that extends beyond the borders of the City, create particular problems of control in relation to adjoining uses or districts, have detrimental effects upon public health, safety, or welfare, or possess other unique characteristics that prevent such uses from being classified as principal permitted uses in a particular zoning district.
 - 2. This subchapter sets forth review procedures and standards for review and approval of special land uses. These procedures are instituted to provide an opportunity to use land or structure(s) for one or more activities that, under usual circumstances, could be detrimental to other permitted land uses. Such uses may be permitted under circumstances particular to the proposed location, subject to specific conditions or limitations that provide protection to adjacent land uses.
 - 3. These procedures are adopted to provide a consistent and uniform method for review of special land use applications, ensure full compliance with the standards contained in this Chapter, achieve efficient use of land, prevent adverse impacts on neighboring properties and districts, preserve the public health, safety,

- morals, and general welfare, and facilitate development in accordance with the land use objectives of the master plan.
- B. Applications for Special Use Approval. Any person owning or having an interest in the subject property may file an application for one or more special land use permits, as provided for in this subchapter and the zoning district in which the parcel is situated. Application shall be submitted through the Zoning Administrator to the Planning Commission on a special form for that purpose. Each application shall be accompanied by the payment of a fee, in accordance with the duly adopted schedule of fees to cover costs of processing the application.
 - C. Required Information. Every application shall be accompanied by the following information and data:
 - 1. Application and ownership information:
 - a. The applicant's name and address.
 - b. A statement that the applicant is the owner of the property, acting on the owner's behalf, or a statement as to the nature of the applicant's interest in the property.
 - c. The name, address, and current phone number of the owner of record, if the applicant is not the owner of record.
 - d. The address and parcel number of the property.
 - 2. Submittal of a site plan with any special use application, subject to the standards of Section 8.30. For developments less than an acre in size which do not abut residential property and do not propose any expansion of parking areas or building areas, staff may permit a site plan with reduced information requirements. In those cases, the applicant shall submit a scaled drawing accurately depicting the following minimum information:
 - i. Property boundary and accompanying legal description.
 - ii. Existing structures and uses thereof.
 - iii. Location of all abutting streets, easements, and similar public areas.
 - iv. Existing zoning on the parcel and adjacent parcels.
 - 3. A detailed use statement describing all proposed activities for which the building and lot will be used, including proposed hours of operation, building capacity, and other characteristics of the use(s).
 - 4. The Planning Commission may require an analysis of the planning implications of the proposed use(s) or development. The analysis shall be carried out by planning, design, engineering, and appraisal professionals and shall include, but need not be limited to the following topics:
 - a. An analysis of the potential impacts of the proposed use(s) on abutting uses and the surrounding neighborhood, along with a description of proposed mitigation measures to address these impacts.
 - b. Estimated population holding capacity and a brief analysis of the age structure of the estimated population for any residential land uses to be included in the proposed development, and a general description of the scope of any impacts on community facilities such as schools and parks.
 - c. A traffic analysis that relates the trip-generating capacity of the proposed development to existing and projected traffic volumes and patterns on surrounding streets.
 - d. An environmental assessment.
 - e. An analysis of project impact on municipal services and public utilities, including capacity in relation to proposed development, improvements necessitated by development and proposed means of financing needed improvements.
 - D. Planning Commission Public Hearing. The Planning Commission shall review the application for a special land use at its regular meeting upon publishing a notice and notifying property owners pursuant to Section 103 (General Provisions) of the Michigan Zoning Enabling Act (P.A. 110 of 2006).
 - E. Planning Commission Action. The Commission shall recommend approval, approval with conditions, or denial of the application based upon materials received and testimony recorded at the public hearing. Any motion by the Commission shall include a record of the recommended conditions to be imposed on the use, and the underlying findings supporting the Commission's determination. The conditions shall remain unchanged, unless an amendment to the special land use permit is approved in accordance with this subchapter. The Planning Commission recommendation shall then be forwarded to the City Council for final action.
 - F. City Council Action. Upon receiving the Planning Commission recommendation, the City Council shall consider and take final action on the special land use application. Any action by the City Council shall include a record of conditions imposed on the use, and the underlying findings supporting the final action.
 - G. Effect of Denial. No application for a special land use permit which has been denied by the City Council shall be resubmitted for a period of one year from the date of denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Zoning Administrator.
 - H. Issuance of Permit and Compliance by Applicant. Upon approval of the application for the special land use permit by the City Council, the Zoning Administrator shall issue a special land use permit. The Zoning Administrator shall be responsible for ensuring that any conditions attached to the approval of the special land use permit are

followed and enforced. An applicant who is granted a special land use permit shall comply with the site plan review procedures contained in this subchapter.

- I. Validity of Special Land Permit. Approval of a special land use permit shall be valid regardless of change of ownership, provided that the new owner complies with all terms and conditions. Said permit shall be placed on file with the Zoning Administrator.
 1. Where development authorized by a special land use permit has not commenced within one year of issuance, the permit shall automatically become null and void, and all rights hereunder shall terminate. Upon written application filed 30 days prior to the termination of the one-year period, the Commission may authorize a single extension of the time limit for a further period of not more than one year.
 2. Any use for which a special land use permit may be granted shall be deemed a use permitted in the district in which such use is located, provided:
 - a. Such permit was issued in conformity with the provisions of this subchapter;
 - b. Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.
- J. Standards for Special Use Approval. Special land uses shall conform to all applicable requirements of this subchapter and Chapter. Approval of a special condition use shall be based upon the determination that the proposed use complies with all applicable requirements of this Chapter, and all of the following standards as deemed applicable to the use by the Planning Commission:
 1. The proposed use shall be in accordance with the City Master Plan and the intent and purpose of this subchapter.
 2. A documented and immediate need exists for the proposed use within the community.
 3. The use is compatible with adjacent uses and the existing or intended character of the surrounding neighborhood, and will not have an adverse impact upon or interfere with the development, use or enjoyment of adjacent properties, or the orderly development of the neighborhood.
 4. The proposed use shall be designed, constructed, operated, and maintained so as to be compatible with the use of adjacent lands.
 5. The proposed use shall be compatible with the natural environment.
 6. The proposed use shall be adequately served by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.
 7. The proposed use shall not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to public health, safety, and welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or unreasonable or offensive odors.
- K. Conditions, Safeguards and Performance Bond. Prior to granting any special land use permit, the City Council, with input from the Planning Commission, may impose any additional conditions or limitations upon the establishment, location, design, construction, maintenance, or operation of the use authorized by the special land use permit deemed necessary for protection of the public interest.
 1. Said conditions and limitations may be for the purpose of:
 - a. Ensuring that public services and facilities can accommodate increased demands caused by the land use.
 - b. Protecting the natural environment, conserving natural resources, and promoting the conservation of energy.
 - c. Promoting uses of land in a socially and economically desirable manner.
 - d. Ensuring compatibility with adjacent land uses.
 2. Conditions imposed may include those which will:
 - a. Protect natural resources, the health, safety and welfare and the social and economic well being of those who will use the land under consideration, adjacent landowners, and the community as a whole.
 - b. Be related to a valid use of State of Michigan enabling legislation.
 - c. Be related to purposes impacted by the land use.
 - d. Be necessary to meet the purpose of this subchapter.
 - e. Be related to standards contained in this subchapter.
 - f. Be necessary to ensure compliance with the standards of this subchapter.
 3. In authorizing a special land use permit, the City Council may require that the developer furnish a performance bond, letter of credit or other financial guarantee in a form and amount acceptable to the City Attorney.
 4. All plans, specifications and statements submitted with the application for a special land use permit shall become, with any changes ordered by the City Council, shall be considered part of the conditions of any special land use permit approval.

- L. Compliance Required. It shall be the responsibility of the owner of the property and the operator of the use for which special land use approval has been granted to develop, improve, operate, and maintain the use, including the site, structures, and all site elements, in accordance with the provisions of this Chapter and all conditions of special land use approval until the use is discontinued.
 - 1. Failure to comply with the provisions of this subchapter shall be a violation of the use provisions of this Chapter and shall be subject to the same penalties appropriate for a use violation.
 - 2. The Zoning Administrator shall make periodic investigations of developments authorized by the special land use permit to determine compliance with all permits and ordinance requirements.
- M. Rescinding Approval. Approval of a special land use may be rescinded by the City Council upon determination that the use has not been improved, constructed, or maintained in compliance with this Chapter, approved permits, site plans, or conditions of special land use approval. Such action shall be subject to the following:
 - 1. Public hearing. Such action may be taken only after a public hearing has been held in accordance with Section 103 of the Michigan Zoning Enabling Act (P.A. 110 of 2006) at which time the owner of an interest in land for which special land use approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
 - 2. Determination. Subsequent to the hearing, the decision of the City Council with regard to the rescission shall be made and written notification provided to the owner or designated agent.
- N. Appeals. The Zoning Board of Appeals shall not have the authority to consider appeals of special land use determinations. Any person aggrieved by the decision of the City Council in the granting or denying a special land use permit shall have the right to appeal said decision to the Circuit Court of Calhoun County.
- O. Amendment of a Special Land Use Permit.
 - 1. Any person or agency that has been granted a special land use permit shall notify the Zoning Administrator of any proposed amendment to the special land use permit. The Zoning Administrator shall notify the Planning Commission in writing of the amendment. A copy of said amendment shall be placed in the original special use permit file. Amendments to a special land use permit shall be subject to the same review and approval procedures and standards as a new application for special land use approval.
 - 2. A major amendment to a special land use permit shall comply with the filing procedures contained in sections herein. An expansion or increase in intensity of use shall constitute a major amendment to a special land use permit. A major amendment to a permit may consist of, but shall not be limited to, the following actions:
 - a. The addition of land to the legal description of original permit;
 - b. The establishment of another use or uses; and/or
 - c. The addition of more dwelling units.

8.30 SITE PLAN REVIEW.

- A. Purpose. The purpose of this subchapter is to establish procedures and standards that provide a consistent method for review of site plans, and to ensure full compliance with the standards contained in this Chapter and other applicable codes and ordinances. It is the further purpose of this subchapter to protect natural, cultural, and civic resources, minimize adverse impacts on adjoining or nearby lots and uses, encourage cooperation and consultation between the City and the applicant, and facilitate development in accordance with the City's Master Plan.
- B. Scope. In accordance with the purpose of this subchapter and prior to a building permit being issued, a site plan shall be submitted for review and approval by the Planning Commission for the following types of uses and development-related activities:
 - 1. Any use or development for which the submission of a site plan is required by any provision of this Chapter.
 - 2. All uses subject to special land use approval.
 - 3. Any use or development for which off-street parking areas are required under Section 8.25.
 - 4. All permitted use, new construction, development, or any change of use of land or structure(s) in any zoning district lying contiguous to or across the street from a single- or two-family residential district.
 - 5. Any new use, building addition, or accessory structure that requires additional off-street parking to that already provided on the site in accordance with Section 8.25.
 - 6. All uses not otherwise included within a specific use district.
 - 7. Any use or development for which the Zoning Administrator determines that site plan review is necessary to determine compliance with the requirements and standards of this Chapter, in accordance with the purpose of this subchapter.
- C. Minimum Site Plan Information Required. Every site plan submitted to the city shall be in accordance with the requirements of this Chapter and shall be reviewed by the Zoning Administrator prior to submission to the Development Review Team for compliance with the minimum standards of this Chapter. The following information shall be included on the site plan:

1. Plans submitted for site plan review shall be stamped by a design professional licensed by the State of Michigan such as a landscape architect, architect, or civil engineer.
 2. Site plans shall be drawn to an engineer's scale appropriate for a sheet size of at least 24 inches by 36 inches, not to exceed one-inch equals 50 feet. If a large development must be depicted in sections on multiple sheets, then an overall composite sheet shall be provided.
 3. Date, north arrow scale, existing zoning, zoning of adjacent properties, legal description of the property, easements, and the names and addresses of the architect, planner, designer, or civil engineer responsible for the preparation of the site plan.
 4. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties and a boundary survey of the parcel.
 5. The location, height, and dimensions of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.
 6. A finished floor elevation and exterior building elevation drawing shall be submitted with the site plan.
 7. The location of all existing and proposed drives, walks and parking areas.
 8. The location and right-of-way widths of all abutting streets and alleys.
 9. The location and size of all existing and proposed sanitary sewer lines, water lines, and storm drainage facilities must be shown.
 10. The location and size of all existing and proposed electric, natural gas, telephone, cable TV and solid waste disposal facilities must be shown.
 11. The location, height area of illumination and fixture details of all existing and proposed lighting shall be provided. All lighting shall be located and oriented to have minimal impact on adjacent properties.
 12. The size, height, location, and illumination of all existing and proposed signs shall be provided to ensure ordinance compliance.
 13. The location of existing natural features such as wooded areas, floodplains, wetlands, drainage courses, and a topographic survey of spot elevations of the site.
 14. Other information as requested by the Zoning Administrator or Planning Commission to verify that the site and use are in compliance with this Chapter.
 15. The Planning Commission may waive any of the foregoing requirements determined unnecessary for site plan review purposes.
- D. Site Plan Review Procedure. Site plans shall be reviewed in accordance with the following:
1. Pre-application meetings. To minimize time, costs and interpretation of City development requirements, applicants may meet with the Zoning Administrator and other City officials to discuss a conceptual site plan, site issues and application of Chapter standards, prior to submitting site plans for formal review.
 - a. Comments and suggestions by the City regarding a conceptual site plan shall constitute neither an approval nor a disapproval of the plan, nor shall the City be bound in any way by such comments or suggestions in preparing for formal submittal or review of a site plan.
 2. Application submittal requirements. The owner of an interest in land for which site plan approval is sought, or the owner's designated agent, shall submit a completed application form and sufficient copies of a site plan to the City. The site plan shall contain all of the information and site details required by Section 8.30.C. Any application or site plan that does not satisfy the information requirements of this Section shall be considered incomplete, and shall be returned to the applicant.
 3. Technical review. Prior to official site plan review, the site plan and application shall be distributed to appropriate City officials and staff for review and comment. The Zoning Administrator may also submit the plans to applicable outside agencies and designated City consultants for review and comment.
 4. Standards for Site Plan Approval. The Zoning Administrator shall consider the following standards in the process of reviewing any site plan for approval:
 - a. Adequacy of information. The site plan information is complete, accurate, and in an understandable form that accurately depicts and describes the proposed development. requirements of this Section shall be considered incomplete, and shall be returned to the applicant.
 - b. Site appearance and preservation. The site layout promotes the normal and orderly development of surrounding lots, and the development layout preserves, to the extent feasible, the site's natural, cultural, and historical features, such as but not limited to significant buildings, wetlands, topography, and woodlands.
 - c. Pedestrian access. Existing and proposed sidewalks or pedestrian pathways connect to existing and planned public sidewalks and pathways in the area, and comply with applicable barrier-free access standards.
 - d. Vehicular circulation. Drives, streets, parking, site access and other vehicle-related elements are designed to minimize traffic conflicts on adjacent streets, and to promote safe and efficient traffic circulation.

- e. Parking and loading. Off-street parking lots and loading areas are arranged and located to accommodate the intensity of proposed uses, minimize conflicts with adjacent uses, and promote shared-use of common facilities where feasible.
 - f. Building composition. Building design and architecture are harmonious with the surrounding neighborhood with regard to scale, mass, proportion, and materials.
 - g. Screening. Adequate screening elements have been provided to buffer or separate unlike or conflicting land uses, and to screen off-street parking, mechanical appurtenances, loading and unloading areas and storage areas from abutting residential districts and street rights-of-way.
 - h. Exterior lighting. All exterior lighting fixtures are designed and arranged to minimize glare and light trespass, prevent vision impairments, and maximize security.
 - i. Impact upon public services. The impact upon public services (including utilities, streets, police and fire protection, emergency access, and public sidewalks and pathways) will not exceed the existing or planned capacity of such services.
5. Decisions and Approval.
- a. A development team consisting of the Zoning Administrator, Inspection Department, Police Department, Fire Department, Electric Department, Water and Wastewater Departments, Department of Public Works, and any other identified individuals, shall be responsible for reviewing site Plans, and the Zoning Administrator, with review and recommendation by the Development Team, shall be responsible for granting approval. The following decisions may be made based upon requirements and standards contained in the zoning ordinance, other statutorily authorized and properly adopted City planning documents, other applicable ordinances, and state and federal statutes:
 - (1) Postponement. Upon determination that a site plan is not sufficiently complete for approval or denial, or upon a request by the applicant, the Zoning Administrator may postpone consideration until a later date.
 - (2) Denial. Upon determination that a site plan does not comply with the standards of this Chapter or would require extensive revisions to comply with such standards, the site plan may be denied. If a site plan is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant or the applicant's designated representative to attend two or more meetings shall be grounds to deny site plan approval.
 - (3) Approval. Upon determination that a site plan is in compliance with the standards and regulations set forth in this Chapter, the site plan shall be approved.
 - (4) Approval subject to conditions. The Zoning Administrator may approve a site plan, subject to any conditions necessary to address minor required modifications, ensure that public services and facilities can accommodate the proposed use, ensure compatibility with adjacent land uses, or otherwise meet the intent and purpose of this Chapter. Such conditions may include the need to obtain variances or approvals from other agencies.
 - b. The Zoning Administrator or their designee will provide a decision in writing to the applicant no longer than fifteen business days after the date of submittal.
 - c. Any revisions to the site plan shall be submitted in accordance with Section 8.30.C
 - d. If approved, the site plan shall become part of the record of approval, and subsequent actions related to the activity authorized shall be consistent with the approved site plan, unless a change conforming to the zoning ordinance is agreed to by the landowner and the body or official that initially approved the site plan.
5. Recording of site plan action. Action on the site plan shall be recorded in the stating the name and location of the project, the proposed use, the most recent plan revision date, and the conditions or grounds for the action. The Zoning Administrator or their designee shall mark and sign at least two copies of the site plan "APPROVED" or "DENIED" as appropriate, with the date that action was taken and any conditions of approval. At least one copy shall be kept on file in the City, and one shall be returned to the applicant.
- E. Outside Agency Permits or Approvals. The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to construction plan approval.
- F. Construction Plans. When detailed construction or engineering plans are required by the City, county or other agency with jurisdiction, the applicant shall submit copies of such plans to the City for review and approval. The Zoning Administrator or designated consultant shall verify that the site design and improvements shown on the construction or engineering plans are consistent with the approved site plan, except for changes that do not materially alter the approved site design, or that address any conditions of site plan approval.
1. Where construction or engineering plans are not consistent with the approved site plan, the Zoning Administrator or designated consultant shall direct the applicant to revise the plans to conform to the approved site plan.

2. Where specific engineering requirements or conditions require an alteration from the approved site design, such construction or engineering plans shall be subject to review and approval by the Zoning Administrator as an amended site plan, prior to the start of development or construction on the site.
- G. Approval of Phased Developments. The Zoning Administrator may grant approval for site plans with multiple phases, subject to the following:
 1. The site design and layout for all phases and outlots be shown on the site plan to ensure proper development of the overall site.
 2. Improvements associated with each phase shall be clearly identified on the site plan, along with a timetable for development. Development phases shall be designed so that each phase will function independent of any improvements planned for later phases.
 3. Each phase shall be subject to a separate plan review by the Planning Commission. Any revisions to the approved site plan shall be reviewed in accordance with Section 8.30.D.4.
- H. Site Plan Resubmission. A site plan that has been denied may be modified by the applicant to address the reasons for the denial and then resubmitted for further consideration. Upon determination that the applicant has addressed the reasons for the original denial, the Zoning Administrator shall review the amended site plan as if it were a new application, per Section 8.30.C.
- I. Site Plan Expiration. Site plans shall expire 365 calendar days after the date of approval, unless the construction plan for the project has been submitted to the City for review. Upon written request received by the City prior to the expiration date, the Zoning Administrator may grant one extension of final approval for up to 365 calendar days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, the approved site plan remains in conformance with all applicable provisions of this Chapter and any required fees have been paid.
- J. Rescinding Approval of Site Plans. Site plan approval may be rescinded by the Zoning Administrator upon determination that the site has not been improved, constructed, or maintained in compliance with approved permits, site plans, or conditions of site plan or special land use approval. Such action shall be subject to the following:
 1. Public hearing. Such action may be taken only after a public hearing has been held in accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006), at which time the owner of an interest in land for which site plan approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
 2. Determination. Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to the owner or designated agent.
- K. Amendments. All site improvements shall conform to the final site plan. A site plan may be amended upon application and in accordance with the procedure herein. The Zoning Administrator or their designee shall have the authority to determine if a proposed change requires an amendment to an approved final site plan, provided that a revised final site drawing be submitted showing such minor changes, for purposes of record.
- L. As-Built Plan. After construction has concluded, as-built plans shall be submitted to ensure compliance with Final Site Plan approval.
- M. Compliance with an Approved Site Plan. It shall be the responsibility of the property owner, and the owner or operator of the use(s) for which site plan approval has been granted, to develop, improve and maintain the site, including the use, structures, and all site elements in accordance with the approved site plan and all conditions of approval, until the property is razed, or a new site plan is approved.
 1. Failure to comply with the provisions of this Section shall be a violation of this Chapter, and shall be subject to the penalties specified under this Chapter.
 2. The Zoning Administrator shall make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall constitute grounds to rescind site plan approval.

Section 2. Severability. It is the legislative intent of the City adopting this Ordinance that all provisions hereof shall be liberally construed to protect the public health, safety, and general welfare of the inhabitants of the City and all other persons affected by this Ordinance. Consequently, should any provision of this Ordinance be held to be unconstitutional, invalid or of no effect, such holding shall not be construed as affecting the validity of any of the remaining provisions of this Ordinance or Zoning Code, it being the intent of the City Council that this Ordinance shall stand and remain in effect, notwithstanding the invalidity of any provision hereof.

Section 3. This Ordinance shall be published in a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk.

Section 4. This Ordinance is declared to be effective seven (7) days after publication or as provided by law.

Adopted and signed this 17th day of January, 2023.

James Schwartz, MAYOR

Michelle Eubank, CITY CLERK

I, Michelle Eubank, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on January 17, 2023, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.

Michelle Eubank, CITY CLERK

**C. INTERNATIONAL PROPERTY MAINTENANCE CODE ORDINANCE AND
RESOLUTION TO APPOINT DEPUTY BUILDING OFFICIALS**

Chief Lankerdt gave background.

Moved Ryan Traver, supported Wolfersberger to extend the regular session of the City Council for January 17, 2023 past 10 pm to finish the business presented on the agenda. On a voice vote: **MOTION CARRIED.**

Mayor Schwartz opened the Public Hearing on the International Property Maintenance Code Ordinance and Resolution to Appoint Deputy Building Officials.

Hearing no comment, Mayor Schwartz closed the Public Hearing on the International Property Maintenance Code Ordinance and Resolution to Appoint Deputy Building Officials.

Moved Ryan Traver, supported Jacob Gates to approve Resolution 2023-01, a resolution to appoint deputy building officials and Approve Ordinance 2023-03, the Adoption of the 2015 International Property Maintenance Code. On a roll call vote:

Ayes: Scott Wolfersberger, Ryan Traver, Ryan Underhill, James Schwartz, Jacob Gates

Nays: None

Abstain: None

MOTION CARRIED.

CITY OF MARSHALL

RESOLUTION No. R2023-01

RESOLUTION TO APPOINT DEPUTY BUILDING OFFICIALS AND
INTRODUCE

ORDINANCE NO. 2023-03

THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 15th EDITION
City of Marshall, Calhoun County, Michigan (hereinafter, "Marshall City").

At a regular meeting of the Marshall City Council held at City Hall, in the City of Marshall, in the County of Calhoun, State of Michigan, on the ____ day of January, 2023, at _____ o'clock in the PM.

The meeting was called to order at _____ o'clock in the PM
by _____.

Present: _____

Absent: _____

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

WHEREAS:

1. The City Council desires to reduce blighted buildings and to prioritize the safety of structures within the City, and
1. The City Council has adopted prior editions of the International Property Maintenance Code, and
1. The City Council introduces Ordinance No. 2023-03 to adopt the International Property Maintenance Code 15th Edition, as amended by ordinance, and
1. The City Council desires to authorize the City's Building Official to appoint deputy building officials, subject to the concurrence of the City Manager, to facilitate enforcement of the International Property Maintenance Code.

NOW, THEREFORE BE IT RESOLVED that the City Council of Marshall, agrees, adopts, and resolves as follows:

1. The City Building Official is granted such authority to appoint deputy building officials, subject to the concurrence of the City Manager, or designee, to enforce City ordinance and the International Property Maintenance Code, as amended.
2. The City Council of Marshall introduces Ordinance No. 2023-03 to adopt the International Property Maintenance Code 15th Edition, as amended by ordinance.

3. All resolutions and parts of resolutions in conflict herein are hereby repealed.

Upon a call of the roll, the vote was:

AYES: _____
NAYES: _____
ABSENT: _____

Resolution declared adopted this _____ day of January, 2023.

Marshall

Michelle Eubank, Clerk, City of

The undersigned duly qualified and acting Clerk of the City of Marshall, hereby certifies that the foregoing is a true and complete copy of a Resolution adopted by the City Council at a Regular meeting held on the _____ of January, 2023, the original of which is a part of the City's minutes and further certifies that notice of the meeting was given to the public pursuant to the provisions of the Open Meetings Act, 1976 PA 267, as amended.

Marshall

Michell Eubank, Clerk, City of

City of Marshall, Calhoun County, Michigan

Ordinance No. 2023-03

PREAMBLE

AN ORDINANCE TO AMEND THE CITY OF MARSHALL CODE OF ORDINANCES, PURSUANT TO THE AUTHORIZATION SET FORTH IN SECTION 3(K) OF THE MICHIGAN HOME RULE CITIES ACT (MCL 117.3), ADOPTS THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2015 EDITION PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AS A PROPERTY MAINTENANCE CODE FOR THE CITY OF MARSHALL REGULATING AND PROVIDING MINIMUM STANDARDS WITH REFERENCE TO SPACE AND OCCUPANCY, STRUCTURAL, ELECTRICAL, MECHANICAL AND PLUMBING REQUIREMENTS, FIRE SAFETY AND EXITING REQUIREMENTS, NOTICES, APPEALS AND PENALTIES FOR VIOLATIONS THEREOF, TO REPEAL ANY CODE PROVISION INCONSISTENT HERewith; AND TO ESTABLISH AN EFFECTIVE DATE HEREOF.

THE CITY OF MARSHALL ORDAINS:

Section 1 [Code §150.086]. Adoption of International Property Maintenance Code of 2015 (IPMC).

- A. Pursuant to the authorization set forth in Section 3(k) of the Michigan Home Rule Cities Act (MCL 117.3), the City of Marshall does hereby adopt the International Property Maintenance Code of 2015 (the "Code") prepared by the International Code Council, Inc., as the Property Maintenance Code of the City of Marshall, as amended herein.
- B. That said Code, three (3) copies of which shall at all times be available for public inspection at the office of the City Clerk together with all amendments marked and designated as the International Property Maintenance Code, 2015 Edition, published by the International Code Council shall be and is hereby adopted by the City of Marshall. That said Code is adopted and made a part hereof by reference except as amended by and within this Ordinance. In accordance with the Authorization Set Forth In Section 3(K) of the Michigan Home Rule Cities Act (MCL 117.3), the Clerk shall make available copies of the ordinance in the Clerk's office together with amendments which shall be available for distribution to members of the public at large at a charge to be established by the City Council.
- C. Said Code shall be incorporated into the Marshall City Code §150.084, *et seq.*, as amended.

Section 2. [Code §150.086] AMENDMENTS TO INTERNATIONAL PROPERTY MAINTENANCE CODE.

In order to provide consistency in enforcement with other City ordinances the following International Property Maintenance Code (IPMC) sections shall be amended as follows:

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the **city manager, or designee**, ~~appointing authority~~, the code official shall have the authority to appoint a deputy(s). Such employees shall have powers as delegated by the code official. Law enforcement officials shall be authorized **to enforce Section 109, subsection 109.1, and other code sections as deputized by the Building Official.**

1. Section 106.3 Prosecution for Violation; Civil Penalty; Collection. Section 106.3 shall be and is hereby amended to read:

Any person or entity failing to comply with a notice of violation or order served in accordance with Section 107 shall be responsible for a municipal civil infraction and shall be subject to a civil fine as follows: \$25.00 first offense, \$50.00 second offense and \$250.00 third offense. Repeat violations are determined based on the date of the commission of the violation. Each day that a violation continues beyond the time specified for compliance shall be deemed to be a separate offense. If the notice of violation is not complied with, City officials may institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto. Any action taken by the City on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section 106.3.1. Violation of Code Section 109 – Emergency Measures, Section 109.1 Imminent danger. Penalties. Section 106.3.1 shall be and is hereby added to read:

Conviction for violation of subsection 109.1, shall be punishable by imprisonment for not more than ninety (90) days or a fine of not more than Five Hundred Dollars (\$500.00), or both such fine and imprisonment.

1. Section 107.1 Notice to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3. **Notwithstanding Section 107, the City may initiate immediate legal action as necessary to enforce the Code and state law, including but not limited to abate hazardous violations and nuisances, and such action shall serve as notice.**
1. Section 110 of the IPMC regarding demolition shall be deleted. (Chapter 150 of the City Code shall govern, as amended).
1. ~~Section 302.3 of the IPMC regarding sidewalks and driveway shall be deleted (\$90.16 through 90.18 of the City Code shall govern); Deleted.~~
1. Section 302.4 of the IPMC regarding noxious weeds shall be deleted. (Chapter 92 of the City Code shall govern, as amended).
1. Section 302.8 of the IPMC regarding inoperable abandoned vehicles shall be deleted. (The Uniform Traffic Code and Chapter 70 of the City Code shall govern, as amended).
1. Section **308** of the IPMC regarding rubbish and garbage shall be deleted. (Chapter 50 of the City Code shall govern, as amended).
1. **Section 302.5 of the IPMC regarding rodent harborage shall be deleted. (Chapter 92 of the City Code shall govern, as amended).**

1. **Section 308.2.2 of the IPMC regarding discarded refrigerators shall be deleted. (Chapter 134, Section 134.28 of the City Code shall govern, as amended).**

1. **Section 506.1 of the IPMC regarding wastewater connections shall be deleted. (Chapter 52, Section 52.04 of the City Code shall govern, as amended).**

(Ord. 05-02, passed 3-18-2005; Am. Ord. 08-04, passed 05-19-2008; Am. Ord. 2023-03, passed 01-__ - 2023).

Section 3. All Other IPMC Provisions.

All other provisions of the International Property Maintenance Code not specifically amended herein shall remain as printed in said Code.

Section 4. Savings Clause.

All proceedings pending and all rights and liabilities existing or incurred at the time this amendatory Ordinance takes effect are saved and may be consummated according to the law enforced when they were commenced. This amendatory Ordinance shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory Ordinance for an offense committed before that date.

Section 5. Conflicting Ordinances Repealed.

Except as to prosecution and legal actions pending and saved pursuant to Section 4 above, any Marshall City Ordinances or parts of Ordinances in conflict with or inconsistent with any of the provisions of this Ordinance and prior editions of the International Property Maintenance Code, as amended hereby, are repealed.

Section 6. Severability.

If any section, paragraph, clause, phrase or part of this Ordinance is held invalid by any court of competent jurisdiction or any agency, department or commission empowered by statute for such purposes, such decision shall not affect the validity of the remaining provisions of this Ordinance, and the application of those provisions to any person or circumstance shall not be affected thereby.

Section 7. Effective Date.

This Ordinance shall become effective seven (7) days after its adoption by the Marshall City Council.

Section 8. Code Edits. The editors of the Marshall City Code are hereby authorized, subject to approval of the City Manager, or designee, to update and revise code section numbers to effectuate the provisions of this Ordinance

AYES: Wolfersberger, Mayor Schwartz, Gates, Traver, Underhill

NAYES: None

ABSTENTIONS: None

James Schwartz, Mayor

Michelle Eubank, Clerk

D. RECODIFICATION OF MARSHALL CODE OF ORDINANCES

Manager Perry gave background.

Mayor Schwartz opened the Public Hearing on the Recodification of the Marshall Code of Ordinances.

Emily Emerson Rich of 616 Union St questioned if there were any changes to the Ordinances besides just the numbers or letters that they may be associated with and the publisher. Manger Perry stated that she was correct, there were no changes to the wording of the Code of Ordinances besides the potential for the change of numbers or letters.

Mayor Schwartz closed the Public Hearing on the Recodification of the Marshall Code of Ordinances.

Moved Ryan Traver, supported Ryan Underhill to approve Ordinance 2023-04, An Ordinance Adopting and Enacting a New Code for the City of Marshall. On a roll call vote:

Ayes: Jacob Gates, Scott Wolfersberger, Ryan Traver, Ryan Underhill, James Schwartz

Nays: None

Abstain: None

MOTION CARRIED.

CITY OF MARSHALL

COUNTY OF CALHOUN

ORDINANCE NO. 2023-04

AN ORDINANCE ADOPTING AND ENACTING THE REPUBLICATION OF THE MARSHALL CITY CODE FOR THE CITY OF MARSHALL PURSUANT TO SECTION 5b OF THE HOME RULE CITY ACT AND CITY CHARTER SECTIONS 2.16, 4.01, 4.02, AND 4.06; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

THE CITY OF MARSHALL CITY COUNCIL FINDS:

WHEREAS, the Home Rule City Act, Act 279 of 1909, as amended, Section 5b, provides that cities shall have the power to codify, recodify, and republish its code and municipal ordinances without the necessity of publishing the entire code in full. Section 5b, states:

Sec. 5b. Each city shall have power, whether provided in its charter or not, to codify, recodify and continue in code its municipal ordinances, in whole or in part, without the necessity of publishing the entire code in full. The ordinance

adopting the code, as well as subsequent ordinances repealing, amending, continuing or adding to the code, shall be published as required by law. The ordinance adopting the code may amend, repeal, revise or rearrange ordinances or parts of ordinances by reference by title only.

WHEREAS, the City of Marshall, for the health, safety and welfare, and benefit of the citizens of the City of Marshall and persons therein, and pursuant to Marshall City Charter, Section 4.06, Codification, hereby codifies, recodifies, and republishes its current code and adopts the republication of the “Marshall City Code” by way of Ordinance No. 2023-04, as provided for under City Charter and state law.

NOW THEREFORE,

The City of Marshall ordains the codification, recodification, and republication of the Marshall City Code:

Section 1. Purpose. The purpose of this Code adoption and Code republication is for the health, safety, and welfare of the citizens of the City of Marshall and those persons within the City and property subject to City jurisdiction.

Section 2. Code Citation. The Code entitled “Marshall City Code”, or “Code” is republished by Municode, that consists of Chapters 1 through 156, each inclusive, and adopted under Ordinance No. 2023-04, as permitted by law. The City Charter is republished in the Marshall City Code.

Section 3. Additions or amendments. Additions or amendments to the Code when passed in such form as to indicate the intention of the City of Marshall to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 4. Ordinances Adopted After October 31, 2022. Ordinances adopted after October 31, 2022, that amend or refer to ordinances that have been codified in the Code shall be adopted, added to, and construed as if they amend or refer to like provisions of the Code.

Section 5. Penalties; remedies. Unless another penalty is expressly provided by ordinance, every person responsible of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine as determined by ordinance or resolution; every person convicted of an ordinance or codification of same, shall be punished by a fine and/or imprisonment, as expressly provided for under applicable ordinance. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City of Marshall may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits, or other such relief as permitted by law and court order.

Section 6. Conflicting Ordinances Repealed. Except as to prosecution and legal actions pending and saved pursuant to Section 7 below, any Marshall City Ordinances or parts of Ordinances in conflict with or inconsistent with any of the provisions of this Ordinance and the Code, as amended, are repealed. The repeal provided for in Section 8 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 7. Savings Clause. All proceedings pending and all rights and liabilities existing or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law enforced when they were commenced. This Ordinance shall not be construed to affect any prosecution pending or initiated before the effective date of this Ordinance for an offense committed before that date.

Section 8. Severability. If any section, paragraph, clause, phrase or part of this Ordinance is held invalid by any court of competent jurisdiction or any agency, department or commission empowered by statute for such purposes, such decision shall not affect the validity of the remaining provisions of this Ordinance, and the application of those provisions to any person or circumstance shall not be affected thereby.

Section 9. Code Edits. The editors of the Marshall City Code are hereby authorized, subject to approval of the City Manager, or designee, to update and revise Code section numbers to effectuate the provisions of this Ordinance and the Marshall City Code.

Section 10. Effective Date. This Ordinance shall become effective seven (7) days after its adoption by the Marshall City Council and publication.

AYES:

NAYES:

Mayor

Certificate of Adoption

STATE OF MICHIGAN
COUNTY OF CALHOUN

I, the undersigned, the qualified and acting City Clerk of the City of Marshall, Calhoun County, Michigan, do certify that the foregoing is a true and complete copy of Ordinance No. 2023-04 adopted by the City Council of the City of Marshall at a meeting called and held on the ____ day of _____, 2023, the original of which is on file in my office.

Michelle Eubank, Clerk of the City of
Marshall

Adopted: _____

Published: _____

11) OLD BUSINESS

12) REPORTS AND RECOMMENDATIONS

A. ELECTRIC LINE CLEARANCE PROGRAM

Moved Scott Wolfersberger, supported Ryan Underhill to award the 2023-2026 line clearance contract to Top to Bottom Tree Service of Marshall, Michigan. On a roll call vote:

Ayes: Ryan Traver, Ryan Underhill, James Schwartz, Jacob Gates, Scott Wolfersberger
Nays: None

Abstain: None

MOTION CARRIED.

B. PURCHASE OF ELECTRIC DISTRIBUTION TRANSFORMERS

Moved Jacob Gates, supported Ryan Underhill to award the bid for the Calhoun County fairgrounds transformers to Resco of Mount Pleasant, Michigan in the not to exceed amount of amount of \$33,282.00. On a roll call vote:

Ayes: Ryan Underhill, James Schwartz, Jacob Gates, Scott Wolfersberger, Ryan Traver

Nays: None

Abstain: None

MOTION CARRIED

C. ELECTRIC DEPARTMENT MINIMUM CASH RESERVE POLICY

Moved Ryan Underhill, supported Ryan Traver to adopt the Electric Fund Minimum Cash Reserve Policy to help ensure the Electric Department maintains adequate cash to meet its requirements and as a safeguard against potential future deficits. On a voice vote:

MOTION CARRIED

D. SCHEDULE A PUBLIC HEARING FOR ADOPTION OF THE JULY 1, 2023 – JUNE 30, 2029 CAPITAL IMPROVEMENT PROGRAM

Moved Scott Wolfersberger, supported Jacob Gates to set a Public Hearing for discussion and public comment regarding the proposed July 1, 2023 through June 30, 2029 Capital Improvement Program for February 6, 2023. On a voice vote: **MOTION CARRIED**

E. POLICE PATROL VEHICLE PURCHASES

Moved Jacob Gates, supported Scott Wolfersberger to approve the purchase of (2) 2023 Dodge Charger AWD for a total amount of \$127,248.54 (\$63,624.27 out of the 2022-2023 budget and \$63,624.27 out of the 2023-2024 budget). On a roll call vote:

Ayes: Scott Wolfersberger, Ryan Traver, Ryan Underhill, James Schwartz, Jacob Gates,

Nays: None

Abstain: None

MOTION CARRIED.

F. DEER MANAGEMENT

Member Gates stated that he has had several complaints from constituents about deer. Mayor Schwartz stated that his wife is vehemently opposed.

Moved Scott Wolfersberger, supported Ryan Underhill to approve the expansion of the City of Marshall Deer Management program to include the filling of 50 DNR deer permits between January 2nd and March 31, 2023, with costs not to exceed \$500.00. On a roll call vote:

Ayes: Jacob Gates, Scott Wolfersberger, Ryan Traver, Ryan Underhill, James Schwartz

Nays: None

Abstain: None

MOTION CARRIED.

G. ICE, WINE, BEER AND BLUES SPECIAL EVENT REQUEST

Moved Ryan Underhill, supported Scott Wolfersberger to Approve the Ice, Wine, Beer and Blues special event request for February 3 and 4, 2023. On a voice vote: **MOTION CARRIED.**

13) APPOINTMENTS / ELECTIONS

14) PUBLIC COMMENT ON AGENDA AND NON-AGENDA ITEMS

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

Rebecca Glotfelty of 02217 Us 31 S, Charlevoix, stated that she hoped the council would address the air quality issues that are currently present from the nearby highways and any potential development. She would like to see more trees. She further stated that she would like to see more parks and recreational areas.

Jim Dyer of 1118 O'Keefe, stated he believed the public hearing was handled well on a controversial issue and that what has been done will be appreciated.

15) COUNCIL AND MANAGER COMMUNICATIONS

Member Wolfersberger stated that the Zoning Board of Appeals will be meeting Thursday, January 19, 2023 to discuss two appeals.

Mayor Schwartz expressed his gratitude for those in attendance and stated that all comments will be kept in mind as any potential projects come forward.

16) ADJOURNMENT

The meeting was adjourned at 10:42 pm.

01/13/2023 04:32 PM
User: KWAGNER
DB: Marshall

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 01/13/2023 - 01/13/2023
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID

Page: 1/1

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
33122989	APPLIED CAPITAL, LLC	CONTRACT NO. 132-1753516-000 MRLEC COPIE		117.52
01102023	BEATTIE, ALEX	REIMBURSEMENT FOR COMMERCIAL LICENSE PER		65.73
01132023	CITY OF MARSHALL	PETTY CASH - COPIES/RECORDING FEES		32.20
01102023	CROW, CURT	BOOT ALLOWANCE - CROW, CURT		39.99
01112023	MARSHALL COMMUNITY CU	PROPERTY TAX REFUND - DUPLICATE PAYMENT		1,339.82
01092023	MORRIS STULBERG TRUST	WATERMAIN EASEMENT - 775 INDUSTRIAL RD.		1,525.00
01132023	STAR TRUCK RENTALS, IN	ENTRY LEVEL DRIVER TRAINING/CLP A - MCDO		4,240.00
01132023	TENNECO AUTOMOTIVE	MTT MOAHR DOCKET # 22-003021		267,571.10
145	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE (3-PERSON \$106/2023.002		3,233.00
GRAND TOTAL:				278,164.36

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 01/20/2023 - 01/20/2023
UNJOURNALIZED
OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
60279	A-Z KEY SHOP	POWER HOUSE - PADLOCKS		145.23
059659	A-Z KEY SHOP	POWER HOUSE - PADLOCKS & KEYS		328.50
48816	ACTRON SECURITY ALARM	ACCT NO. 181905/18-1904 QUARTERLY MONITO		392.04
435773	AD-VISOR & CHRONICLE	AD NO. 8102266 ABANDONED VEHICLE AUCTION		18.80
01/19/2023	ADKINS, ANTHONY	UB refund for account: 3107130014		83.79
9133178259	AIRGAS USA, LLC	PAYER NO. 1438173 GLOVES		107.33
1VT4-KKWM-T9CG	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - FIRE MEDICAL SUPPL		400.29
13NJ-9YT6-4VY6	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - PAPER SHREDDER		60.58
1VJR-FGYF-93T4	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - FILE FOLDERS		22.38
1WC9-CR9K-6X14	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - EMERGENCY LIGHTS		78.00
1N39-G7QK-7M63	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - RETURN STAMP		22.95
1WJC-7N67-FF4H	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - KEYBOARD (MISSY)		99.99
1XNY-MCW4-1R7H	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - TOOL HOLDERS		25.98
1J7C-CD3G-PYQX	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - SAFETY JACKET & OV		203.79
14D4-MKQ6-R1TT	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - WORK PANTS		488.79
1LLK-P4FX-QT96	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - SIGN HOLDER, HOOKS		64.98
13L3-Q7WF-YRQW	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - ICE MACHINE SANITI		27.28
1HDJ-P6W4-9KGK	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - TABLET		362.80
01/19/2023	AMY CRISP	UB refund for account: 2858		50.00
01/19/2023	ANDREW JASIENSKI	UB refund for account: 2981		50.00
0654707	ANGELTRAX	DART SURVEILLANCE SYSTEM ANNUAL LICENSIN		3,664.00
01/19/2023	APRIL KRAGT	UB refund for account: 1442		50.00
3199	ARCTECH PRECISION WELD	ELECTRIC DEPT - PIPE FOR SHELIVING		298.00
01/19/2023	ARIANA BRUMBAUGH	UB refund for account: 2208		50.00
492560	ASCENSION MICHIGAN	DOT PHYSICAL EXAM - BEATTIE, ALEX		88.00
01092023	AST ENVIRONMENTAL, INC	REFUND FOR HYDRANT USAGE 10/10/22 - 10/2		322.70
269781843101-2022	AT&T	ACCT NO. 269 781-8431 746 9 AIRPORT JAN		263.29
269781949201-2022	AT&T	ACCT NO. 269 781-9492 594 7 MARSHALL HOU		500.44
269789901101-2022	AT&T	ACCT NO. 269 789-9011 599 1 MRLEC JAN 20		224.10
01/19/2023	AUSTIN KIMBALL	UB refund for account: 254		50.00
225-501917	AUTO VALUE MARSHALL	GARAGE/STREETS - OIL & FILTER		103.01
225-501928	AUTO VALUE MARSHALL	GARAGE/STREETS - OIL		1,588.29
225-502134	AUTO VALUE MARSHALL	GARAGE/STREETS - CONTOUR BLADE		34.37
225-502207	AUTO VALUE MARSHALL	GARAGE/STREETS - BLOW MOTOR		65.59
225-502275	AUTO VALUE MARSHALL	GARAGE/STREETS - SIMPLE GREEN, PROTECTAN		17.08
225-502214	AUTO VALUE MARSHALL	FIRE - AMP CONNECTOR		68.99
225-502342	AUTO VALUE MARSHALL	WASTE WATER - HITCH FOR NEW TRUCK		625.57
225-502343	AUTO VALUE MARSHALL	GARAGE/STREETS - BLACK GLOSS		24.38
225-502344	AUTO VALUE MARSHALL	GARAGE/STREETS - MICRO SWITCH		50.59
225-502404	AUTO VALUE MARSHALL	WASTE WATER - FREIGHT CHARGES		92.85
225-502422	AUTO VALUE MARSHALL	GARAGE/STREETS - VEHICLE BATTERIES		296.00
225-502492	AUTO VALUE MARSHALL	WASTE WATER - HITCH PIN & CLIP		3.99
225-502502	AUTO VALUE MARSHALL	GARAGE/STREETS - VEHICLE MAINTENANCE PAR		18.04
225-502485	AUTO VALUE MARSHALL	GARAGE/STREETS - OIL & FILTER		74.31
225-502553	AUTO VALUE MARSHALL	GARAGE/STREETS - ROLOC DISCS		48.92
225-502586	AUTO VALUE MARSHALL	POWER HOUSE - ROLOC DISCS		71.28
225-502594	AUTO VALUE MARSHALL	GARAGE/STREETS - BATTERY CORE RETURN		(90.00)
225-502595	AUTO VALUE MARSHALL	GARAGE/STREETS - LED LAMP, OIL/FILTER, S		404.68
225-502710	AUTO VALUE MARSHALL	GARAGE/STREETS - AIR FILTER		58.59
225-502711	AUTO VALUE MARSHALL	GARAGE/STREETS - AIR FILTER		12.39
INV6401	AZTECA SYSTEMS HOLDING	ACCT NO. C10775 CITYWORKS LICENSE AGREEM	2023.147	17,088.00
49818	B&B SERVICES	FIRE DEPT - ASSEMBLY AIR DRAIN, AIR TANK		64.11
P58453937	BATTERIES PLUS BULBS	CUST NO. 781 9813 WALL LED LIGHT		65.99
4678	BENDZINSKI & CO.	ADVISORY SERVICES FOR ANNUAL DISCLOSURE		1,000.00
01/19/2023	BRETT RISER	UB refund for account: 2669		50.00
404-1521	BRONSON HELPNET	EMPLOYEE ASSISTANCE PROGRAM 1/1/23 - 3/3		262.71
01/19/2023	BUCKENBERGER, JEFFREY	UB refund for account: 1401260002		29.15
12105	BUD'S TOWING & AUTOMOT	CUST ID: 2373 DART BUS MAINTENANCE		107.74
12216	BUD'S TOWING & AUTOMOT	CUST ID: 2373 DART BUS MAINTENANCE		130.11
12201	BUD'S TOWING & AUTOMOT	CUST ID: 2373 DART BUS MAINTENANCE		20.00
66448	BUD'S TOWING & AUTOMOT	MARSHALL PD - EMERGENCY TOW FOR STOLEN V		513.50
01192023	CALHOUN COUNTY TREASUR	2022 WINTER AD VALOREM DIST #2		42,519.44
01192023	CALHOUN INTERMEDIATE S	2022 WINTER AD VALOREM DIST #2		197,303.57
01/19/2023	CAROL MILLER	UB refund for account: 2327		35.30
128572	CARR BROTHERS & SONS	28 YDS CRUSHED STONE/28 YDS WASHED SAND		1,237.36
01202023	CARTER CONSULTING, LLC	SCHULER'S RENTAL REHAB PROJECT - ADMIN		2,187.50
01/19/2023	CARTER DESPINS	UB refund for account: 1172		50.00
762327	CHR SOLUTIONS	FIBERNET SUPPORT CONTRACT - JAN 2023	2023.098	5,100.00
49145	CITY OF COLDWATER	CUST NO. 2590 SEMI-ANNUAL "BEAST" REPAIR	2023.165	3,833.89
01202023	CITY OF MARSHALL	MARSHALL HOUSE PETTY CASH REIMBURSEMENT		68.75
10039	COURTNEY & ASSOCIATES	MONTHLY RETAINER SERVICE - DEC 2022		250.00
2022 - 450	COURTNEY & ASSOCIATES	ELECTRIC RATE ANALYSIS	2023.019	4,200.00
2022 - 451	COURTNEY & ASSOCIATES	ELECTRIC COST OF SERVICE AND RATE DESIGN	2023.026	7,500.00
106559	CRT, INC.	CLOUD STORAGE JAN 2023		1,651.30
171010	D & D MAINTENANCE SUPP	ACCT NO. CIMA1 JANITORIAL SUPPLIES		67.50
608794	DARLING ACE HARDWARE	CUST NO. 1650 - FIBERNET		7.98
608376	DARLING ACE HARDWARE	CUST NO. 1650 - FIBERNET		12.99
607309	DARLING ACE HARDWARE	CUST NO. 1650 - FIBERNET		16.99
606908	DARLING ACE HARDWARE	CUST NO. 1650 - FIBERNET		19.98

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606044	DARLING ACE HARDWARE	CUST NO. 1650 - FIBERNET		9.99
609794	DARLING ACE HARDWARE	CUST NO. 1650 - ELECTRIC		7.99
609814	DARLING ACE HARDWARE	CUST NO. 1650 - ELECTRIC		67.96
609633	DARLING ACE HARDWARE	CUST NO. 1650 - ELECTRIC		95.97
607488	DARLING ACE HARDWARE	CUST NO. 1650 - ELECTRIC		8.58
607161	DARLING ACE HARDWARE	CUST NO. 1650 - ELECTRIC		8.99
607029	DARLING ACE HARDWARE	CUST NO. 1650 - ELECTRIC		8.99
605923	DARLING ACE HARDWARE	CUST NO. 1650 - ELECTRIC		7.00
605904	DARLING ACE HARDWARE	CUST NO. 1650 - ELECTRIC		159.99
604874	DARLING ACE HARDWARE	CUST NO. 1650 - ELECTRIC		21.75
609681	DARLING ACE HARDWARE	CUST NO. 1650 - POWER HOUSE		39.98
606294	DARLING ACE HARDWARE	CUST NO. 1650 - POWER HOUSE		35.98
606256	DARLING ACE HARDWARE	CUST NO. 1650 - POWER HOUSE		27.98
610177	DARLING ACE HARDWARE	CUST NO. 1650 - POWER HOUSE		4.86
605400	DARLING ACE HARDWARE	CUST NO. 1650 - MARSHALL HOUSE		35.72
605425	DARLING ACE HARDWARE	CUST NO. 1650 - POLICE		22.98
608790	DARLING ACE HARDWARE	CUST NO. 1650 - MRLEC		29.97
603475	DARLING ACE HARDWARE	CUST NO. 1650 - CEMETERY		18.99
603480	DARLING ACE HARDWARE	CUST NO. 1650 - STREETS		17.96
603123	DARLING ACE HARDWARE	CUST NO. 1650 - STREETS		22.36
607543	DARLING ACE HARDWARE	CUST NO. 1650 - STREETS		8.99
603431	DARLING ACE HARDWARE	CUST NO. 1650 - STREETS		107.56
604364	DARLING ACE HARDWARE	CUST NO. 1650 - STREETS		681.96
603135	DARLING ACE HARDWARE	CUST NO. 1650 - GARAGE		14.55
603602	DARLING ACE HARDWARE	CUST NO. 1650 - GARAGE		23.88
603813	DARLING ACE HARDWARE	CUST NO. 1650 - GARAGE		93.97
604198	DARLING ACE HARDWARE	CUST NO. 1650 - STREETS		8.00
604750	DARLING ACE HARDWARE	CUST NO. 1650 - STREETS		22.99
604785	DARLING ACE HARDWARE	CUST NO. 1650 - STREETS		39.99
605367	DARLING ACE HARDWARE	CUST NO. 1650 - GARAGE		12.18
605371	DARLING ACE HARDWARE	CUST NO. 1650 - STREETS		22.58
605655	DARLING ACE HARDWARE	CUST NO. 1650 - STREETS		7.59
605872	DARLING ACE HARDWARE	CUST NO. 1650 - STREETS		57.97
606684	DARLING ACE HARDWARE	CUST NO. 1650 - STREETS		25.99
610197	DARLING ACE HARDWARE	CUST NO. 1650 - GARAGE		35.98
609786	DARLING ACE HARDWARE	CUST NO. 1650 - GARAGE		34.14
609340	DARLING ACE HARDWARE	CUST NO. 1650 - GARAGE		0.76
609302	DARLING ACE HARDWARE	CUST NO. 1650 - STREETS		23.16
608594	DARLING ACE HARDWARE	CUST NO. 1650 - STREETS		109.51
608246	DARLING ACE HARDWARE	CUST NO. 1650 - STREETS		426.51
608110	DARLING ACE HARDWARE	CUST NO. 1650 - GARAGE		2.99
604177	DARLING ACE HARDWARE	CUST NO. 1650 - GARAGE		260.41
608103	DARLING ACE HARDWARE	CUST NO. 1650 - GARAGE		19.32
608058	DARLING ACE HARDWARE	CUST NO. 1650 - GARAGE		22.58
606912	DARLING ACE HARDWARE	CUST NO. 1650 - GARAGE		20.40
606745	DARLING ACE HARDWARE	CUST NO. 1650 - GARAGE		127.97
606604	DARLING ACE HARDWARE	CUST NO. 1650 - GARAGE		22.58
606561	DARLING ACE HARDWARE	CUST NO. 1650 - GARAGE		27.04
605864	DARLING ACE HARDWARE	CUST NO. 1650 - GARAGE		16.99
605716	DARLING ACE HARDWARE	CUST NO. 1650 - GARAGE		119.97
605542	DARLING ACE HARDWARE	CUST NO. 1650 - GARAGE		26.99
605362	DARLING ACE HARDWARE	CUST NO. 1650 - GARAGE		4.99
604957	DARLING ACE HARDWARE	CUST NO. 1650 - GARAGE		52.98
611310	DARLING ACE HARDWARE	CUST NO. 1650 - FIRE (CARBURETOR, CHAIN,		128.56
612130	DARLING ACE HARDWARE	CUST NO. 1650 - FIRE (NUTS, BOLTS, FASTE		2.58
611064	DARLING ACE HARDWARE	CUST NO. 1650 - POWER HOUSE (BRACKET, PA		133.04
611127	DARLING ACE HARDWARE	CUST NO. 1650 - POWER HOUSE (PAINT ROLLE		11.98
611225	DARLING ACE HARDWARE	CUST NO. 1650 - GARAGE (PRIMER, RUST REF		39.16
611223	DARLING ACE HARDWARE	CUST NO. 1650 - GARAGE (PRIMER, RUST REF		19.58
611237	DARLING ACE HARDWARE	CUST NO. 1650 - ELECTRIC (SOCKET SET, WI		151.93
611204	DARLING ACE HARDWARE	CUST NO. 1650 - ELECTRIC (CLEANER, GLADE		9.77
611222	DARLING ACE HARDWARE	CUST NO. 1650 - POWER HOUSE (KNOBS, SCRE		22.96
611190	DARLING ACE HARDWARE	CUST NO. 1650 - POWER HOUSE (KNOBS)		9.98
611270	DARLING ACE HARDWARE	CUST NO. 1650 - MARSHALL HOUSE (KEYS)		9.56
611332	DARLING ACE HARDWARE	CUST NO. 1650 - GARAGE (LP GAS)		18.00
611456	DARLING ACE HARDWARE	CUST NO. 1650 - FIBERNET (BIT HOLDER)		11.98
611471	DARLING ACE HARDWARE	CUST NO. 1650 - POWER HOUSE (MULTI-TOOL,		234.31
611491	DARLING ACE HARDWARE	CUST NO. 1650 - PSB (ICE MACHINE HOSE)		11.56
611511	DARLING ACE HARDWARE	CUST NO. 1650 - POWER HOUSE (HOOK TOOL,		24.57
611597	DARLING ACE HARDWARE	CUST NO. 1650 - POWER HOUSE (LP GAS)		39.07
611595	DARLING ACE HARDWARE	CUST NO. 1650 - GARAGE (PEX CRIMP RING)		9.99
611654	DARLING ACE HARDWARE	CUST NO. 1650 - MARSHALL HOUSE (KEY, LYS		10.38
611701	DARLING ACE HARDWARE	CUST NO. 1650 - MARSHALL HOUSE (CARBON M		108.97
611805	DARLING ACE HARDWARE	CUST NO. 1650 - WASTE WATER (BROOM, TAPE		39.96
611765	DARLING ACE HARDWARE	CUST NO. 1650 - WATER (WD40, ANTI-FREEZE		32.36
611885	DARLING ACE HARDWARE	CUST NO. 1650 - POWER HOUSE (CONDUIT, EL		8.39
611964	DARLING ACE HARDWARE	CUST NO. 1650 - POWER HOUSE (LED HEAD LA		77.97
612006	DARLING ACE HARDWARE	CUST NO. 1650 - POWER HOUSE (NUTS, BOLTS		42.72
01/19/2023	DON BECK	UB refund for account: 1894		50.00

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3367509	EDWARDS INDUSTRIAL SAL	CUST ID: 92775 HOSE FITTINGS		65.73
3367863	EDWARDS INDUSTRIAL SAL	CUST ID: 92775 HOSE ASSEMBLY		311.10
3368004	EDWARDS INDUSTRIAL SAL	CUST ID: 92775 HOSE FITTINGS, COUPLERS		451.85
3368292	EDWARDS INDUSTRIAL SAL	CUST ID: 92775 QUICK COUPLINGS		268.68
0016823	ENG., INC.	LEGGITT ROAD AND S. KALAMAZOO DESIGN ENG2023.106		13,667.50
S104904624.001	ETNA SUPPLY	CUST NO. 5277 SHARKBITE END CAP		24.00
IN102212300627	FS.COM INC	LS TO LS SIMPLEX ADAPTERS - ORDER# FS2212023.145		95.28
21-10407	GARAGE DOORS UNLIMITED	SUPPLIED & INSTALLED DPW BULLPEN GATE OP2023.146		6,460.00
22-12225	GARAGE DOORS UNLIMITED	SERVICE CALL AT DPW FOR DOOR CABLES 12/2		652.10
119975101	GLOBAL INDUSTRIAL	CUST NO. 688867 SAFETY T-SHIRTS		189.49
119975325	GLOBAL INDUSTRIAL	CUST NO. 688867 METER SEALS		158.30
4762	GOODWIN'S PLUMBING, LL	SERVICE AT CITY HALL RESTROOM 12/6/22		408.96
T.7793.7802	GORNO FORD, INC	2022 FORD F-250 4X4 PICK UP TRUCK W/ MUN2022.094		75,705.00
955575670	GRAINGER	ACCT NO. 804945673 WRENCH SET		277.48
25003636	GRANGER WASTE SERVICES	ACCT NO. 2782490 COMMERCIAL/WASTE JAN 20		1,054.72
24993921	GRANGER WASTE SERVICES	ACCT NO. 18400290 RESIDENTIAL JAN 2023		29,798.12
25002390	GRANGER WASTE SERVICES	ACCT NO. 2890780 875 E. MICHIGAN AVE JAN		171.99
24970780	GRANGER WASTE SERVICES	ACCT NO. 18422860 CITY BUILDINGS/RECYCLI		110.28
9330152421	GRAYBAR ELECTRIC	ACCT NO. 0000571644 COMMScope INVENTORY 2023.070		834.03
01/19/2023	GREYDANUS, MATTHEW	UB refund for account: 3108120003		51.20
2306031	GRIFFIN PEST SOLUTIONS	ACCT NO. 197892 SERVICES AT 1201 ARMS ST		42.00
2301726	GRIFFIN PEST SOLUTIONS	ACCT NO. 3422841 SERVICES AT 900 S. MARS		51.00
01162023	GROSS, JOHN	CITY OF MARSHALL INSPECTION SERVICES DEC		950.00
20230011	GRP ENGINEERING, INC.	ENGINEERING SERVICES - BROOKS SUBSTATION2022.046		3,535.00
20230012	GRP ENGINEERING, INC.	ENGINEERING SERVICES FOR 5 KV VOLTAGE CO2022.236		2,500.00
02092023	GUILFORD, DAVID	REPAIRS AT 227 E. MICHIGAN AVE FROM SNOW		1,785.00
01/19/2023	HERBERT, COLLIN	UB refund for account: 2901330022		11.03
12312022	HERITAGE CLEANERS	ACCT NO. 100243 MARSHALL POLICE DEPT		329.95
0070285-IN	HYDROCORP	CUSTOMER: MUNMARS - INSPECTION & REPORTI		909.00
0069392-IN	HYDROCORP	CUSTOMER: MUNMARS - INSPECTION & REPORTI		909.00
0255729	IACP	IACP ID: 10053015 MEMBERSHIP DUES - LANK		190.00
3119240039	IDEXX DISTRIBUTION, IN	ACCT NO. 12064 WASTE WATER LAB SUPPLIES		1,477.51
3119240040	IDEXX DISTRIBUTION, IN	ACCT NO. 12064 WASTE WATER LAB SUPPLIES		329.89
D360968-IN	ILLUSTRATUS, DIVISION	ACCT NO. 01-BT508 MARSHALL HOUSE SUBSCRI		46.27
173779 RI	IMPACT SOLUTIONS	CLIENT NO. MARSH - RETURN ENVELOPES		2,011.05
173894	IMPACT SOLUTIONS	CLIENT NO. MARSH - ENVELOPE PROCESSING		7.00
29400	J AND K PLUMBING SUPPL	WATER DEPT - SOLID PLUG		13.07
29405	J AND K PLUMBING SUPPL	WASTE WATER DEPT - PIPE FITTINGS		9.27
29486	J AND K PLUMBING SUPPL	WASTE WATER DEPT - PVC SOLVENT		11.82
29398	J AND K PLUMBING SUPPL	WATER DEPT - PVC UNION, COUPLING		9.55
01/19/2023	JAKE FOX	UB refund for account: 438		50.00
01/19/2023	JAYETTE PETROFF	UB refund for account: 2345		50.00
01/19/2023	JORDAN MORRISON	UB refund for account: 3145		21.40
01/19/2023	JUDITH BERRY	UB refund for account: 1504		50.00
01/19/2023	JULIE PLEMMONS	UB refund for account: 2929		50.00
3781	K&S WELDING & FABRICAT	DPW PUSH BOX PLOW SHOES		338.00
01/19/2023	KALA VANDAM	UB refund for account: 2321		50.00
01/19/2023	KALLE TUCKER	UB refund for account: 2250		50.00
73680	KEBS, INC.	EASEMENT SURVEY - INDUSTRIAL ROAD WATER 2023.123		1,900.00
01192023	KELLOGG COMMUNITY COLL	2022 WINTER AD VALOREM DIST #2		59,449.95
01/19/2023	KEVIN PATTON	UB refund for account: 2568		50.00
41957	LAKELAND ASPHALT CORPO	1.53 TONS COLD PATCH - PICKED UP		208.08
01/19/2023	LAURA OWENS	UB refund for account: 2615		15.98
26452	LEGG LUMBER	WATER DEPT - HYDRAULIC CEMENT 10LB		32.89
26531	LEGG LUMBER	POWER HOUSE - LUMBER, PEGBOARD		114.34
26571	LEGG LUMBER	POWER HOUSE - WINDOW TAPE, LIQUID NAILS,		62.96
26632	LEGG LUMBER	POWER HOUSE - LUMBER		25.98
26895	LEGG LUMBER	PSB - RESTROOM COUNTERTOPS		2,018.00
018204	LEWEY'S SHOE REPAIR	BOOT ALLOWANCE - MCDONALD, DANIEL (WINK)		215.00
1720997-20221231	LEXISNEXIS RISK DATA M	BILLING ID: 1720997 DECEMBER 2022		100.00
01/19/2023	LILY TUCKER	UB refund for account: 1869		50.00
33186619	LINDE GAS & EQUIPMENT,	CUST NO. 59879658 GLOVES, WIRE MS, SOAPS		84.15
33182064	LINDE GAS & EQUIPMENT,	CUST NO. 59879658 GAS		121.26
01022023	LOWES BUSINESS ACCOUNT	ACCT NO. 821 3023 902596 5 MARSHALL HOUS		719.00
2321	MAEDA	MARSHALL BUCKS FOR SERVICE AWARDS		350.00
01/19/2023	MAKENZI PEEK	UB refund for account: 2875		25.01
01/19/2023	MARJORIE ROBINSON	UB refund for account: 1423		50.00
01192023	MARSHALL AREA FIRE FIG	2022 WINTER AD VALOREM DIST #2		24,684.52
46818-H	MARSHALL CUSTOM EMBROI	SCREEN PRINTING T-SHIRTS FOR STREETS DEP		200.00
1433	MARSHALL EXCHANGE CLUB	MARSHALL EXCHANGE CLUB DUES NOV 2022 - F		180.00
002194	MARSHALL HARDWARE	ELECTRIC - WASTE BASKET		28.99
002231	MARSHALL HARDWARE	FIBERNET - COTTON & TWISTED FIBER		7.88
01192023	MARSHALL PUBLIC SCHOOL	2022 WINTER AD VALOREM DIST #2		341,756.14
01/19/2023	MCELDOWNEY, ANN	UB refund for account: 3005600009		91.88
01/19/2023	MCKENZIE NICHOLLS	UB refund for account: 2402		50.00
90182697	MCMMASTER-CARR	ACCT NO. 188371900 WORKBENCH		83.25
2-PARKSPARKGRANT	MCSA GROUP, INC.	PARK SPARK GRANT APPLICATION FOR EATON P2023.143		3,840.00
4A	MCSA GROUP, INC.	PROFESSIONAL SERVICES FOR EATON PARK DES2023.092		1,999.50
01/19/2023	MELANIE BAKER	UB refund for account: 2540		50.00

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94346	MERIT NETWORK, INC.	ACCT NO. 39372 BANDWIDTH 2.0 GBPS INTERN	2023.008	60,550.00
20221221124	METRO WIRELESS	ACCT NO. 903 PRO-RATED SERVICE 12/9/22 -		1,774.19
3578	MICHIGAN MUNICIPAL ELE	2023 MMEA MEMBERSHIP DUES	2023.155	14,442.00
7411	MICHIGAN MUNICIPAL TRE	2023 MEMBERSHIP JOIN - NELSON, TRISHA		99.00
IN1938422	MICHIGAN OFFICE SOLUTI	ACCT NO. MC26 CONTRACT OVERAGE FEE 4/1/2		226.56
IN1938424	MICHIGAN OFFICE SOLUTI	ACCT NO. MC26 CONTRACT OVERAGE FEE 5/1/2		226.56
2023015	MICHIGAN PUBLIC POWER	2023 MPPA DUES		1,070.00
R105016528:01	MIDWEST TRANSIT EQUIPM	REPAIRS TO TRUCK 323	2023.154	4,533.10
01/19/2023	MIRANDA BRUBAKER	UB refund for account: 2356		50.00
8230393778	MOTOROLA SOLUTIONS, IN	MOTOROLA POLICE RADIOS PER QUOTE # 16861	2022.248	4,400.00
12272022	NAPA OF MARSHALL	ACCT NO. 1400 BATTERY CLEANER		13.89
NNS43373	NEONOVA NETWORK SERVIC	ISP TECH SUPPORT DECEMBER 2022		1,000.00
831728	NYE UNIFORM COMPANY	MARSHALL PD - HUG POLO		61.59
837134	NYE UNIFORM COMPANY	MARSHALL PD - AMBROSE SHIRT		99.03
116521	O'LEARY WATER CONDITIO	FIRE DEPT - SALT & WATER NOV/DEC 2022		151.00
116522	O'LEARY WATER CONDITIO	POWER HOUSE - COOLER & WATER NOV/DEC 202		76.50
4788-343491	O'REILLY FIRST CALL	ACCT NO. 1741510 EVAPO-RUST		10.49
2464675	OFFICE 360	ACCT NO. 26140 COPY PAPER, STICK-IT NOTE		45.68
2464675B1	OFFICE 360	ACCT NO. 26140 DESK CALENDARS		30.36
2469697	OFFICE 360	ACCT NO. 26140 LABELS		28.16
2473314	OFFICE 360	ACCT NO. 26140 DESK PAD		21.00
01/19/2023	PAIGE SOUTHERN	UB refund for account: 2938		89.59
70634	PEERLESS MIDWEST, INC.	WELL #2 CHECK VALVE REPLACEMENT - NEW VA	2023.068	2,250.00
70635	PEERLESS MIDWEST, INC.	WELL #2 MOTOR OVERHAUL, NEW BOWL ASSEMBL	2023.067	27,425.00
56712114	POWER LINE SUPPLY	CUST ID: 100402 WINTER GLOVES		233.51
56712115	POWER LINE SUPPLY	CUST ID: 100402 5/8" BOLT		83.38
56712709	POWER LINE SUPPLY	CUST ID: 100402 WINTER GLOVES		649.44
56712716	POWER LINE SUPPLY	15 KV UNDERGROUND CABLE FOR BROOKS SUBST	2022.203	56,547.58
56713884	POWER LINE SUPPLY	CUST ID: 100402 LANYARD		75.46
56713634	POWER LINE SUPPLY	CUST ID: 100402 TAP WIRE #4		2,596.60
56714120	POWER LINE SUPPLY	CUST ID: 100402 TEST & CLEAN RUBBERGOODS		453.00
56713961	POWER LINE SUPPLY	CUST ID: 100402 200 AMP SOCKET		930.72
56713960	POWER LINE SUPPLY	CUST ID: 100402 #2 SPLICE		325.00
324131	PVS TECHNOLOGIES, INC.	WASTE WATER FERRIC CHLORIDE	2023.016	9,400.52
01032023	QUADIENT FINANCE USA,	ACCT NO. 7900 0440 5582 9307 POSTAGE JAN		3,193.33
45945	R.W. LAPINE INC.	SERVICE CALL AT PSB MUA #1 11/16/22 & 12		1,692.40
247647	RIDGEWEAR SPORTS & IMP	FIRE TEES WITH EMBROIDERY LOGO		214.00
70864216	ROSE PEST SOLUTIONS	CLIENT NO. 70019775 MARSHALL HOUSE SERVI		1,250.00
01/19/2023	SCOTT LINNEMAN	UB deposit refund for account: 2944		50.00
01/19/2023	SEQUIN, SHANNON & CODY	UB refund for account: 3205440045		20.39
01/19/2023	SPENCER JOHNSON	UB refund for account: 1775		50.00
2025135	STANTEC CONSULTING MIC	CUST NO. 65602 CLARIFIER CONSTRUCTION SE	2021.350	1,009.00
2025137	STANTEC CONSULTING MIC	CUST NO. 65602 ENGINEERING SERVICES - TA	2022.213	226.25
2025139	STANTEC CONSULTING MIC	CUST NO. 65602 TASK 113 BOD FOR LEGGITT	2023.121	561.25
2025143	STANTEC CONSULTING MIC	CUST NO. 65602 CITYWORKS IMPLEMENTATION	2021.263	2,235.00
1646153276	STAPLES BUSINESS CREDI	CREDIT ACCT NO. 302063 OFFICE SUPPLIES		821.31
591-11066307	STATE OF MICHIGAN - MD	CUST ID: 60112 PAYBACK OF LOCAL BUS OPER		4.00
591-11067426	STATE OF MICHIGAN - MD	AIRPORT WEATHER OBS & DATA SYSTEM OCT -		653.32
01/19/2023	SUSAN COLLINS	UB refund for account: 432		50.00
3409132	TAX-EXEMPT LEASING COR	LEASE PAYMENT ON MOTORPOOL VEHICLE LOAN	2023.148	152,240.97
670380	TELECRAFTER PRODUCTS	FIBER DEPT - CLIPS		80.18
1888	THE WOODHILL GROUP, LL	FINANCE & ACCOUNTING SERVICES FY2023	2023.056	4,409.38
BC-PSINV015343	THERMALNETICS, LLC	CUSTOMER ID: BC-C01457 2023 Q1 MRLEC HVA		2,978.75
01/19/2023	THOMAS SHILLING	UB refund for account: 2090		50.00
01/19/2023	THOMAS WOODS	UB refund for account: 261		50.00
01/19/2023	TODD SCHURIG	UB refund for account: 859		10.00
146	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE (3-PERSON \$106/	2023.002	4,240.00
1620050537	UNIFIRST CORPORATION	UNIFORM SERVICES - MARSHALL HOUSE 12/21/		50.83
1620050534	UNIFIRST CORPORATION	UNIFORM SERVICES - DPW/GARAGE 12/21/22		53.15
1620050536	UNIFIRST CORPORATION	UNIFORM SERVICES - ELECTRIC/FIBER 12/21/		139.10
1620050535	UNIFIRST CORPORATION	UNIFORM SERVICES - POWER HOUSE 12/21/22		66.02
1620050532	UNIFIRST CORPORATION	UNIFORM SERVICES - WASTE WATER 12/21/22		42.30
1620050538	UNIFIRST CORPORATION	UNIFORM SERVICES - WATER 12/21/22		42.19
1620051184	UNIFIRST CORPORATION	UNIFORM SERVICES - MARSHALL HOUSE 12/28/		50.83
1620051181	UNIFIRST CORPORATION	UNIFORM SERVICES - DPW/GARAGE 12/28/22		53.56
1620051183	UNIFIRST CORPORATION	UNIFORM SERVICES - ELECTRIC/FIBER 12/28/		139.10
1620051182	UNIFIRST CORPORATION	UNIFORM SERVICES - POWER HOUSE 12/28/22		66.02
1620051179	UNIFIRST CORPORATION	UNIFORM SERVICES - WASTE WATER 12/28/22		39.45
1620051185	UNIFIRST CORPORATION	UNIFORM SERVICES - WATER 12/28/22		42.19
1620051921	UNIFIRST CORPORATION	UNIFORM SERVICES - MARSHALL HOUSE 1/4/23		50.08
1620051918	UNIFIRST CORPORATION	UNIFORM SERVICES - DPW/GARAGE 1/4/23		64.40
1620051920	UNIFIRST CORPORATION	UNIFORM SERVICES - ELECTRIC/FIBER 1/4/23		138.35
1620051919	UNIFIRST CORPORATION	UNIFORM SERVICES - POWER HOUSE 1/4/23		68.12
1620051916	UNIFIRST CORPORATION	UNIFORM SERVICES - WASTE WATER 1/4/23		38.70
1620051922	UNIFIRST CORPORATION	UNIFORM SERVICES - WATER 1/4/23		41.44
1620052610	UNIFIRST CORPORATION	UNIFORM SERVICES - MARSHALL HOUSE 1/11/2		50.08
1620052607	UNIFIRST CORPORATION	UNIFORM SERVICES - DPW/GARAGE 1/11/23		53.27
1620052609	UNIFIRST CORPORATION	UNIFORM SERVICES - ELECTRIC/FIBER 1/11/2		290.97
1620052608	UNIFIRST CORPORATION	UNIFORM SERVICES - POWER HOUSE 1/11/23		82.88

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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
1620052611	UNIFIRST CORPORATION	UNIFORM SERVICES - WATER 1/11/23		44.29
1620052605	UNIFIRST CORPORATION	UNIFORM SERVICES - WASTE WATER 1/11/23		38.70
0005225561	USA TODAY NETWORK	ACCT NO. 584585 REZONING & I-3 PUBLICATI		160.00
195718	USABBLUEBOOK	CUST NO. 859103 WASTE WATER LAB SUPPLIES		684.22
92194	VC3 INC	ACCT NO. MAR11 ANNUAL I.T. CONTRACT	2023.159	87,360.00
9924338359	VERIZON WIRELESS	ACCT NO. 987146080-00001 JAN 2023		1,884.02
12146	VRIESMAN & KORHORN	ENVIRONMENTAL REPORTING PER EGLE	2023.118	4,000.00
86352620	WEX BANK	ACCT NO. 0470-00-462076-1 FUEL JAN 2023		13,181.14
12022023	WOW! INTERNET-CABLE-PH	ACCT NO. 010040764 MARSHALL HOUSE JAN 20		1,442.02
3680382	XEROX FINANCIAL SERVIC	CUSTOMER NO. 69580 XEROX LEASE DEC 2022		1,864.67
01162023	YOUNG II, STEPHEN	MEDALLION PURCHASED OFFICE 2021 FOR MARS		264.98
01/19/2023	YUKIC, AMANDA	UB refund for account: 2104080025		22.02
GRAND TOTAL:				1,365,678.51

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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
01232023	AALBERTS, BENJAMIN	REIMBURSEMENT FOR MEALS AT MISS DIG 811		27.40
436026	AD-VISOR & CHRONICLE	AD NO. 6100458 ADS 12/10, 12/17, 12/24,		1,893.30
62001	ALEXANDER CHEMICAL COR	CUST NO. 100413 WWTP CHEMICALS	2023.023	2,522.24
63470	ALEXANDER CHEMICAL COR	CUST NO. 100413 WWTP CHEMICALS	2023.023	2,522.24
1XTY-KXKD-7J74	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - WRIST SWEATBANDS		41.94
1CMX-HCT9-J61P	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - CLIPBOARD		17.98
1PGN-1Q4N-4G6P	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - DUAL MONITOR MOUNT		124.99
1NC4-CKQW-DWCK	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - ROLLER BLINDS		21.99
01/27/2023	BOUMA, VANESSA & BRYAN	UB refund for account: 3005880030		55.04
01/27/2023	BRADFORD, KAYLA JEANEE	UB refund for account: 2901480025		65.72
01232023	BROADWAY GRILLE	2022 ANNUAL EMPLOYEE LUNCHEON/YEAR END R		1,188.00
01/27/2023	BURKETT, ELANA & GLADY	UB refund for account: 2900380046		77.79
38	CALHOUN CO. CONSOLIDAT	2023 Q1 CONSOLIDATED DISPATCH CALLS FOR 2023.164		46,289.18
01272023	CALHOUN COUNTY CLERK	DOC FILING - (4) PA425 AGREEMENTS FOR C		120.00
01262023-A	CALHOUN COUNTY TREASUR	2022 WINTER AD VALOREM DIST #3		37,907.06
01262023-B	CALHOUN COUNTY TREASUR	2022 WINTER OPRA DIST FINAL		51.56
01262023-C	CALHOUN COUNTY TREASUR	2022 SUMMER OPRA DIST FINAL		214.51
01262023-A	CALHOUN INTERMEDIATE S	2022 WINTER AD VALOREM DIST #3		91,453.86
01262023-B	CALHOUN INTERMEDIATE S	2022 WINTER OPRA DIST FINAL		124.42
01262023-C	CALHOUN INTERMEDIATE S	2022 SUMMER OPRA DIST FINAL		4.99
STREETS-2023-000002	CITY OF BATTLE CREEK	STREETS-2023-00000025 NOV 2022 TRAFFIC S		697.32
22-0015409	CITY OF THREE RIVERS	CUST ID: MARSHDPW - ANNUAL BEAST PAYMENT 2023.169		8,556.20
1276608	CLARK HILL PLC	CLIENT NO. K9950 SERVICES THROUGH 12/31/		464.00
202342617857	CONSUMERS ENERGY	ACCT NO. 1000 9033 6411 AIRPORT JAN 2023		364.66
201274763562	CONSUMERS ENERGY	ACCT NO. 1000 0916 3435 CITY HALL JAN 20		1,277.85
201274763564	CONSUMERS ENERGY	ACCT NO. 1000 0916 3971 DPW JAN 2023		2,395.49
201452695340	CONSUMERS ENERGY	ACCT NO. 1000 0759 4680 DPW JAN 2023		773.07
205279271274	CONSUMERS ENERGY	ACCT NO. 1030 1580 0248 FIRE JAN 2023		1,741.16
206435887815	CONSUMERS ENERGY	ACCT NO. 1000 8921 1096 KP FIREPLACE JAN		336.71
207058395576	CONSUMERS ENERGY	ACCT NO. 1000 0033 5602 MARSHALL HOUSE J.		6,725.43
204656366272	CONSUMERS ENERGY	ACCT NO. 1030 1852 1130 MRLEC JAN 2023		5,355.02
203677506800	CONSUMERS ENERGY	ACCT NO. 1030 1852 0884 MRLEC BARN JAN 2		2,033.88
203855461861	CONSUMERS ENERGY	ACCT NO. 1000 0916 3203 WASTE WATER JAN		726.88
201274763563	CONSUMERS ENERGY	ACCT NO. 1000 0916 3708 WASTE WATER JAN		711.58
206346956696	CONSUMERS ENERGY	ACCT NO. 1030 1352 1119 WASTE WATER LIFT		24.79
205813186698	CONSUMERS ENERGY	ACCT NO. 1000 7224 3312 WATER JAN 2023		954.65
4190	D & S TROPHIES & AWARD	PARK SUB BENCH SIGN 3X8 + DELIVERY		31.20
01242023	DAVIS, RONALD	REIMBURSEMENT FOR CDL		35.73
44929	DUNCAN & ALLEN LLP	CLIENT NO. 003154 PROFESSIONAL SERVICES		1,058.00
01232023	EGNATUK, ALEC	REIMBURSEMENT FOR LODGING/MEAL MWEA WW A		256.51
S0016906	EMERGENCY VEHICLE PROD	CUST ID: MARSHALL - FIRE VEHICLE MAINTEN		2,474.84
01/27/2023	ENGBLOM, TIMOTHY	UB refund for account: 3004170030		51.06
167520	FIRE SAFETY USA, INC.	GEAR KEEPER - FIRE MIC KEEPER (QTY 12)		285.00
9561574634	GRAINGER	ACCT NO. 804945673 SAMPLER TUBING		167.36
9563071399	GRAINGER	ACCT NO. 804945673 PIPE FITTINGS		27.86
9330246187	GRAYBAR ELECTRIC	ACCT NO. 0000571644 MANHOLE HOOK		85.55
9330263840	GRAYBAR ELECTRIC	ACCT NO. 0000571644 MULE TAPE		667.05
23745	GUTTERS R US LLC	SNOW REMOVAL AND SIDEWALK SALTING FOR 202023.125		2,350.00
23746	GUTTERS R US LLC	SNOW REMOVAL AND SIDEWALK SALTING FOR 202023.124		4,431.60
157	HERMAN ELECTRIC	TWO NEW RECEPTACLES AT MRLEC BUILDING		432.74
174034	IMPACT SOLUTIONS	CLIENT NO. MARSH - BUSINESS CARDS (COLLI		108.21
29489	J AND K PLUMBING	SUPPL GARAGE/STREETS - SURE VENT, TRAP ADAPTER		54.66
29504	J AND K PLUMBING	SUPPL GARAGE/STREETS - SINK TAILPIECE, SLIP JO		20.33
29509	J AND K PLUMBING	SUPPL GARAGE/STREETS - SNAP-N-TITE SINK BASKET		18.15
29260	J AND K PLUMBING	SUPPL GARAGE/STREETS - PEX BALL VALVE, BOILER		87.38
01262023-A	KELLOGG COMMUNITY COLL	2022 WINTER AD VALOREM DIST #3		53,010.82
01262023-B	KELLOGG COMMUNITY COLL	2022 WINTER OPRA DIST FINAL		72.12
01262023-C	KELLOGG COMMUNITY COLL	2022 SUMMER OPRA DIST FINAL		72.12
701082-2	KENNEDY INDUSTRIES, IN	2023 ANNUAL KISM SCADA MONITORING AT WTP 2023.158		2,180.00
01/27/2023	KLEIN, LENA	UB refund for account: 3205300023		71.69
41961	LAKELAND ASPHALT CORPO	1.07 TONS COLD PATCH - PICKED UP		145.52
P10237	MACQUEEN EMERGENCY GRO	ACCT NO. MARSH033 FIRE GEAR ACCESSORIES		78.20
P10531	MACQUEEN EMERGENCY GRO	ACCT NO. MARSH033 FIRE GEAR ACCESSORIES		450.88
3361	MAIL MANAGEMENT, INC.	S.O. NO. 2244 INK FOR POSTAGE		303.83
01262023-A	MARSHALL AREA FIRE FIG	2022 WINTER AD VALOREM DIST #3		20,282.09
01262023-B	MARSHALL AREA FIRE FIG	2022 WINTER OPRA DIST FINAL		27.59
01262023-A	MARSHALL DISTRICT LIBR	2022 SUMMER OPRA DIST FINAL		65.91
01242023	MARSHALL MANUFACTURER'	2023 ANNUAL MEMBERSHIP FOR CITY MANAGER		450.00
01262023-A	MARSHALL PUBLIC SCHOOL	2022 WINTER AD VALOREM DIST #3		183,749.11
01262023-B	MARSHALL PUBLIC SCHOOL	2022 WINTER OPRA DIST FINAL		2,434.93
01262023-C	MARSHALL PUBLIC SCHOOL	2022 SUMMER OPRA DIST FINAL		160.57
01172023	MCGINTY, HITCH, PERSON	CLIENT NO. 4030.001 SERVICES THROUGH 12/		11,274.00
13793	MDK GROUP	MRLEC SHRED SERVICES THROUGH 1/9/23		105.00
S5127606.001	MEDLER ELECTRIC COMPAN	CUST NO. 979 LARGE STERNBERG GLOBE		2,416.56
200019429	MI-AWWA	2023 FEB WATER SOLUTIONS WEBINAR - AMBLE		30.00
1862107	MILLER JOHNSON ATTORNE	CLIENT NO. 52636 SERVICES THROUGH 12/31/		783.00
200005479	MPARKS - MICHIGAN REC	2023 MPARKS CONFERENCE & TRADE SHOW (MIL		775.00
01122023	OAKLAWN HOSPITAL	ACCT NO. 9950-56303/2907-56303 DRUG SCRE		150.00
2480562	OFFICE 360	ACCT NO. 26140 COPY PAPER		400.92

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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
01252023	PEHRSON, KORY	BOOT ALLOWANCE - PEHRSON, KORY		404.91
225897	PELL'S TIRE SERVICE	TIRE SERVICE FOR #408 BACKHOE		2,600.00
56716317	POWER LINE SUPPLY	CUST ID: 100402 ELECTRIC DEPARTMENT INVE	2023.157	3,402.30
01042023	QLT CONSUMER LEASE SER	ACCT NO. 269-781-3559 EXTENSION BELL		13.20
90770000	SAFETY-KLEEN SYSTEMS,	BILLING ACCT NO. CI28930 16G WASHER SOLV		194.76
01/27/2023	SCHAUS, STEVE	UB refund for account: 3005400039		41.03
MARSHALLFIRE-2023	STATE OF MICHIGAN	2023 MI PREVENTION SUMMIT LODGING - NASH		106.00
01/27/2023	STILLSON, PATRICK	UB refund for account: 700340023		16.81
S013355643.001	STUART C IRBY CO	CUST NO. 209591 MILWAUKEE CRIMPER TOOLS	2023.153	5,430.00
263396	TELNET WORLDWIDE	ACCT NO. 8948 JAN 2023		1,287.69
147	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE (3-PERSON \$106/H	2023.002	4,240.00
06972	TRITERRA	HAZARDOUS MATERIAL & LEAD INSPECTION/ABA	2023.091	5,890.00
07051	TRITERRA	MEDC CDBG ENVIRONMENTAL ASSESSMENT AT 12		1,150.00
07246	TRITERRA	MEDC CDBG ENVIRONMENTAL ASSESSMENT AT 12		4,850.00
530369482	UTILITIES INSTRUMENTAT	SERVICE TO GENERATOR #5	2023.142	3,135.00
92305	VC3 INC	ACCT NO. MAR11 ONBOARDING LABOR DOWNPAYM	2023.172	5,000.00
01/27/2023	YODER, RYAN	UB refund for account: 1102040003		302.27
GRAND TOTAL:				548,059.96

**City of Marshall
Downtown Development Authority
Annual Report Year Ending 6/30/22**

Revenue

Tax Increment Revenue	\$	166,655
Property taxes - from DDA millage only	\$	17,309
Interest	\$	312
State reimbursement for PPT loss	\$	25,450
Other income (grants, fees, donations, etc.)	\$	64,635
Total	\$	274,361

**Tax Increment
Revenues Received**

From counties	\$	32,750
From cities	\$	104,608
From townships	\$	-
From villages	\$	-
From libraries (if levied separately)	\$	8,136
From community colleges	\$	17,727
From regional authorities – Marshall Ambulance	\$	3,434
From local school districts-operating	\$	-
From local school districts-debt	\$	-
From intermediate school districts	\$	-
From State Education Tax (SET)	\$	-
From state share of IFT and other specific taxes (school taxes)	\$	-
Total	<u>\$</u>	<u>166,655</u>

Expenditures

Parking Structure and Street Maintenance	\$	36,137
Supplies	\$	16,076
Audit	\$	285
Admin Costs	\$	6,752
Data Processing & Communications	\$	720
Parking Structure Lease and Rental	\$	20,343
Contracted and Legal/Professional Services	\$	238,928
Community Promotions	\$	25,950
Debt Service - Bond Agent	\$	3
	\$	-
Transfers to General Fund	\$	-
Total	\$	345,194

City of Marshall
Local Development Finance Authority
Annual Report Year ending 6/30/2022

Revenue	Tax Increment Revenue	\$	412,405
	Property taxes - from DDA millage only	\$	-
	Interest	\$	20,111
	State reimbursement for PPT loss	\$	211,755
	Other income (grants, fees, donations, etc.)	\$	7,026,285
	Total	\$	7,670,556

**Tax Increment
Revenues Received**

From counties	\$	84,940
From cities	\$	251,473
From townships, villages	\$	-
From libraries (if levied separately)	\$	20,986
From community colleges	\$	45,774
From regional authorities (Marshall Ambulance)	\$	9,232
From local school districts-operating	\$	-
From local school districts-debt	\$	-
From intermediate school districts	\$	-
From State Education Tax (SET)	\$	-
From state share of IFT and other specific taxes (school taxes)	\$	-
Total	\$	412,405

Expenditures

Professional Services	\$	251,041
MAEDA (Economic Development)	\$	235,000
Audit	\$	-
Contracted Services	\$	43,721
Admin Costs	\$	150,537
Property Taxes	\$	-
Capital Outlay	\$	91,470
Misc Expenses	\$	5,251
Bond Interest	\$	56,215
Bond Issuance costs	\$	148,191
Brooks Substation	\$	466,074
Transfers to General Fund	\$	-
Total	\$	1,447,500

**Total outstanding non-
bonded Indebtedness**

Principal	\$	-
Interest	\$	-

**Total outstanding
bonded Indebtedness**

Principal	\$	-
Interest	\$	-
Total	\$	-

City of Marshall
South Neighborhood Improvement Authority
Annual Report for Year ending 6/30/2022

Revenue:	Tax Increment Revenue	\$	11,794
	Property taxes - from DDA millage only	\$	-
	Interest	\$	45
	State reimbursement for PPT loss	\$	-
	Other income (grants, fees, donations, etc.)	\$	-
	Total	\$	11,839

**Tax Increment Revenues
Received**

From counties	\$	2,618
From cities	\$	7,757
From townships, villages	\$	
From libraries (if levied separately)	\$	
From community colleges	\$	1,419
From local school districts-operating	\$	
From local school districts-debt	\$	
From intermediate school districts	\$	
From State Education Tax (SET)	\$	
Total	\$	11,794

Expenditures

Capital Outlay- Salaries, Construction	\$	-
Admin	\$	21
Bond Issuance Costs	\$	-
Legal Services	\$	3,748
Contracted Services	\$	-
Debt Service - Principal	\$	-
Debt Service - Interest	\$	22,705
Debt Service - Bond Agent	\$	500
Transfers to General Fund	\$	-
Total	\$	26,974

**Total outstanding non-bonded
Indebtedness**

Principal	\$	765,000
Interest	\$	255,343

**Total outstanding bonded
Indebtedness**

Principal	\$	-
Interest	\$	-

Total \$ 1,020,343

City of Marshall
Northeast Neighborhood Improvement Authority
Annual Report for Year ending 6/30/2022

Revenue:

Tax Increment Revenue	\$	40,109
Property taxes - from DDA millage only	\$	-
Interest	\$	2
State reimbursement for PPT loss	\$	-
Other income (grants, fees, donations, etc.)	\$	-
Total	\$	40,111

**Tax Increment Revenues
Received**

From counties	\$	8,908
From cities	\$	26,375
From townships	\$	-
From villages	\$	-
From libraries (if levied separately)	\$	-
From community colleges	\$	4,826
From local school districts-operating	\$	-
From local school districts-debt	\$	-
From intermediate school districts	\$	-
From State Education Tax (SET)	\$	-
Total	\$	40,109

Expenditures

Transfer to other funds	\$	2,500
Capital Outlay	\$	16,538
	\$	-
Transfers to General Fund	\$	-
Total	\$	19,038



ITEM 10.A

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
William Dopp, Finance Director/ City Treasurer
DATE: February 6, 2023
SUBJECT: **ADOPTION OF THE JULY 1, 2023 – JUNE 30, 2029 CAPITAL IMPROVEMENT PROGRAM**

Each year the City of Marshall must prepare a six-year Capital Improvement Program (CIP) that is formally adopted by the City Council. This six-year CIP (spreadsheet attached) is the guide for future capital needs and resource allocation for the City of Marshall.

Beginning in October, staff began to update the previous CIP to address the changes impacting the six-year plan and add the latest fiscal year, 2028 - 2029. The Director's Team assembles the data, analyzes the needs, and the potential revenue sources.

The Marshall City Planning Commission approved and accepted the proposed CIP on January 11, 2023. The Planning Commission's role is to review the CIP to make certain it addresses any priorities included in the Master Plan for future land use and development. Council shall conduct a public hearing to receive comments on the proposed Capital Improvement Program in its entirety. Following the public hearing, Council will be asked to adopt the CIP as presented, or with any changes the Council deems necessary.

BUDGET IMPACT:

None.

RECOMMENDATION:

Approve the July 1, 2023 through June 30, 2029 Capital Improvement Program.

FUND	Department	Project Title	Priority Ranking	Estimated Useful Life	Source of Funding	Project Narrative/Purpose	2023-2024 Expenditure	2024-2025 Expenditure	2025-2026 Expenditure	2026-2027 Expenditure	2027-2028 Expenditure	2028-2029 Expenditure	City Expenditure	Other Funds or Grant Share	Total Expenditure
295	Airport	Pavement Marking and Crack Sealing	1	10	General Fund 5%, FAA Allocation 90%, State 5%	Replacement of pavement markings and crack sealing as necessary. Participation in the MDOT crack sealing program to prolong the life of the airport runway and taxiways.			\$1,500			\$1,750	\$3,250	\$61,750	\$65,000
295	Airport	North Perimeter Fence	2	20	General Fund 5%, FAA Allocation 90%, State 5%	Design and installation of a fence on the north perimeter of the airport property for safety reasons (wildlife and proximity to new Emerald Hills Development.				\$1,500	\$17,000		\$18,500	\$351,500	\$370,000
295	Airport	North Apron and West Parallel Taxiway Rehabilitation	1	15	General Fund 5%, FAA Allocation 90%, State 5%	Engineering and Construction of North Apron and West Parallel Taxiway	\$2,750	\$40,250					\$43,000	\$765,750	\$808,750
295	Airport	Airport Master Plan (ALP Update)	2	20	General Fund 5%, FAA Allocation 90%, State 5%	Update of the Airport Master Layout Plan which is used as a guide for future development on the airport grounds. Funding is \$225,000 Federal, \$12,500 State, and \$12,500 City.				\$12,500			\$12,500	\$237,500	\$250,000
295	Airport	Construction Hangar Taxiway	3	20	General Fund 5%, FAA Allocation 90%, State 5%	Construct a new hangar taxiway to provide access to new T-hangar buildings east of the current buildings. New hangars would be a partnership with a third party. Project would only move forward if hangars were constructed.			\$13,500				\$13,500	\$256,500	\$270,000
295	Airport	Main Hangar Improvements	1	25	General Fund 5%, FAA Allocation 90%, State 5%	The roof over the main hangar and the space leased by Griswold Aviation is nearing the end of life and needs to be replaced. The City would need to fund \$13,000 (2023 \$1250 and 2024 \$11,750) of the improvements and the Feds/State \$247,000 (2023 \$23,750 and 2024 \$223,250).	\$1,250	\$11,750					\$13,000	\$247,000	\$260,000
295	Airport	Land Acquisition	3	50	General Fund/LDFA	Purchase of 66.34 acres from the Udell Trust for airport and Industrial Park expansion. Purchase would have to be funded by City/LDFA and reimbursement for portion used by airport can be pursued using our annual allocation.						\$600,000	\$600,000		\$600,000
TOTAL							\$4,000	\$52,000	\$15,000	\$14,000	\$17,000		\$703,750	\$1,920,000	\$2,623,750
711	Cemetery	Cemetery Road Paving Project	2	20	Cemetery Trust Fund	Finishing the drives in the cemetery will provide a clean and solid surface during inclement weather for those visiting their loved ones during a funeral service.	\$18,000						\$18,000		\$18,000
711	Cemetery	Cemetery Expansion to Meet Future Demand	2	150	Cemetery Trust Fund	Cemetery has two sections left holding 500 spaces for purchase. The number available will shrink exponentially as families begin having trouble finding blocks of spaces available for family plots. This will drive many to seek alternate locations. \$35,000 Design - \$100,000 Construction.		\$35,000		\$100,000			\$135,000		\$135,000
TOTAL							\$18,000	\$35,000	\$0	\$100,000	\$0		\$153,000	\$0	\$153,000
101	DDA	South Activation Zone	2	30	General fund	The City and DDA have embarked on design for a Activation Zone in the area including parking lots 9, 10, and 11 as well as improved garbage management and a social area within Lot 10. On street parking is also part of the project in the 200 block of West Green Street and the 100 block of South Jefferson Street.	\$450,000	\$100,000					\$550,000		\$550,000
101	DDA	North Activation Zone	2	30	General fund	The proposed Social Area will be a 4,000 square foot community area with tables and chairs in the northern portion of lot 10 along the south alley. The proposed trash component will be a coral for business use. The businesses to be served are those located along Michigan Avenue between Eagle Street and Jefferson Streets.			\$450,000		\$100,000		\$550,000		\$550,000
101	DPW	DPW building master plan	2	10	General Fund	I would like to add a DPW building master plan, to maximize space for the building at 619 Homer Rd. This will help the city understand the changes needed to maximize space.	\$40,000						\$40,000		\$40,000
101	DPW	South Driveway Improvements	1	30	General Fund	The south door out of the DPW garage is narrow and the driveway has a small radius curve immediately outside the building which prevents the door from being used by some DPW equipment. This project would include widening the north (entry) and south (exit) door of the DPW garage and installing a new driveway connecting the south door to Homer Road. This would allow all vehicles to use the south door safely. This would prevent the vehicles that currently don't fit from having to back up 200' inside the building to exit the building after loading/washing. Currently, 1 vehicle doesn't fit out the south door. In the future, however, plow trucks are expected to get wider and will not be able to fit out the door.			\$75,000				\$75,000		\$75,000

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101	City Hall	Audio Visual Upgrades	1	10	General Fund	Audio visual upgrades to the Training Room, Conference Room, and Council Chambers. The functionality would allow video conferencing to each room, replace the current council room video and audio systems, provide a smart board function.	\$76,267						\$76,267		\$76,267
101	PSB	Carpet Replacement	2	12	General Fund	Replace approx. 9,786 sq. ft. of carpet on the 1st and 2nd floors of PSB including lobby and hallways.		\$25,000					\$25,000		\$25,000
101	PSB	Audio Visual Upgrades	2	10	General Fund	Audio visual upgrades to the Training Room and Conference Room.	\$25,837						\$25,837		\$25,837
101	Community Services	Update Master, Economic Development, and Marketing Plans	2	10	General Fund/MEDC/Possibly MAEDA toward GF portion	The current Master Plan was adopted in 2015 and is need of being updated to stay in compliance with state statutes. The Economic Development and Marketing plans also need to be updated to remain in compliance with Redevelopment Ready Communities standards and the Master Plan.	\$25,000						\$25,000	\$50,000	\$75,000
101	City wide	Sidewalk repairs		20	General Fund		\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$150,000		\$150,000
							\$642,104	\$150,000	\$550,000	\$25,000	\$125,000		\$1,517,104	\$50,000	\$1,567,104
211	Farmer's Market	Farmer's Market Pavilion	3	40	Farmer's Market/Donations	Farmer's Market pavilion will include a covered area for the farmer's market. The space design will consider supporting a winter market, event space (in conjunction with social district), and maintaining parking.				\$300,000			\$300,000		\$300,000
211	Farmer's Market	Farmer's Market Electrical Upgrades	2	10	Farmer's Market/Donations	Several electrical upgrades are needed at the Farmer's Market location. The upgrades include: run electric service to the market barn, run electric service to south side of parking lot for music location, and run electric service to each end of the center lot adequate for food trucks. In addition, install a location for a water bottle refill station.	\$25,000						\$25,000		\$25,000
							\$25,000	\$0	\$0	\$300,000	\$0	\$0	\$325,000	\$0	\$2,244,208
207	MRLEC	MRLEC Flooring	3	10	MRLEC Operations	MRLEC building has several capeted areas that are highly trafficked, The carpet will be 10 years old in 2025		\$50,000					\$50,000		\$50,000
207	MRLEC	Front Parking Lot Expansion	3	40	MRLEC Operations	A need for additional parking has been identified at MRLEC. There are numerous times each month where the parking lot is overflowing because of trainings or events at MRLEC. The expansion will help solve this issue. The estimated cost (with assistance of the Marshall DPW) of expanding the parking lot is \$50,000. The new section will be added to the 5 year maintenance schedule for resurfacing.			\$100,000				\$100,000		\$100,000
207	MRLEC	MRLEC Roof Repair	1	20	MRLEC Operations	Several leaks in the roof have been located on the MRLEC Barn Building. These leaks have been a problem for many years, and can be traced back to the original contractor. When it rains a significant amount of water leaks through the roof. The estimated cost of fixing the roof is \$40,000. This is in need of being fixed immediately before more related damage occurs. The fix should secure the roof for the next 20 years.	\$40,000						\$40,000		\$40,000
207	MRLEC	MRLEC Barn Expansion	1	40	MRLEC Operations	The MRLEC agencies have identified a need for an added secured storage area for vehicles held for evidence. Currently we are all being asked to hold vehicles for evidence when involved in major crimes. The delayed time frame is leading to vehicles being parked in the storage area of our shared barn. An addition is being proposed to be added to the MRLEC barn to individually secure 8-10 vehicles. The building would be on the east side of the building and would require new construction.				\$250,000			\$250,000		\$250,000
207	MRLEC	MRLEC Vehicle Evidence Storage	2	40	MRLEC Operations	The MRLEC agencies have identified a need for an added secured storage area for vehicles held for evidence. Currently we are all being asked to hold vehicles for evidence when involved in major crimes. The delayed time frame is leading to vehicles being parked in the storage area of our shared barn. An addition is being proposed to be added to the MRLEC barn to individually secure 8-10 vehicles. The building would be on the east side of the building and would require new construction.				\$250,000			\$250,000		\$250,000
207	MRLEC	Audio Visual Upgrades	2	10	MRLEC Operations	Audio visual upgrades to the Training and EOC Rooms	\$24,805						\$24,805		\$24,805

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207	MRLEC	Access Control Updates	1	10	MRLEC Operations	Access control updates and modifications. The MRLEC agencies identified a need for access control updates. The project includes 4 card reader changes, 6 card reader additions and 3 gate switches	\$55,000						\$55,000		\$55,000
TOTAL							\$119,805	\$50,000	\$100,000	\$500,000	\$0		\$769,805	\$0	\$769,805
298	Downtown Development Authority	DDA Parking Lots (8,13,14,15)	2	15	DDA Revenues	Mill and pave downtown parking lots #8, 13, 14, 15				\$78,400			\$78,400		\$78,400
298	Downtown Development Authority	DDA Parking Lots (1, 4, 5, 6, 7)	2	20	DDA Revenues	Mill and pave downtown parking lots #1, 4, 5, 6, 7		\$115,200					\$115,200		\$115,200
TOTAL							\$0	\$115,200	\$0	\$78,400	\$0		\$193,600	\$0	\$115,200
296	LDFA	Oliver Drive Extension	3	30	LDFA reserves and possible Bond	Extension of Oliver Drive, water, and sewer infrastructure to serve over 100 acres of undeveloped Industrial zoned property			\$550,000				\$550,000		\$550,000
296	LDFA	Udell Property Lift Station	3	30	LDFA reserves and possible Bond	Addition of a new sanitary lift station to serve 100+ acres of industrial zoned property. Exact location of station on property to be determined.					\$400,000		\$400,000		\$400,000
296	LDFA	Pedestrian Path LDFA	2	15		Construction of an 8' wide patch connecting the Industrial Park to the south NIA and rest of town. Council has made a goal of increased walkability and we have seen an increased level of pedestrian activity to and from the Industrial Park.				\$166,700			\$166,700		\$166,700
296	LDFA	Pratt Avenue Rehabilitation	2	15		Mill and overlay of Pratt Avenue as it will be in need of maintenance due to age and condition.			\$413,500				\$413,500		\$413,500
TOTAL							\$0	\$0	\$963,500	\$166,700	\$400,000		\$1,530,200	\$0	\$1,530,200
247	NE NIA	Eastside Redevelopment Infrastructure	1	20	NIA TIF Capture	Infrastructure necessary to allow the redevelopment of the Land Bank property off of East Dr/Mann. Extension of water, sewer, storm sewer, roads, and sidewalks for the development. Does not include electric or fiber extension at this time.		\$1,341,900					\$1,341,900		\$1,341,900
247	NE NIA	Mann Extension	3	20	NIA TIF Capture	Infrastructure necessary to allow the extension of Mann to O'Keefe allowing the development of 10 acres for additional housing opportunities. Extension of water, sewer, storm sewer, roads, and sidewalks for the development.			\$1,520,700				\$1,520,700		\$1,520,700
247	NE NIA	Pratt Park Future Phases	3	20	NIA TIF Capture	Infrastructure necessary to allow for the development of future phases of Pratt Park for housing opportunities. Extension of water, sewer, storm sewer, roads, and sidewalks for the development.						\$3,172,800	\$3,172,800		\$3,172,800
247	NE NIA	Briarwood Extension	1	20	NIA TIF Capture	Infrastructure necessary to allow the development of Briarwood and the extension of Forest to O'Keefe. Extension of water, sewer, storm sewer, roads, and sidewalks for the development.	\$547,100						\$547,100		\$547,100
TOTAL							\$547,100	\$1,341,900	\$1,520,700	\$0	\$0		\$6,582,500	\$0	\$6,582,500
248	S NIA	Hughes Street Infrastructure Extension	3	30	S NIA TIF Capture	Extension of sewer, electric, fiber, streets, etc. to add or create buildable lots	TBD						\$0		\$0
248	S NIA	Emerald Hills Phase 2	1	20	S NIA TIF Capture	Extension of sewer, electric, fiber, streets, etc. to add or create buildable lots		\$2,161,700					\$2,161,700		\$2,161,700

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248	S NIA	Emerald Hills Phase 3	1	20	S NIA TIF Capture	Infrastructure necessary to allow the construction of the third phase of the emerald hills subdivision which includes the planned multi-family units (6 buildings). Extension of water, sewer, storm sewer, roads, and sidewalks for the development.		\$780,000					\$780,000		\$780,000
248	S NIA	Emerald Hills Phase 4	1	20	S NIA TIF Capture	Infrastructure necessary to allow the construction of the fourth phase of the emerald hills subdivision which includes 42 housing units. Extension of water, sewer, storm sewer, roads, and sidewalks for the development.				\$1,142,100			\$1,142,100		\$1,142,100
248	S NIA	Emerald Hills Phase 5	1	20	S NIA TIF Capture	Infrastructure necessary to allow the construction of the second phase of the emerald hills subdivision which is 98 housing units. Extension of water, sewer, storm sewer, roads, and sidewalks for the development.						\$3,550,600	\$3,550,600		\$3,550,600
248	S NIA	Emerald Hills Pedestrian Path	3	15	S NIA TIF Capture	8' wide path built between Circle Drive and the Airport on the east side of South Kalamazoo. This would improve walkability for the proposed development, Fairway meadows, and the surrounding neighborhood. This would be a connection between downtown and the extension of a path from the airport to the industrial park (which is included in LDFA CIP).			\$118,300				\$118,300		\$118,300
TOTAL							\$0	\$2,941,700	\$118,300	\$1,142,100	\$0		\$7,752,700	\$0	\$7,752,700
582	Electric	Supervisory Control and Data Acquisition (SCADA) System Replacement	1	20	Electric Fund	The Electric SCADA System is used to monitor and control various Power Plant and Electric Distribution System functions, including breaker operations, alarms, feeder voltage, current and loads, etc. The existing SCADA System is ten years old. The manufacturer no longer provides hardware or software support for this critical Electric Department equipment. The Project includes purchase and installation of a new SCADA System that will provide even greater functionality.	\$250,000						\$250,000		\$250,000
582	Electric	Replace Tie 1 and 2 underground cable	4	40 years	Electric Fund	A portion of the two main express feeder cables from Pearl St. Substation to the Powerhouse are underground and in a duct system. They have been in service for 35 years and have met their life expectancy. The feeder cables are the main source of power to the City's electric load and are the connection to the grid for the City's internal generation. Because they are a critical component of the electric system the cables should be modernized.				\$2,500,000			\$2,500,000		\$2,500,000
582	Electric	Repair Brick (re-tuck joints & seal)	3	50	Electric Fund	General maintenance of the brick structures. This is a historical site.				\$25,000			\$25,000		\$25,000
582	Electric	Replace Windows	3	50	Electric Fund	Existing windows are the original single pane steel framed and not energy efficient. Many of the window sills and frames are deteriorated to the point that water is coming in and further damaging the building.		\$50,000	\$50,000				\$100,000		\$100,000
582	Electric	Pearl St. Substation 7.2/12.5 KV Upgrade	1	40	Electric Fund - Revenue Bond	Modernize obsolete 7.2/12.5 KV cubicle breaker and bus systems with open-air system to improve operations and increase safety	\$1,000,000						\$1,000,000		\$1,000,000
582	Electric	Pole Replacement and Line Reconstruction	2	40	Electric Fund	Wooden poles have an estimated service life of 33-40 years. To maintain safe, reliable electric service, replacement of old and unsafe poles must be performed on an annual basis.	\$80,000	\$82,400	\$84,872	\$87,418	\$90,041		\$424,731		\$424,731
582	Electric	AMI Project	2	20	Electric Fund - Bond	The Automated Metering Infrastructure (AMI) Project consists of hardware, software, communications and metering that will allow electric meters to be read remotely, in the same manner that water meters are now read. The system is designed to reduce operating expenses and provide additional services to customers.	\$200,000	\$206,000	\$212,180	\$218,545			\$836,725		\$836,725

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582	Electric	Underground Cable Replacement	2	40	Electric Fund	Replace 40 year old underground electric system in the Waldon Pond Apartment Complex, Homer Road, Circle/Rose/Lowe Subdivision & Polo Club Apartments	\$500,000	\$515,000	\$530,450				\$1,545,450		\$1,545,450
582	Electric	Additional Local Generating Resources	3	50	Electric Fund	The Power Plant's primary functions include emergency backup power in the event of a transmission system or substation failure, as well as helping meet Midcontinent Independent System Operator (MISO) capacity requirements that are based on the City's peak electric demand. The City's average demand is approximately 20 MW, and 2022 peak demand exceeded 29 MW. The combined capacity of Generating Units #3, #5 and #6 is approximately 9.6 MW. Even if all three units operate, there is insufficient generating capacity to serve all local customers. In addition, MSCPA projects the City will be approximately 11-14 MW short in meeting its MISO capacity requirements in 2024-2025. Additional generation sited in Marshall would help meet the City's MISO capacity obligations while also providing additional emergency backup service.	\$3,600,000						\$3,600,000		\$3,600,000
582	Electric	Distribution Tranformer Replacements	3	40	Electric Fund	The estimated service life of electric distribution system transformers is 35-40 years. The City has numerous electric distribution system transformers that are approaching or exceed 40 years of service. Some are live-front transformers with exposed cable and terminals, which are dangerous to staff and the public. Rather than running to failure, the Electric Department would like to proactively replace transformers that have safety concerns and those that are nearing the ends of their estimated service lives.	\$70,000	\$72,100	\$74,263	\$76,491	\$78,786	\$81,149	\$452,789		\$452,789
582	Electric	Concrete Diesel Fuel Spill Prevention Containment Pad	1	40	Electric Fund	The Power Plant is in the process of updating its Spill Prevention, Control, and Countermeasure (SPCC) Plan. SPCC Plans are designed to prevent discharge of fuel, oil and other contaminants into navigable waters or adjoining shorelines. Power Plant diesel fuel deliveries are made north of the Plant's four 20,000-gallon fuel storage tanks. There is no permanent containment area at the fuel delivery site. Potentially, if fuel was accidentally spilled during delivery, it could flow by gravity into the Kalamazoo River. To mitigate this possibility, and to comply with SPCC Plan requirements, a concrete diesel fuel spill prevention containment pad should be installed.	\$50,000						\$50,000		\$50,000
582	Electric	Generator #3 Upgrades/Repairs	2	20	Electric Fund	Generating Unit #3 is a 1973 Fairbanks-Morse dual fuel (diesel/natural gas) unit with a rated capacity of 2,070 kW. It is the City's second largest generating unit. Unit #3 has not received a thorough maintenance inspection for many years. Currently, the exhaust bellows catches fire during unit startup, creating a safety hazard. Control panel upgrades would help ensure more reliable and efficient operation.	\$60,000						\$60,000		\$60,000
582	Electric	Generator #4 Diesel Oxidtion Catalyst Installation	3	25	Electric Fund	Generator #4 is a 1942 Nordberg diesel generator rated at 818 kW. The unit is operable, but was not equipped with a carbon monoxide catalyst in 2015 that would have allowed its continued operation. The City's peak demand exceeds 29 MW, while available local generation totals approximately 9.6 MW. In addition, the City is short of required MISO capacity and as a result, it purchases this shortfall currently for \$5.50/kW-month. Bringing Unit #4 into compliance with a CO catalyst would save an estimated \$4,500/month (\$54,000/year) in capacity costs and increase available emergency backup generation.	\$150,000						\$150,000		\$150,000

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582	Electric	Hydroelectric Unit #2 Rehabilitation	3	70	Electric Fund	The City is exploring a FERC license exemption for the Marshall Hydroelectric Project. To qualify, the City must increase plant generating capacity. Hydroelectric Unit #2 was installed in 1919, has a rated capacity of 144 kW, and has been out of service since 1947. Returning Unit #2 to service appears to be the least costly means to increase plant capacity. In addition to increased annual energy production, Unit #2 would also provide backup in the event one of the other hydroelectric units was out of service for scheduled or unscheduled maintenance.		\$200,000					\$200,000		\$200,000
582	Electric	Plant 2 Space Heater Replacements	1	20	Electric Fund	Plant 2, which houses Generator #6, has five electric heaters that provide building space heat. Only one of the five heaters, installed in 1977, still works, making it difficult to effectively heat Plant 2 during cold weather.	\$75,000						\$75,000		\$75,000
582	Electric	Circuit Upgrade / Voltage Upgrade	2	50	Electric Fund	The municipal electric distribution system currently has two operating voltages, 4,160 volts and 12,470 volts. Circuits on each system cannot be directly tied together for maintenance and reliability purposes, limiting operational flexibility and reliability. The 4,160-volt system has greater resistance losses and less power-carrying capability than if its circuits were operated at 12,470 volts. Staff estimates approximately one-half of the electric distribution system operates at 4,160 volts. These 4,160-volt circuits should be upgraded to 12,470-volt operation as time and funds allow.	\$1,000,000	\$1,030,000	\$1,060,900	\$1,092,727	\$1,125,509	\$1,159,274	\$6,468,410		\$6,468,410
TOTAL							\$7,035,000	\$2,155,500	\$2,012,665	\$4,000,181	\$1,294,335		\$17,738,104	\$0	\$17,738,104
101	Fire	Storage Shed	4	20	General Fund	Fire Department has very little storage area for maintenance equipment. We are currently using an old trailer to store lawn equipment and other limited use items. Marshall High School wood shop teacher has volunteered to build shed if we buy materials. I have material list for a 12X20 storage shed with an overhead door to store all this equipment.	\$25,000						\$25,000		\$25,000
101	Fire	Self-Contained Breathing Apparatus	3	10	General Fund/Grants	Our current Self Contained Breathing Apparatus was purchased in the beginning of 2018. They have a life expectancy of 10 to 15 years. This is mandated by MIOSHA and is National Fire Protection Association and Manufactures recommendations. We will need to replace these by the end of 2031.					\$250,000		\$250,000		\$250,000
101	Fire	Auxiliary Fire Equipment	4	25	General Fund	We have auxiliary equipment such as compressor and fill station for SCBA Bottles and Oxygen Bottles and a hose washer for cleaning soiled fire hose after fires. These are items that will eventually need replaced in the future. They last a long time be we need to plan for replacement through the CIP. Is it better to plan a yearly contribution to CIP or just fund we needed if they need replaced.				\$75,000			\$75,000		\$75,000
102	Fire	Staff Vehicles	2	10	General Fund	Replace a 2013 and 2015 Ford Inceptor former MPD Vehicle with a Pickup Truck or SUV that is better suited for Fire Dept. needs. These vehicles were hard use as MPD vehicles before MFD received them. Average life span as a MPD vehicle is 5 years and then re-purposed or sold to another department or outside buyer for lighter use. Would like a Pickup to replace vehicle currently used by MFD Fire Inspection Division. This pickup could serve multi purposes for MFD. Of course to be used by Inspection Division to conduct inspections and respond to emergencies if needed during this time, used as a plow truck to keep parking lot and front ramp cleared of snow, used to pick up and transport equipment after a fire or when needed. Fire Chief vehicle could be replaced with either a truck or suv for use by Chief and be set up as a command and control vehicle for emergency scenes.	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$60,000		\$60,000
101	Fire	Replace Fire Engine	1	20	General Fund	Replace Fire Engine	\$700,000						\$700,000		\$700,000
101	Fire	Audio Visual Upgrades	2	10	General Fund	Audio visual upgrades to the Training Room	\$30,000						\$30,000		\$30,000
TOTAL							\$765,000	\$10,000	\$10,000	\$85,000	\$260,000		\$1,140,000	\$0	\$1,140,000

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661	Motor Pool	2024 Purchases	1	Variable	Motor Pool	Replace 5 units	\$550,000						\$550,000		\$550,000
661	Motor Pool	2025 Purchases	1	Variable	Motor Pool	Replace 6 units		\$203,000					\$203,000		\$203,000
661	Motor Pool	2026 Purchases	1	Variable	Motor Pool	Replace 1 unit			\$254,000				\$254,000		\$254,000
661	Motor Pool	2027 Purchases	1	Variable	Motor Pool	Replace 1 unit				\$500,000			\$500,000		\$500,000
TOTAL							\$550,000	\$203,000	\$254,000	\$500,000	\$0		\$1,507,000	\$0	\$1,507,000
101	Parks	Stuarts Landing Improvements	3	30	Grants & other	Rehabilitation of Stuart's Landing including the following updates: replace canoe/kayak launch, a new shelter, a linear path around the site, improved shoreline and river access, and related improvements.		\$0					\$0	\$910,000	\$910,000
101	Parks	Repair Brooks Fountain	1	25	General Fund	The Brooks Fountain is in need structural repairs	\$750,000						\$750,000		\$750,000
101	Parks	Carver Park Fountain Replacement/Repair	2	30	General Fund	Carver Park Fountain has been deteriorating for several years. After a review of the fountain and discussions with Council the decision was made to utilize the fountain until the end of it's useful life and then execute a complete replacement.		\$40,000							
101	Parks	Riverwalk Repairs	1	30	General Fund	Replace structural beams along riverwalk. Fix and replace fencing and deckboards. Trim and remove trees throughout riverwalk.	\$50,000			\$50,000			\$100,000		\$100,000
101	Parks	Riverwalk Extension	3	30	General Fund	Extend Riverwalk west of Kalamazoo towards Historic Bridge Park, partner with County							\$0	\$2,500,000	\$2,500,000
101	Parks	Athletic Field Renovations	2	7	General Fund	Athletic Field Resurface, clay replacement for pitching areas and batters boxes, level outfield with sand, replace all base pegs, new bases for all fields, fencing repairs	\$75,000						\$75,000	75000	\$150,000
101	Parks	Ketchum Park Great Lawn	2	50	General Fund	LOWER KETCHUM COMMONS AND PROMENADE Work related to the establishment of the lower lawn commons, drainage system, and its perimeter pedestrian walkway. Also included is the main path between parking on Montgomery Street and the Rotary Bridge. Construction Cost: \$143,000 Construction and Soft Costs: \$185,900							\$0	\$185,900	\$185,900
101	Parks	Ketchum Park Parking Lot	4	15	General Fund	Mill and repave parking lot/paint parking spots					\$35,000		\$35,000		\$35,000
101	Parks	Sand Volleyball Court Renovations	2	20	General Fund	Replace all fencing at Volleyball courts, remove current sand and equipment. Replace with sugar sand. Replace post with new. Replace nets.							\$0	\$100,000	\$100,000
101	Parks	Skate Park Equipment	2	30	General Fund	Adding up to date & safe skateboard equipment to existing skatepark	\$30,000						\$30,000	\$100,000	\$130,000
TOTAL							\$905,000	\$40,000	\$0	\$50,000	\$35,000		\$990,000	\$3,870,900	\$4,860,900
101	Police	Taser Upgrade	3	5	General Fund	The Police Department issues each sworn officer the Axon Taser X-2 weapon as a less than lethal use of force option. National studies have shown the Taser as an effective means of applying force at a distance, thus minimizing the risks of injury to patrol officers from a physical altercation. Axon only warranties their devices for 5 years, and have typically phased in a newer model every five years. As they are a weapon that can cause injury or death, we should strive to keep the warranty in place. This is both for officer safety (if Taser malfunctions due to age), and to some degree of liability mitigation, as Taser may not legally support us if we are using an out of warranty device.	\$27,000						\$27,000		\$27,000
101	Police	Vehicle Changeover	2	5	General Fund	Cover labor to outfit all equipment to new vehicle, buy emergency lighting, radio and equipment console, weapons rack, video camera and radio upgrades, radars, bumpers, cage with restraints, and decal the vehicle for police use.	\$37,000	\$20,000	\$20,000	\$28,000			\$105,000		\$105,000
TOTAL							\$64,000	\$20,000	\$20,000	\$28,000	\$0		\$132,000	\$0	\$132,000
208	Recreation	Replacement of Athletic Field Light System	3	30	Recreation Fund	The current lights on diamond #1 & #2 are approaching the end of their expected life. The entire system should be replaced.					\$200,000		\$200,000		\$200,000
208	Recreation	Seal Coating Athletic Field Parking Lot & Pathways. Striping of Parking Lot	4	12	Recreation Fund	Seal Coating Athletic Field Parking Lot & Pathways is considered routine maintenance.						\$25,000	\$25,000		\$25,000
208	Recreation	Athletic Field Parking Lot	1	15	Recreation Fund	Mill and repave parking lot/paint parking spots	\$50,000						\$50,000		\$50,000
208	Recreation	Athletic Fields- Batting Cages	2	15	Recreation Fund	Two batting cages-35'x70'		\$30,000					\$30,000		\$30,000
208	Recreation	Eaton Park Development	2	30	Recreation Fund/Local Grants	Construction of a new park facility that would provide pickle ball courts, splash pad, bathroom facility, new ADA improvements for accessing the athletic fields from the south, new playground, parking lots, and a basketball court.							\$0	\$3,000,000	\$3,000,000

FUND	Department	Project Title	Priority Ranking	Estimated Useful Life	Source of Funding	Project Narrative/Purpose	2023-2024 Expenditure	2024-2025 Expenditure	2025-2026 Expenditure	2026-2027 Expenditure	2027-2028 Expenditure	2028-2029 Expenditure	City Expenditure	Other Funds or Grant Share	Total Expenditure
208	Recreation	Recreation Athletic Facility	4	30	Grants/Fund Raising	Construction of a Recreation Center that would include 2 basketball courts, community room, etc						\$6,000,000	\$6,000,000		\$6,000,000
TOTAL							\$50,000	\$30,000	\$0	\$0	\$200,000		\$6,305,000	\$3,000,000	\$9,305,000
202	Major Streets	West Drive and Verona Drive Sidewalks	2	15	Small Urban Grant/Act 51	Sidewalks	\$372,998						\$372,998	\$425,002	\$798,000
203	Local Streets	Replace and Mill/Pave High St	2	25	Act 51	Part of the Watermain Replacement Project for High St between Michigan Ave. and Forest St. The watermain replacement will be resurfaced, remaining area will be mill and pave. Sidewalks and ADA ramps will be installed as needed.		\$330,000					\$330,000		\$330,000
203	Local Streets	Fountain St. Paving	2	25	Act 51	Part of the Watermain Replacement Project for Fountain St between W. Hanover to Arms St. The watermain replacement will be resurfaced, remaining area will be mill and pave. Sidewalks and ADA ramps will be installed as needed.	\$183,000						\$183,000		\$183,000
TOTAL							\$555,998	\$330,000	\$0	\$0	\$0		\$885,998	\$425,002	\$1,311,000
590	Wastewater	Wastewater Rate Study	1	4	Wastewater Fund	It has been several years since the City has commissioned a rate study from a consultant. The past few years our rate reviews have been a collaboration between Michigan Rural Water Association and City Staff. MRWA no longer provides this service due to staffing levels. City Staff will be involved with the process but a consultant with appropriate experience will be hire to perform the evaluation and provide rate recommendations.				\$35,000			\$35,000		\$35,000
590	Wastewater	Wastewater Laboratory Remodel	3	25	Wastewater Fund	Full remodel of outdated laboratory built in 1975, including cabinets, counter tops, fixtures, flooring, lighting, and lab safety equipment. We plan on retaining much of the existing lab equipment as that has been updated regularly.				\$250,000			\$250,000		\$250,000
590	Wastewater	Channel Monster Cartridge Replacement	2	5	Wastewater Fund	Replace the cutter cartridge in the Channel Monster as recommended by the manufacture.			\$40,000				\$40,000		\$40,000
590	Wastewater	Expand WWTP Property	1	50	Wastewater Fund	Acquire a 5.5 acre portion of the Progressive Dynamics property immediately adjacent to the east property line to allow for expansion of headworks treatment.		\$75,000					\$75,000		\$75,000
590	Wastewater	Muffin Monster cartridge replacement	2	5	Wastewater Fund	Replace the cutter cartridge in the in-line Muffin Monsters as recommended by the manufacture.					\$30,000		\$30,000		\$30,000
590	Wastewater	Aeration Blower Replacement	1	15	Wastewater Fund	The current aeration blowers were installed in 1999. Since that time our aeration needs have changed and these blowers provide more air than necessary. Technology has advanced to a level that we can meet today's needs and retain the ability to meet future needs by replacing our current centrifugal blower with one that may be controlled by VFD. The current blowers cannot by controlled by a VFD and must run and full speed.		\$80,000					\$80,000		\$80,000
590	Wastewater	Headworks & Equalization Basin Improvements	1	20	Wastewater Fund	Headworks improvements including grit removal and fine screening will extend the life of the downstream equipment.			\$4,000,000				\$4,000,000		\$4,000,000
590	Wastewater	Master Plan	2	10	Wastewater Fund	Update the 2008 Master Plan	\$25,000						\$25,000		\$25,000
590	Wastewater	Sewer Lining	1	30	Wastewater Fund	Project will line sewers which have experienced failure and root penetration.	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000		\$300,000		\$300,000
590	Wastewater	New Sludge Thickening/De-watering Process	2	20	Wastewater Fund	The current equipment wil be 20 years old and the polymer agent used in the process is no longer produced. A suitable replacement is not expected. We have enough polymer to last about 4 years. With a new system, Class A biosolids may be achieved.		\$500,000					\$500,000		\$500,000
590	Wastewater	Clarifier Rehabilitation	3	25	Wastewater Fund - Possible Bonds	Rehabilitate concrete and steel structures in each of 4 clarifiers due to age and corrosion. Rehab/Replace clarifier drive mechanisms due to age and wear. Coat all concrete surfaces with marine grade coating.	\$425,000						\$425,000		\$425,000
TOTAL							\$510,000	\$715,000	\$4,100,000	\$345,000	\$90,000		\$5,760,000	\$0	\$5,760,000
591	Water	S. Marshall Ave. Water Main Replacement (Michigan to Spruce)	2	100		Replace undersized 6" cast iron water main on S. Marshall from Michigan to Spruce St. This main was installed in 1958 and will be past it's useful life.					\$385,000		\$385,000		\$385,000
591	Water	S. Marshall Ave. Water Main(Spruce to Clinton), line Clinton to Powerhouse	2	100		Replace 4" main on S. Marshall from Spruce to Clinton. This main is undersized and past its useful life. Line water main from Clinton to the Powerhouse. This main can be structurally lined under the railroad tracks and spillway to keep the project cost down.		\$570,000					\$570,000		\$570,000

FUND	Department	Project Title	Priority Ranking	Estimated Useful Life	Source of Funding	Project Narrative/Purpose	2023-2024 Expenditure	2024-2025 Expenditure	2025-2026 Expenditure	2026-2027 Expenditure	2027-2028 Expenditure	2028-2029 Expenditure	City Expenditure	Other Funds or Grant Share	Total Expenditure
591	Water	S. Kalamazoo water main lining	2	50		Line water main from Brooks Fountain south to Railroad tracks. Replacement of valves, hydrants and services through the entire area.						\$400,000	\$400,000		\$400,000
591	Water	Hanover St. water main replacement/water main lining	2	100		Replace/line aging 6" water main on Hanover from S. Marshall to S. Kalamazoo. This main is past it's useful life and is known to be in poor condition.						\$500,000	\$500,000		\$500,000
591	Water	Replace 10" Cast Iron Water Main on High St.	2	100	Water Fund	Replace 10" water main on High St. from Michigan Ave. to Forest St. Also replace all lead services, hydrants, valves, and connections. The size of the water main and amount of flow is causing water quality issues.		\$600,000					\$600,000		\$600,000
591	Water	Replace 6" Water Main on Fountain St.	2	100	Water Fund	Replace 6" water main on Fountain St. from Hanover to Arms St. Currently 6" cast iron with poor water quality.	\$395,000						\$395,000		\$395,000
591	Water	500,000 Tower Maintenance	1	25	Water Fund	2019 Maintenance Inspection identified several items that needed to be addressed. These were not critical issues so we have decided to lump them into the 200,000 tower project in 2026.			\$70,000				\$70,000		\$70,000
591	Water	200,000 Water Tower Painting	1	15	Water Fund	2019 Water Tower inspection identified that the water tower would need an exterior overcoat in approximately 5-6 years.			\$70,000				\$70,000		\$70,000
591	Water	Water main lining N. Gordon	2	25		Line 6" water main on N. Gordon between E. Mansion and Forest. Replace fire hydrants, valves and lead services.	\$420,000						\$420,000		\$420,000
591	Water	Lead Service Line Replacement	1	50	Water Fund	Replacement of Lead service lines both on the City side of the service and the Homeowners side of the service. Identification of the homeowners service lines will be accomplished with the meter change-out project starting in December of 2020. The City has	\$100,111	\$120,713	\$120,714				\$341,538		\$341,538
591	Water	Water Reliability Study	1	5	Water Fund	It is required by EGLE that every 5 years a water reliability study be completed and submitted to EGLE			\$25,000				\$25,000		\$25,000
591	Water	New Water Treatment Plant	1	60	Water Fund Bond	Replace Water Treatment Plant. Build new iron removal plant on North side of E. Green St. across from existing plant.		\$5,000,000					\$5,000,000		\$5,000,000
591	Water	Replace 6" water main at Walden Pond Apartments	2	100		Replace 6" cast iron water main at Walden Pond Apts. from Verona to Arms. This section of water main is known to have poor water quality and is aging past it's useful life.						\$720,000	\$720,000		\$720,000
591	Water	Water Withdrawal	1	N/A	Water Fund	Per America's Water Infrastructure Act of 2018 The City of Marshall Water Department is required to complete a Reliability Study every 5 years. The Department completed their first study in 2020. This report was required to analyze 20 year water demand versus 20 year water supply for the community. The results are that the Water Department's water supply is not adequate for the anticipated future demand.	\$400,000	\$680,000	\$90,000				\$1,170,000		\$1,170,000
591	Water	Lead Service Line Inspection	1	5	Water Fund	Investigate Service materials on both the City owned portion and the Resident owned portion of the water service by potholing around both sides of the curb valves.	\$25,500	\$26,010	\$26,530	\$27,061			\$105,101		\$105,101
591	Water	Water Well Overhaul	1	5	Water Fund	Annual water well pump, motor, valves, and piping for wells 1, 2, 3, and 4.	\$25,500	\$26,010	\$26,530				\$78,040		\$78,040
TOTAL							\$1,366,111	\$7,022,733	\$428,774	\$27,061	\$385,000		\$10,849,679	\$0	\$10,849,679
GRAND TOTAL							\$13,157,118	\$15,212,033	\$10,092,939	\$7,361,442	\$2,806,335		\$64,835,440	\$9,265,902	\$75,021,746
GENERAL FUND TOTALS							\$2,376,104	\$220,000	\$580,000	\$188,000	\$420,000		\$3,779,104	\$3,920,900	\$7,700,004



ITEM 12.A

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
DATE: February 6, 2023
SUBJECT: **SET PUBLIC HEARING FOR PA425 FOR MULTIPLE MARSHALL TOWNSHIP PROPERTIES**

The City has received a request from the owners of several properties in Marshall Township that are under contract or owned by the Marshall Area Economic Development Authority (MAEDA) to enter into a Public Act 425 Conditional Land Transfer. A Public Act 425 agreement brings an existing property into the City of Marshall to receive city services and provides for a portion of the collected taxes to be shared with the Township transferring the parcel.

The following Marshall Township properties are requesting transfer into the City of Marshall:

Parcel ID	Owner Name	Property Address
16-301-006-00	Phillip R. Glotfelty, III Revocable Trust	
16-290-024-00	Phillip R. Glotfelty, III Revocable Trust	13024 C Dr North
16-320-012-00	Phillip R. Glotfelty, III Revocable Trust	
16-291-012-00	Phillip R. Glotfelty, III Revocable Trust	13490 C Dr North
16-290-018-00	Gary Bauer	13315 C Dr North
16-282-009-00	Andrew S. Lapp Jr Living Trust	C Dr North
16-272-009-00	Phyllis Mumaw & Lowell H Livingston Management Trust	C Dr North
16-340-078-00	Phyllis Mumaw & Lowell H Livingston Management Trust	15 Mile Rd

In 2006, the City and Marshall Township entered into a Master Public Act 425 Conditional Land Transfer Agreement. In 2015, the Master Agreement was extended to 2026 and in 2019, it was revised and extended to 2029.

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

BUDGET IMPACT:

Based on the property's current taxable value, and current City of Marshall millage rates, the City would collect approximately \$7,399 in additional General Fund operating revenue for all these parcels. The Township would receive \$2,248 as required of the Master PA 425 Conditional Land Transfer from those collections. However, as these parcels will be held by MAEDA for economic development purposes, no property taxes are anticipated to be collected or distributed.

RECOMMENDATION:

Set a public hearing for February 21, 2023, to be held at the Marshall County Building, to hear comments on a Public Act 425 Conditional Land Transfer for the following parcels: 16-301-006-00, 16-290-024-00, 16-320-012-00, 16-291-012-00, 16-290-018-00, 16-282-009-00, 16-272-009-00, and 16-340-078-00.

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

This Agreement made on the ____ day of _____, 2023, between the CITY OF MARSHALL, a Michigan municipal corporation, having offices at 323 West Michigan Avenue, Marshall, Michigan 49068 (the “City”) and the TOWNSHIP OF MARSHALL, a Township duly organized under the laws of the State of Michigan, and existing in Calhoun County, Michigan, having offices at 13551 Myron Avery Drive, Marshall, Michigan 49068 (the “Township”).

WHEREAS, the City and the Township have adopted a Master 425 Agreement dated February 9, 2022 for the purpose of providing utility services which are available in the City to Township properties upon the request of a Township property owner, and

WHEREAS, Marlene J Glotfelty, successor trustee of the Phillip R. Glotfelty, III Revocable Trust, the owner of the property, joined by the Marshall Area Economic Development Authority as the buyer of the property, described on Schedule 1 attached hereto (“Property”) has requested that the City extend sewer and water services to the Property, and

WHEREAS, the provision of municipal services by the City to the Property would further the economic well-being of both the City and the Township and increase the probability of additional development of the Property, and

WHEREAS, the City has available sewer and water capacity to service the Property, and

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

NOW, THEREFORE, by authority of Act 425 of Public Acts of 1984 and pursuant to the Master 425 Agreement entered into between the City and the Township and in consideration of the mutual promises herein set forth, BE IT AGREED AS FOLLOWS:

1. The Township consents to the transfer to the City of the Property.
2. The City agrees to accept the transfer of the Property for all purposes allowed under Public Act 425 of 1984, as amended, to make available municipal services to the Property provided that the Property owner and other users of the utilities extended from the City to the Property shall pay for the cost of the extension.
3. The transfer of the Property contemplated by this agreement shall occur at midnight on February 28, 2023.
4. Following transfer, and during the term of this Agreement, the City shall have full jurisdiction over the property subject to the following limitations:

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

5. The City and Township agree that the City shall have the authority to assess and collect ad valorem taxes, real and personal, on the Property and any improvements thereon during 2024 and for the remainder of the term of this Agreement. The Township shall have the authority to assess and collect ad valorem taxes, real and personal, on the Property and any improvements thereon through calendar year 2023

The City and Township further agree that commencing in the year 2024 and continuing through the fiftieth (50th) full calendar year following the issuance of a Certificate of Occupancy for the first use on the Property, all such taxes which the City collects for its own general operating fund purposes only, and which are attributable to the Property for the term of this Agreement shall be shared between the City and the Township as follows:

- A. The Township shall receive the equivalent of (residential – 2; commercial – 4; industrial – 4) mill levied on the taxable value of the Property for the taxable year as established by the City subject to any subsequent adjustments resulting from tax appeals. The City shall transmit the Township's share of such revenues annually on or before 30 days after receipt.
 - B. Thereafter, all tax revenues from the Property shall be collected and retained by the City.
6. Except as provided in paragraph 7, upon termination, expiration or non-renewal of this Agreement, jurisdiction of the Property shall return to the Township and the City will have no further rights or interests in the Property except that the City shall own the utility infrastructure.
7. In the event that the City shall not share tax revenues from the Property as provided in paragraph 5 or shall breach any other provision of this Agreement, the Township shall be entitled to terminate this Agreement, whereupon jurisdiction of the Property shall revert to the Township or the Township may pursue whatever other legal remedies are available to the Township.
8. Any liability the City or the Township incurs to a third party as a result of the performance of duties or the exercise of rights imposed or granted hereunder shall be jointly shared and defended in the same proportion as the taxes are shared as described in paragraph 5.
9. The burden of all tax abatements shall be shared by the City and the Township in the same percentage as the millage is shared. In the event the City reduces its millage, the Township's share of millage shall be proportionately reduced provided no additional taxes are levied by the City to replace the reduction in millage.
10. Sewer and water rates charged to the Property owner shall not be greater than the rates charged in the City for similar users. Property owners shall contribute to repairs and capital improvements to the sewage treatment facilities, water purification plant, well facilities, and distribution systems in the same manner as similar users within the City of Marshall.

11. In the event there is a conflict between this Agreement and the Master 425 Development Agreement, the terms of the Master 425 Development Agreement shall control unless there is a specific reference in the conflicting provision that it is intended to prevail despite the Master 425 Development Agreement.
12. Within fifteen (15) days of execution of this contract, the City Clerk shall file a duplicate original of this contract with the Calhoun County Clerk, the Michigan Secretary of State and the Calhoun County Register of Deeds.

WITNESSES:

CITY OF MARSHALL

By: _____
Derek N. Perry, City Manager

By: _____
Michelle Eubank, Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF CALHOUN)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023 by Derek N Perry, City Manager and Michelle Eubank, City Clerk of the City of Marshall, on behalf of said City.

Notary Public, Calhoun County, MI
My commission expires _____

WITNESSES:

MARSHALL TOWNSHIP

By: _____
David Bosserd, Supervisor

By: _____
Jeff Albaugh, Clerk

STATE OF MICHIGAN)

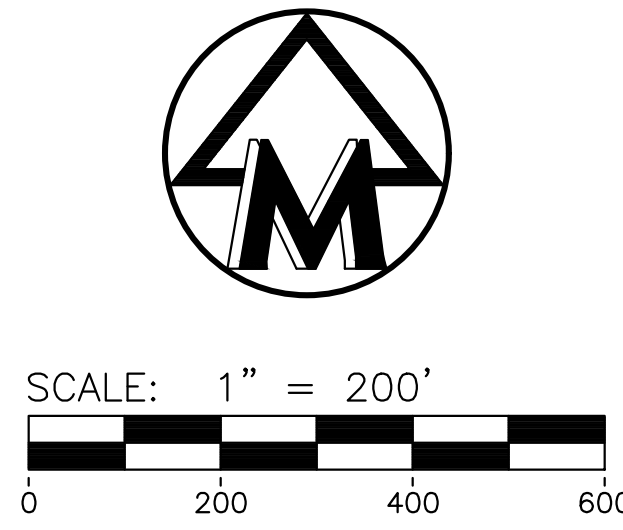
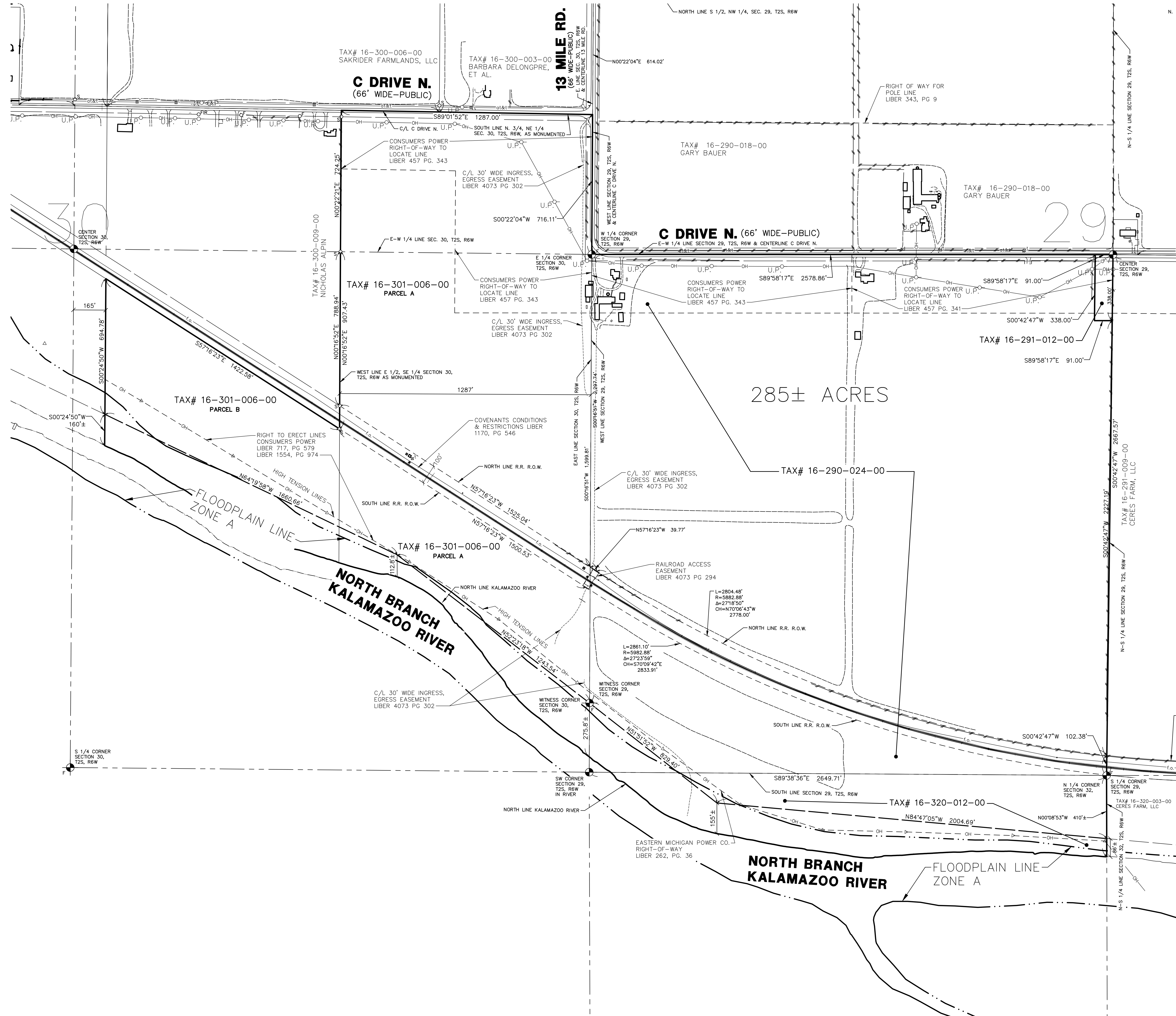
)ss

COUNTY OF CALHOUN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023 by David Bosserd, Supervisory and Jeff Albaugh, Clerk of Marshall Township, on behalf of said Township.

Notary Public, Calhoun County, MI

My commission expires _____



LEGEND	
	EXIST. HIGH TENSION TOWER
	EXIST. UTILITY POLE
	GUY WIRE
	EXIST. OVERHEAD UTILITY LINE
	TELEPHONE RISER
	FENCE
	FOUND IRON PIPE
	FOUND MONUMENT
	SET IRON ROD
	FOUND IRON ROD
	SECTION CORNER

- NOTES:**
- 1) This survey was prepared using Chicago Title Insurance Company Commitment No. 131195915CML, Dated December 8, 2022.
 - 2) The parcel herein described is in Zone X, the area determined to be outside the 0.2% annual chance floodplain. River area is in Zone A, Special Flood Hazard Area subject to inundation by the 1% annual chance flood, no base flood elevations determined, per Federal Emergency Management Agency flood insurance rate map # 260250020C, effective date, April 4, 2011.
 - 3) There is no evidence of current earth moving work, building construction or building additions.
 - 4) There is no evidence of changes that will be made to the existing right-of-way lines or sidewalks in the near future.



SURVEY CERTIFICATION

To: Michigan Economic Development Corporation, The Michigan Strategic Fund, Michigan Land Bank Authority, Marshall Area Economic Development Alliance and Chicago Title Insurance Company

This is to certify that this map or plot and survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 2, 3, 4, 8, 13, 16, 17, 18 and 19 of Table A thereof. The fieldwork was completed on December 9, 2022.

January 12, 2023.

Patrick L. Hastings, P.S. #4001037277

The underground utilities shown have been located from field survey information and existing records. The surveyor makes no guarantees that the underground utilities shown comprise all such utilities in the area, either in-service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated. Although the surveyor does certify that they are located as accurately as possible from the information available.



CLIENT

GLOTFELTY SITE
ALTA/NSPS LAND TITLE SURVEY OF 285+/- ACRES OF LAND
LOCATED IN SECTIONS 29, AND 30, T2S, R6W,
MARSHALL TOWNSHIP, CALHOUN COUNTY, MICHIGAN

1

DATE: 1/12/23	SHEET: 1 OF 2
REV. DATE	REV. DATE
REVISIONS	REVISIONS
DATE	DATE
BY	BY
CHECKED	CHECKED
DATE	DATE
BY	BY

22367

January 20, 2023

HAND DELIVERED

Mr. Derek Perry
City Manager
City of Marshall
323 W. Michigan Avenue
Marshall, Michigan 49068

RE: Request to Transfer Property to City of Marshall

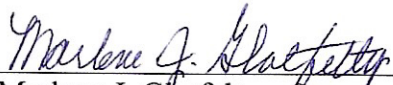
Dear Mr. Perry:

As the Successor Trustee for the Phillip R. Glotfelty, III Revocable Trust dated July 27, 2007 ("Trust"), I previously entered into a Real Estate Option Agreement ("Option") with the Marshall Area Economic Development Alliance ("MAEDA") for certain property located in Marshall Township and as described in the enclosed survey ("Property"). MAEDA has exercised the Option for the Property effective January 9, 2023, with an expected closing on or about February 7, 2023. As the Successor Trustee, joined by MAEDA as the buyer of the Property, I am hereby requesting that the Property be transferred into the City of Marshall pursuant to Public Act 425 so that services can be provided to the Property by the City of Marshall. MAEDA and I both request that this be placed on the agenda for the City Council as soon as possible and further that any approval of the transfer be made conditional on the completion of the sale and transfer of the Property from the Trust to MAEDA.

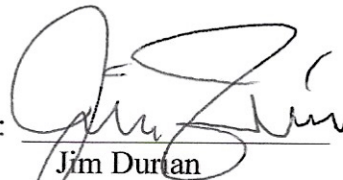
If any additional information is needed, please do not hesitate to contact either of us.

Respectfully submitted,

Marshall Area Economic
Development Alliance



Marlene J. Glotfelty – Successor Trustee
Phillip R. Glotfelty, III Revocable Trust
Dated July 27, 2007

By: 

Jim Duran
Its: Chief Executive Officer

Cc: Mr. David Bosserd – Marshall Township Supervisor
Mr. Fred Rolf – Attorney for Seller

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

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WHEREAS, the City and the Township have adopted a Master 425 Agreement dated February 9, 2022 for the purpose of providing utility services which are available in the City to Township properties upon the request of a Township property owner, and

WHEREAS, Gary Baurer, the owner of the property, joined by the Marshall Area Economic Development Authority as the buyer of the property, described on Schedule 1 attached hereto (“Property”) has requested that the City extend sewer and water services to the Property, and

WHEREAS, the provision of municipal services by the City to the Property would further the economic well-being of both the City and the Township and increase the probability of additional development of the Property, and

WHEREAS, the City has available sewer and water capacity to service the Property, and

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

NOW, THEREFORE, by authority of Act 425 of Public Acts of 1984 and pursuant to the Master 425 Agreement entered into between the City and the Township and in consideration of the mutual promises herein set forth, BE IT AGREED AS FOLLOWS:

1. The Township consents to the transfer to the City of the Property.
2. The City agrees to accept the transfer of the Property for all purposes allowed under Public Act 425 of 1984, as amended, to make available municipal services to the Property provided that the Property owner and other users of the utilities extended from the City to the Property shall pay for the cost of the extension.
3. The transfer of the Property contemplated by this agreement shall occur at midnight on February 28, 2023.
4. Following transfer, and during the term of this Agreement, the City shall have full jurisdiction over the property subject to the following limitations:

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

5. The City and Township agree that the City shall have the authority to assess and collect ad valorem taxes, real and personal, on the Property and any improvements thereon during 2024 and for the remainder of the term of this Agreement. The Township shall have the authority to assess and collect ad valorem taxes, real and personal, on the Property and any improvements thereon through calendar year 2023

The City and Township further agree that commencing in the year 2024 and continuing through the fiftieth (50th) full calendar year following the issuance of a Certificate of Occupancy for the first use on the Property, all such taxes which the City collects for its own general operating fund purposes only, and which are attributable to the Property for the term of this Agreement shall be shared between the City and the Township as follows:

- A. The Township shall receive the equivalent of (residential – 2; commercial – 4; industrial – 4) mill levied on the taxable value of the Property for the taxable year as established by the City subject to any subsequent adjustments resulting from tax appeals. The City shall transmit the Township's share of such revenues annually on or before 30 days after receipt.
 - B. Thereafter, all tax revenues from the Property shall be collected and retained by the City.
6. Except as provided in paragraph 7, upon termination, expiration or non-renewal of this Agreement, jurisdiction of the Property shall return to the Township and the City will have no further rights or interests in the Property except that the City shall own the utility infrastructure.
7. In the event that the City shall not share tax revenues from the Property as provided in paragraph 5 or shall breach any other provision of this Agreement, the Township shall be entitled to terminate this Agreement, whereupon jurisdiction of the Property shall revert to the Township or the Township may pursue whatever other legal remedies are available to the Township.
8. Any liability the City or the Township incurs to a third party as a result of the performance of duties or the exercise of rights imposed or granted hereunder shall be jointly shared and defended in the same proportion as the taxes are shared as described in paragraph 5.
9. The burden of all tax abatements shall be shared by the City and the Township in the same percentage as the millage is shared. In the event the City reduces its millage, the Township's share of millage shall be proportionately reduced provided no additional taxes are levied by the City to replace the reduction in millage.
10. Sewer and water rates charged to the Property owner shall not be greater than the rates charged in the City for similar users. Property owners shall contribute to repairs and capital improvements to the sewage treatment facilities, water purification plant, well facilities, and distribution systems in the same manner as similar users within the City of Marshall.

11. In the event there is a conflict between this Agreement and the Master 425 Development Agreement, the terms of the Master 425 Development Agreement shall control unless there is a specific reference in the conflicting provision that it is intended to prevail despite the Master 425 Development Agreement.
12. Within fifteen (15) days of execution of this contract, the City Clerk shall file a duplicate original of this contract with the Calhoun County Clerk, the Michigan Secretary of State and the Calhoun County Register of Deeds.

WITNESSES:

CITY OF MARSHALL

By: _____
Derek N. Perry, City Manager

By: _____
Michelle Eubank, Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF CALHOUN)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023 by Derek N Perry, City Manager and Michelle Eubank, City Clerk of the City of Marshall, on behalf of said City.

Notary Public, Calhoun County, MI
My commission expires _____

WITNESSES:

MARSHALL TOWNSHIP

By: _____
David Bosserd, Supervisor

By: _____
Jeff Albaugh, Clerk

STATE OF MICHIGAN)

)ss

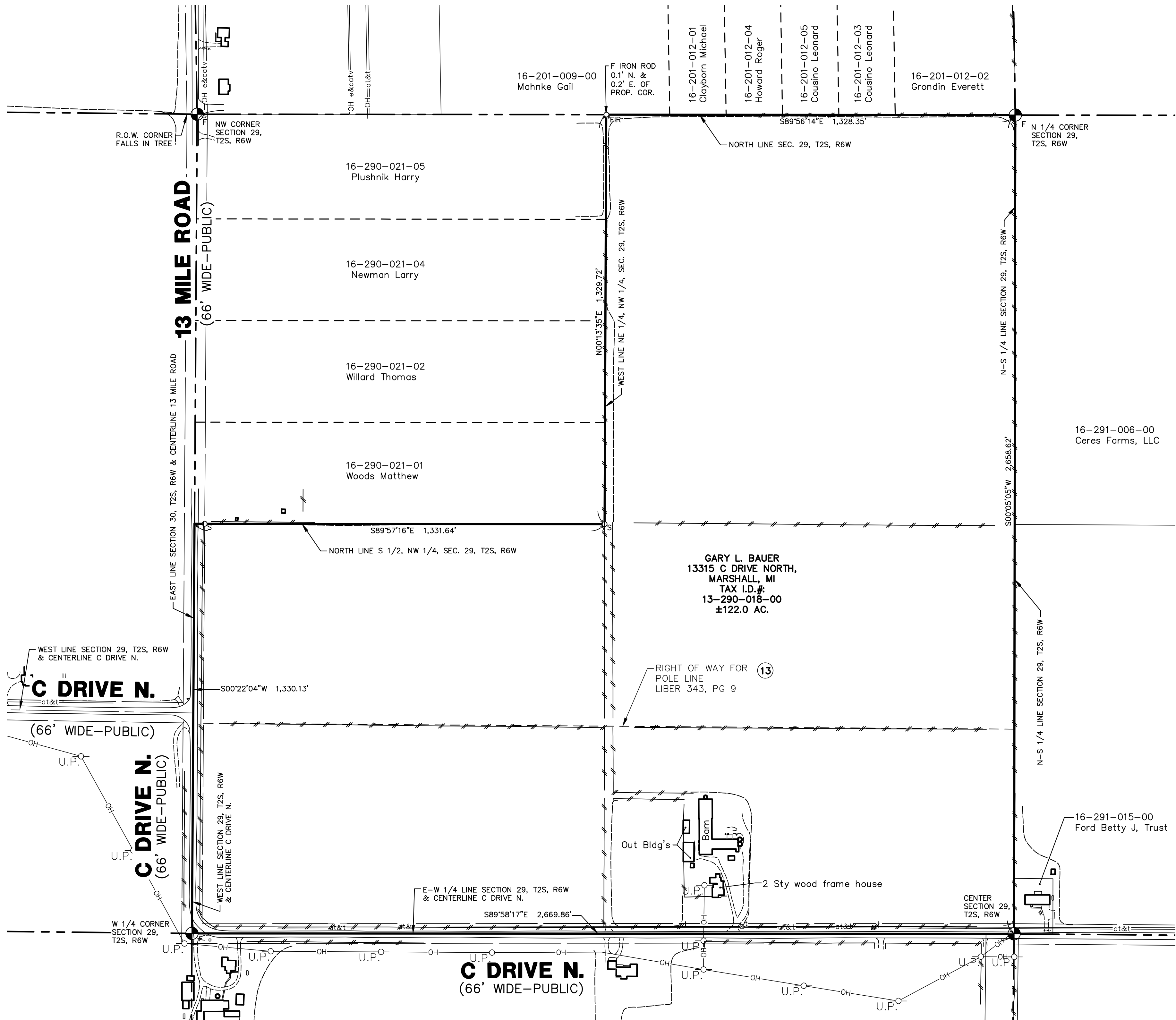
COUNTY OF CALHOUN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023 by David Bosserd, Supervisory and Jeff Albaugh, Clerk of Marshall Township, on behalf of said Township.

Notary Public, Calhoun County, MI

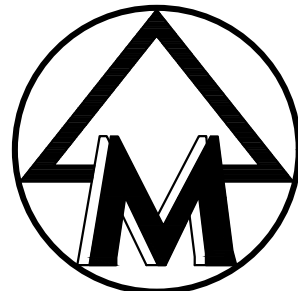
My commission expires _____

Midwestern Consulting L.L.C. 385 Plaza Drive Ann Arbor, Michigan 48108
734.995.0200 • www.midwesternconsulting.com
Land Development • Land Survey • Institutional • Municipal
Wireless Communications • Transportation • Landfill Services



LEGEND

- U.P. EXIST. UTILITY POLE
- OH EXIST. OVERHEAD UTILITY LINE
- FENCE
- SECTION CORNER
- SET IRON ROD
- FOUND IRON ROD



SCALE: 1" = 200'



LEGAL DESCRIPTION

Land Situated in the State of Michigan, County of Calhoun, Township of Marshall.
The South 1/2 of the Northwest 1/4 and the Northeast 1/4 of the Northwest 1/4 of Section 29, Town 2 South, Range 6 West.

EXCEPTIONS

- 9). Easement rights in favor of any and all utility companies, public or otherwise, over and across the Land for the location, servicing and maintenance of facilities located on, over or under said Land, if any. (Blanket in nature)
- 13). Right(s) of Way and/or Easement(s) and rights incidental thereto, as granted to Consumers Power Company (now known as Consumers Energy) in a document recorded as Liber 343, Page 9. (Plotted)
- 14). An oil and gas lease for the term therein provided with certain covenants, conditions and provisions, together with easements, if any, as set forth therein, dated March 16, 1983, William G. Bauer and Carol A. Bauer, husband and wife, lessor, Russ Van Belois, lessee, recorded on March 19, 1983, as Liber 1269, Page 545 and any assignments thereof. (Blanket in nature)
- 15). Farmland Development Rights Agreement between Gary Bauer, a single man and Department of Natural Resources for and on behalf of the State of Michigan, dated August 30, 2018, recorded on August 30, 2018, as Liber 4257, Page 0510. (nothing to plot)
- 16). Terms, Covenants, and Conditions of Memorandum of Options set forth as Liber 4394, Page 0933. (Expired 7-28-2022 and renewed in item 17) Blanket in nature.
- 17). Terms, Covenants, and Conditions of Memorandum of Option set forth as Liber 4679, Page 0844. (blanket in nature)

NOTES

- 1). This survey was prepared using Chicago Title Insurance Company Commitment No. 131195414CTM, Dated December 8, 2022.
- 2). The parcel herein described is in Zone X, the area determined to be outside the 0.2% annual chance floodplain, River area is in Zone A, Special Flood Hazard Area subject to inundation by the 1% annual chance flood, no base flood elevations determined, per Federal Emergency Management Agency flood insurance rate map # 26025C0220C, effective date; April 4, 2011.
- 3). There is no evidence of current earth moving work, building construction or building additions.
- 4). There is no evidence of changes that will be made to the existing right-of-way lines or sidewalks in the near future.

SURVEY CERTIFICATION

To: Michigan Economic Development Corporation, The Michigan Strategic Fund, Michigan Land Bank Authority, Marshall Area Economic Development Alliance and Chicago Title Insurance Company:

This is to certify that this map or plat and survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 2, 3, 4, 8, 13, 16, 17, 18 and 19 of Table A thereof. The fieldwork was completed on December 9, 2022.

January 11, 2023.

Patrick L. Hastings, P.S. #4001037277



The underground utilities shown have been located from field survey information and existing records. The surveyor makes no guarantees that the underground utilities shown comprise all such utilities in the area, either in-service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated. Although the surveyor does certify that they are located as accurately as possible from the information available.

CLIENT

MEGA SITE - BAUER PROPERTY

ALTA/NSPS SURVEY OF A PARCEL OF LAND LOCATED IN THE NW 1/4 OF SECTION 29, T2S, R6W, MARSHALL TOWNSHIP, CALHOUN COUNTY, MICHIGAN

1

JOB No. 22367	DATE: 01/11/2023	REV. DATE	SHEET 1 OF 1	CADD: SSH	ENG: PLH	FM: PLH	TECH: PLH	FIR: BAUER	FIR: BAUER
	REV. DATE								

January 16, 2023

HAND DELIVERED

Mr. Derek Perry
City Manager
City of Marshall
323 W. Michigan Avenue
Marshall, Michigan 49068

RE: Request to Transfer Property to City of Marshall

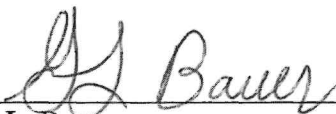
Dear Mr. Perry:

I previously entered into a Commercial Real Estate Option Agreement ("Option") with the Marshall Area Economic Development Alliance ("MAEDA") for certain property located in Marshall Township and as described in the attached exhibit ("Property"). MAEDA has exercised the Option for the Property effective January 9, 2023, with an expected closing on or about February 7, 2023. As owner, joined by MAEDA as the buyer of the Property, I am hereby requesting that the Property be transferred into the City of Marshall pursuant to Public Act 425 so that services can be provided to the Property by the City of Marshall. MAEDA and I both request that this be placed on the agenda for the City Council as soon as possible and further that any approval of the transfer be made conditional on the completion of the sale and transfer of the Property from myself to MAEDA.

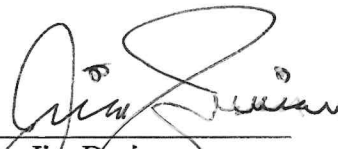
If any additional information is needed, please do not hesitate to contact either of us.

Respectfully submitted,

Marshall Area Economic
Development Alliance



Gary L. Bauer

By: 

Jim Durian
Its: Chief Executive Officer

Cc: Mr. David Bosserd – Marshall Township Supervisor
Mr. Bing Robinson – Representing Seller

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

This Agreement made on the ____ day of _____, 2023, between the CITY OF MARSHALL, a Michigan municipal corporation, having offices at 323 West Michigan Avenue, Marshall, Michigan 49068 (the “City”) and the TOWNSHIP OF MARSHALL, a Township duly organized under the laws of the State of Michigan, and existing in Calhoun County, Michigan, having offices at 13551 Myron Avery Drive, Marshall, Michigan 49068 (the “Township”).

WHEREAS, the City and the Township have adopted a Master 425 Agreement dated February 9, 2022 for the purpose of providing utility services which are available in the City to Township properties upon the request of a Township property owner, and

WHEREAS Phyllis Mumaw and Lowell H. Livingston, Trustee of the Lowell H. Livingston Management Trust, the owner of the property, joined by the Marshall Area Economic Development Authority as the buyer of the property, described on Schedule 1 attached hereto (“Property”) has requested that the City extend sewer and water services to the Property, and

WHEREAS, the provision of municipal services by the City to the Property would further the economic well-being of both the City and the Township and increase the probability of additional development of the Property, and

WHEREAS, the City has available sewer and water capacity to service the Property, and

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

NOW, THEREFORE, by authority of Act 425 of Public Acts of 1984 and pursuant to the Master 425 Agreement entered into between the City and the Township and in consideration of the mutual promises herein set forth, BE IT AGREED AS FOLLOWS:

1. The Township consents to the transfer to the City of the Property.
2. The City agrees to accept the transfer of the Property for all purposes allowed under Public Act 425 of 1984, as amended, to make available municipal services to the Property provided that the Property owner and other users of the utilities extended from the City to the Property shall pay for the cost of the extension.
3. The transfer of the Property contemplated by this agreement shall occur at midnight on February 28, 2023.
4. Following transfer, and during the term of this Agreement, the City shall have full jurisdiction over the property subject to the following limitations:

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

5. The City and Township agree that the City shall have the authority to assess and collect ad valorem taxes, real and personal, on the Property and any improvements thereon during 2024 and for the remainder of the term of this Agreement. The Township shall have the authority to assess and collect ad valorem taxes, real and personal, on the Property and any improvements thereon through calendar year 2023

The City and Township further agree that commencing in the year 2024 and continuing through the fiftieth (50th) full calendar year following the issuance of a Certificate of Occupancy for the first use on the Property, all such taxes which the City collects for its own general operating fund purposes only, and which are attributable to the Property for the term of this Agreement shall be shared between the City and the Township as follows:

- A. The Township shall receive the equivalent of (residential – 2; commercial – 4; industrial – 4) mill levied on the taxable value of the Property for the taxable year as established by the City subject to any subsequent adjustments resulting from tax appeals. The City shall transmit the Township's share of such revenues annually on or before 30 days after receipt.
 - B. Thereafter, all tax revenues from the Property shall be collected and retained by the City.
6. Except as provided in paragraph 7, upon termination, expiration or non-renewal of this Agreement, jurisdiction of the Property shall return to the Township and the City will have no further rights or interests in the Property except that the City shall own the utility infrastructure.
7. In the event that the City shall not share tax revenues from the Property as provided in paragraph 5 or shall breach any other provision of this Agreement, the Township shall be entitled to terminate this Agreement, whereupon jurisdiction of the Property shall revert to the Township or the Township may pursue whatever other legal remedies are available to the Township.
8. Any liability the City or the Township incurs to a third party as a result of the performance of duties or the exercise of rights imposed or granted hereunder shall be jointly shared and defended in the same proportion as the taxes are shared as described in paragraph 5.
9. The burden of all tax abatements shall be shared by the City and the Township in the same percentage as the millage is shared. In the event the City reduces its millage, the Township's share of millage shall be proportionately reduced provided no additional taxes are levied by the City to replace the reduction in millage.
10. Sewer and water rates charged to the Property owner shall not be greater than the rates charged in the City for similar users. Property owners shall contribute to repairs and capital improvements to the sewage treatment facilities, water purification plant, well facilities, and distribution systems in the same manner as similar users within the City of Marshall.

11. In the event there is a conflict between this Agreement and the Master 425 Development Agreement, the terms of the Master 425 Development Agreement shall control unless there is a specific reference in the conflicting provision that it is intended to prevail despite the Master 425 Development Agreement.
12. Within fifteen (15) days of execution of this contract, the City Clerk shall file a duplicate original of this contract with the Calhoun County Clerk, the Michigan Secretary of State and the Calhoun County Register of Deeds.

WITNESSES:

CITY OF MARSHALL

By: _____
Derek N. Perry, City Manager

By: _____
Michelle Eubank, Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF CALHOUN)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023 by Derek N Perry, City Manager and Michelle Eubank, City Clerk of the City of Marshall, on behalf of said City.

Notary Public, Calhoun County, MI
My commission expires _____

WITNESSES:

MARSHALL TOWNSHIP

By: _____
David Bosserd, Supervisor

By: _____
Jeff Albaugh, Clerk

STATE OF MICHIGAN)

)ss

COUNTY OF CALHOUN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023 by David Bosserd, Supervisory and Jeff Albaugh, Clerk of Marshall Township, on behalf of said Township.

Notary Public, Calhoun County, MI

My commission expires _____

SURVEY SKETCH

SURVEY SKETCH OF A PARCELS OF LAND IN THE NW 1/4 OF SECTION 34, T2S, R6W, TOWNSHIP OF MARSHALL, CALHOUN COUNTY, MICHIGAN



LEGAL DESCRIPTION

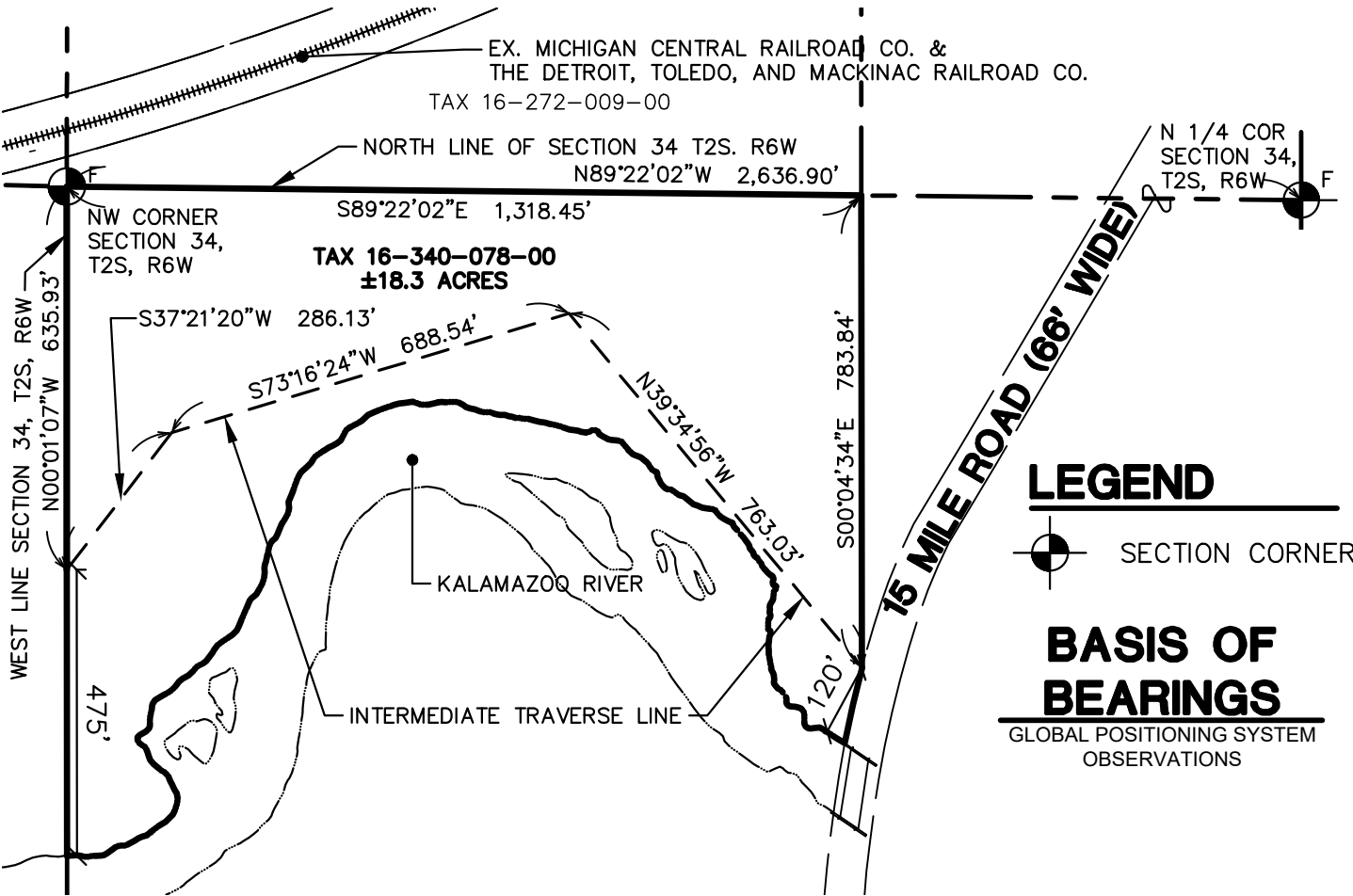
(PER CHICAGO TITLE INSURANCE COMPANY TITLE COMMITMENT NO. 131195426CTM, DATED: 12/08/2022)

LAND SITUATED IN THE STATE OF MICHIGAN, COUNTY OF CALHOUN, TOWNSHIP OF MARSHALL.

THE NORTH FRACTION OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 34, TOWN 2 SOUTH, RANGE 6 WEST, BEING THAT PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 34 LYING WESTERLY OF THE HIGHWAY AND NORTH OF THE RIVER

EXCEPTIONS

- 13. TERMS, COVENANTS, AND CONDITIONS OF QUIT CLAIM DEED SET FORTH AS LIBER 4079, PAGE 725.
- 14. TERMS, COVENANTS, AND CONDITIONS OF NOTICE OF CLAIM OF INTERESTS IN OIL AND GAS SET FORTH AS LIBER 1515, PAGE 488.
- 15. TERMS, COVENANTS, AND CONDITIONS OF AFFIDAVIT ATTESTING THAT QUALIFIED AGRICULTURAL PROPERTY OR QUALIFIED FOREST SHALL REMAIN QUALIFIED AGRICULTURAL PROPERTY SET FORTH AS LIBER 4016, PAGE 90.
- 16. TERMS, COVENANTS, AND CONDITIONS OF ACCESS EASEMENT AGREEMENT SET FORTH AS LIBER 4079, PAGE 729. (DOES NOT AFFECT SUBJECT PARCEL)
- 17. TERMS, COVENANTS, AND CONDITIONS OF MEMORANDUM OF OPTION SET FORTH AS LIBER 4655, PAGE 0663.
- 19. RIGHTS OF THE PUBLIC TO ANY PORTION OF THE LAND LYING WITHIN THE BOUNDS OF ANY STREET, ROAD, ALLEY OR HIGHWAY.
- 20. THE NATURE, EXTENT OR LACK OF RIPARIAN RIGHTS OR THE RIPARIAN RIGHTS OF RIPARIAN OWNERS AND THE PUBLIC IN AND TO THE USE OF WATERS OF KALAMAZOO RIVER.
- 21. RIGHTS, IF ANY, OF RIPARIAN OWNERS AND THE PUBLIC TO USE THE SURFACE, SUBSURFACE AND BED OF THE ADJOINING LAKE/RIVER/CREEK FOR PURPOSES OF NAVIGATION AND RECREATION.



CLIENT: CALHOUN COUNTY	DATE: 2/3/2023	 M I D W E S T E R N C O N S U L T I N G 3815 Plaza Drive Ann Arbor, Michigan 48108 (734) 995-0200 • www.midwesternconsulting.com Land Development • Land Survey • Institutional • Municipal Wireless Communications • Transportation • Landfill Services
JOB NO.: 22367	SHEET 1 OF 1	
SECTION: 34 TOWN: 2S RANGE: 6W	SCALE: 1in.= 300 ft. 	
TOWNSHIP OF MARSHALL	BOOK:	
CALHOUN COUNTY, MICHIGAN	BY: SSH	

February 1, 2023

HAND DELIVERED

Mr. Derek Perry
City Manager
City of Marshall
323 W. Michigan Avenue
Marshall, Michigan 49068

RE: Request to Transfer Property to City of Marshall

Dear Mr. Perry:

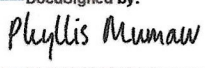
Phyllis Mumaw and Lowell H. Livingston, Trustee of the Lowell H. Livingston Management Trust under Trust Agreement dated October 14, 2005, as restated by agreement dated July 17, 2014, as the current owners and sellers, previously entered into a Real Estate Option Agreement ("Option") with the Marshall Area Economic Development Alliance ("MAEDA"), as buyer and for certain property located in Marshall Township and as described in the enclosed survey ("Property"). MAEDA has exercised the Option for the Property with an expected closing date in February 2023. As the owners of the Property, joined by MAEDA as the buyer of the Property, we are hereby requesting that the Property be transferred into the City of Marshall pursuant to Michigan's Intergovernmental Transfer of Property By Contract Act, Public Act 425 of 1984 for an Economic Development Project, so that services can be provided to the Property by the City of Marshall. We, together with MAEDA, request that this be placed on the agenda for the City Council as soon as possible and further that any approval of the transfer be made conditional on the completion of the sale and transfer of the Property from us to MAEDA.

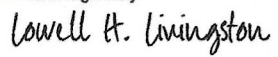
If any additional information is needed, please do not hesitate to contact either of us.

Respectfully submitted,

Marshall Area Economic
Development Alliance

By: 
Jim Durian - CEO

DocuSigned by:

00352D803527417...
Phyllis Mumaw
DocuSigned by:


140F2628011C452...

Lowell H. Livingston, Trustee of the

Lowell H. Livingston Management Trust under Trust Agreement dated October 14, 2005, as restated by agreement dated July 17, 2014

Cc: Mr. David Bosserd – Marshall Township Supervisor
Ms. Rachel Foster

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

This Agreement made on the ____ day of _____, 2023, between the CITY OF MARSHALL, a Michigan municipal corporation, having offices at 323 West Michigan Avenue, Marshall, Michigan 49068 (the “City”) and the TOWNSHIP OF MARSHALL, a Township duly organized under the laws of the State of Michigan, and existing in Calhoun County, Michigan, having offices at 13551 Myron Avery Drive, Marshall, Michigan 49068 (the “Township”).

WHEREAS, the City and the Township have adopted a Master 425 Agreement dated February 9, 2022 for the purpose of providing utility services which are available in the City to Township properties upon the request of a Township property owner, and

WHEREAS, Andrew S. Lapp, Jr, trustee of the Andrew Lapp Living Trust, the owner of the property, joined by the Marshall Area Economic Development Authority as the buyer of the property, described on Schedule 1 attached hereto (“Property”) has requested that the City extend sewer and water services to the Property, and

WHEREAS, the provision of municipal services by the City to the Property would further the economic well-being of both the City and the Township and increase the probability of additional development of the Property, and

WHEREAS, the City has available sewer and water capacity to service the Property, and

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

NOW, THEREFORE, by authority of Act 425 of Public Acts of 1984 and pursuant to the Master 425 Agreement entered into between the City and the Township and in consideration of the mutual promises herein set forth, BE IT AGREED AS FOLLOWS:

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2. The City agrees to accept the transfer of the Property for all purposes allowed under Public Act 425 of 1984, as amended, to make available municipal services to the Property provided that the Property owner and other users of the utilities extended from the City to the Property shall pay for the cost of the extension.
3. The transfer of the Property contemplated by this agreement shall occur at midnight on February 28, 2023.
4. Following transfer, and during the term of this Agreement, the City shall have full jurisdiction over the property subject to the following limitations:

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

5. The City and Township agree that the City shall have the authority to assess and collect ad valorem taxes, real and personal, on the Property and any improvements thereon during 2024 and for the remainder of the term of this Agreement. The Township shall have the authority to assess and collect ad valorem taxes, real and personal, on the Property and any improvements thereon through calendar year 2023

The City and Township further agree that commencing in the year 2024 and continuing through the fiftieth (50th) full calendar year following the issuance of a Certificate of Occupancy for the first use on the Property, all such taxes which the City collects for its own general operating fund purposes only, and which are attributable to the Property for the term of this Agreement shall be shared between the City and the Township as follows:

- A. The Township shall receive the equivalent of (residential – 2; commercial – 4; industrial – 4) mill levied on the taxable value of the Property for the taxable year as established by the City subject to any subsequent adjustments resulting from tax appeals. The City shall transmit the Township's share of such revenues annually on or before 30 days after receipt.
 - B. Thereafter, all tax revenues from the Property shall be collected and retained by the City.
6. Except as provided in paragraph 7, upon termination, expiration or non-renewal of this Agreement, jurisdiction of the Property shall return to the Township and the City will have no further rights or interests in the Property except that the City shall own the utility infrastructure.
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11. In the event there is a conflict between this Agreement and the Master 425 Development Agreement, the terms of the Master 425 Development Agreement shall control unless there is a specific reference in the conflicting provision that it is intended to prevail despite the Master 425 Development Agreement.
12. Within fifteen (15) days of execution of this contract, the City Clerk shall file a duplicate original of this contract with the Calhoun County Clerk, the Michigan Secretary of State and the Calhoun County Register of Deeds.

WITNESSES:

CITY OF MARSHALL

By: _____
Derek N. Perry, City Manager

By: _____
Michelle Eubank, Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF CALHOUN)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023 by Derek N Perry, City Manager and Michelle Eubank, City Clerk of the City of Marshall, on behalf of said City.

Notary Public, Calhoun County, MI
My commission expires _____

WITNESSES:

MARSHALL TOWNSHIP

By: _____
David Bosserd, Supervisor

By: _____
Jeff Albaugh, Clerk

STATE OF MICHIGAN)

)ss

COUNTY OF CALHOUN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023 by David Bosserd, Supervisory and Jeff Albaugh, Clerk of Marshall Township, on behalf of said Township.

Notary Public, Calhoun County, MI

My commission expires _____

(PER CHICAGO TITLE INSURANCE COMPANY COMMITMENT FILE NO. 131195424CTM, WITH AND EFFECTIVE DATE OF DECEMBER 8, 2022 AT 8:00 AM)

THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 28, TOWN 2 SOUTH, RANGE 6 WEST, EXCEPTING A STRIP OF LAND ABOUT 2 RODS IN WIDTH EAST AND WEST BY 160 RODS IN LENGTH NORTH AND SOUTH OFF FROM THE ENTIRE WEST SIDE THEREOF.

(PER CHICAGO TITLE INSURANCE COMPANY COMMITMENT FILE NO. 131195424CTM,
WITH AND EFFECTIVE DATE OF DECEMBER 8, 2022 AT 8:00 AM)



FIRE LINE _____ FL _____ FL _____ FL _____ FL _____ FL _____

WATER MAIN _____ WTR _____ WTR _____

STORM SEWER _____ STM _____ STM _____

SANITARY SEWER _____ SAN _____ SAN _____

COMBINED SEWER _____ COMB _____

CABLETV _____ CATV _____ CATV _____

OVERHEAD UTILITY _____ OH _____ OH _____

FIBER OPTIC _____ FO _____ FO _____

GAS _____ GAS _____ GAS _____ GAS _____ GAS _____

ELECTRICAL _____ E _____ E _____

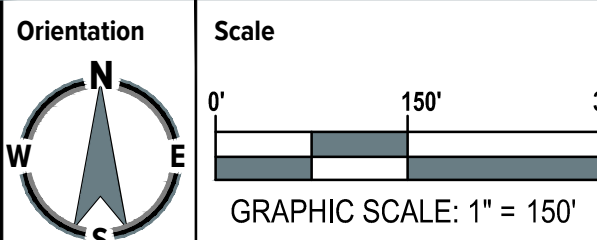
- HYDRANT
GATE VALVE
POST INDICATOR VALVE (PIV)
WATER MAIN MANHOLE
SQUARE CATCH BASIN
ROUND CATCH BASIN
BEEHIVE CATCH BASIN
SANITARY MANHOLE
END SECTION
CULVERT
STORM MANHOLE
CLEAN OUT
SIGN
UTILITY POLE
GUY WIRE
LIGHT POLE
LANDSCAPE LIGHT
RISER
ELECTRICAL BOX
ELECTRICAL MANHOLE
FLAG POLE
MAILBOX

- | | |
|------------------|---|
| TREE |  |
| CONCRETE |  |
| ASPHALT PAVEMENT |  |
| GRAVEL |  |
| RIP-RAP |  |

1. THE BEARING BASIS FOR THE SITE IS NAD83 MICHIGAN STATE PLANE, SOUTH ZONE, INTERNATIONAL FEET.
2. DATE OF SURVEY: DECEMBER 2022 AND JANUARY 2023.
3. SOME FEATURES SHOWN ON SURVEY MAY BE OUT OF SCALE FOR CLARITY.
4. DIMENSIONS ON THIS SURVEY ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED.
5. NO BUILDINGS EXISTING ON THE SURVEYED PROPERTY.
6. SITE IS LOCATED WITHIN ZONE A PER THE FLOOD INSURANCE RATE MAP, MAP NUMBER 26025C0220C, WITH AN EFFECTIVE DATE OF 04/04/2011.
7. NO EVIDENCE OF RECENT EARTH WORK WAS OBSERVED DURING THE SURVEY.
8. ACTUAL PROPERTY ACREAGE EQUALS 78.57 ACRES.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 5, 8, 11(a), 13, 15, AND 16 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON 01/27/2023.

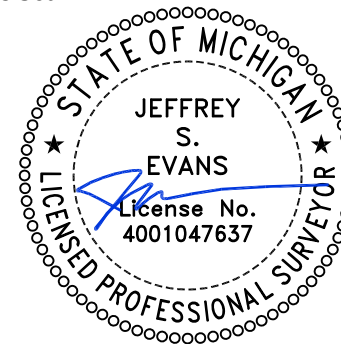
JEFFREY EVANS, PS
PROFESSIONAL SURVEYOR NO. 47637
JEFF.EVANS@SME-USA.COM



Project Location

**MARSHALL TOWNSHIP,
CALHOUN COUNTY, MI**

Surveyor's Seal

[illegible]

the 1990s, the number of people in the United States who are 65 years of age and older has increased by 50 percent. The number of people 75 years of age and older has increased by 100 percent. The number of people 85 years of age and older has increased by 200 percent. The number of people 95 years of age and older has increased by 400 percent. The number of people 100 years of age and older has increased by 800 percent. The number of people 105 years of age and older has increased by 1,600 percent. The number of people 110 years of age and older has increased by 3,200 percent. The number of people 115 years of age and older has increased by 6,400 percent. The number of people 120 years of age and older has increased by 12,800 percent. The number of people 125 years of age and older has increased by 25,600 percent. The number of people 130 years of age and older has increased by 51,200 percent. The number of people 135 years of age and older has increased by 102,400 percent. The number of people 140 years of age and older has increased by 204,800 percent. The number of people 145 years of age and older has increased by 409,600 percent. The number of people 150 years of age and older has increased by 819,200 percent. The number of people 155 years of age and older has increased by 1,638,400 percent. The number of people 160 years of age and older has increased by 3,276,800 percent. The number of people 165 years of age and older has increased by 6,553,600 percent. The number of people 170 years of age and older has increased by 13,107,200 percent. The number of people 175 years of age and older has increased by 26,214,400 percent. The number of people 180 years of age and older has increased by 52,428,800 percent. The number of people 185 years of age and older has increased by 104,857,600 percent. The number of people 190 years of age and older has increased by 209,715,200 percent. The number of people 195 years of age and older has increased by 419,430,400 percent. The number of people 200 years of age and older has increased by 838,860,800 percent. The number of people 205 years of age and older has increased by 1,677,721,600 percent. The number of people 210 years of age and older has increased by 3,355,443,200 percent. The number of people 215 years of age and older has increased by 6,710,886,400 percent. The number of people 220 years of age and older has increased by 13,421,772,800 percent. The number of people 225 years of age and older has increased by 26,843,545,600 percent. The number of people 230 years of age and older has increased by 53,687,091,200 percent. The number of people 235 years of age and older has increased by 107,374,182,400 percent. The number of people 240 years of age and older has increased by 214,748,364,800 percent. The number of people 245 years of age and older has increased by 429,496,729,600 percent. The number of people 250 years of age and older has increased by 858,993,459,200 percent. The number of people 255 years of age and older has increased by 1,717,986,918,400 percent. The number of people 260 years of age and older has increased by 3,435,973,836,800 percent. The number of people 265 years of age and older has increased by 6,871,947,673,600 percent. The number of people 270 years of age and older has increased by 13,743,895,347,200 percent. The number of people 275 years of age and older has increased by 27,487,790,694,400 percent. The number of people 280 years of age and older has increased by 54,975,581,388,800 percent. The number of people 285 years of age and older has increased by 109,951,162,777,600 percent. The number of people 290 years of age and older has increased by 219,902,325,555,200 percent. The number of people 295 years of age and older has increased by 439,804,651,110,400 percent. 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SME Project No. 091434.03

Project Manager: J. EVANS

Field Chief: **B. JACKSON**

CADD: J. RUNYON

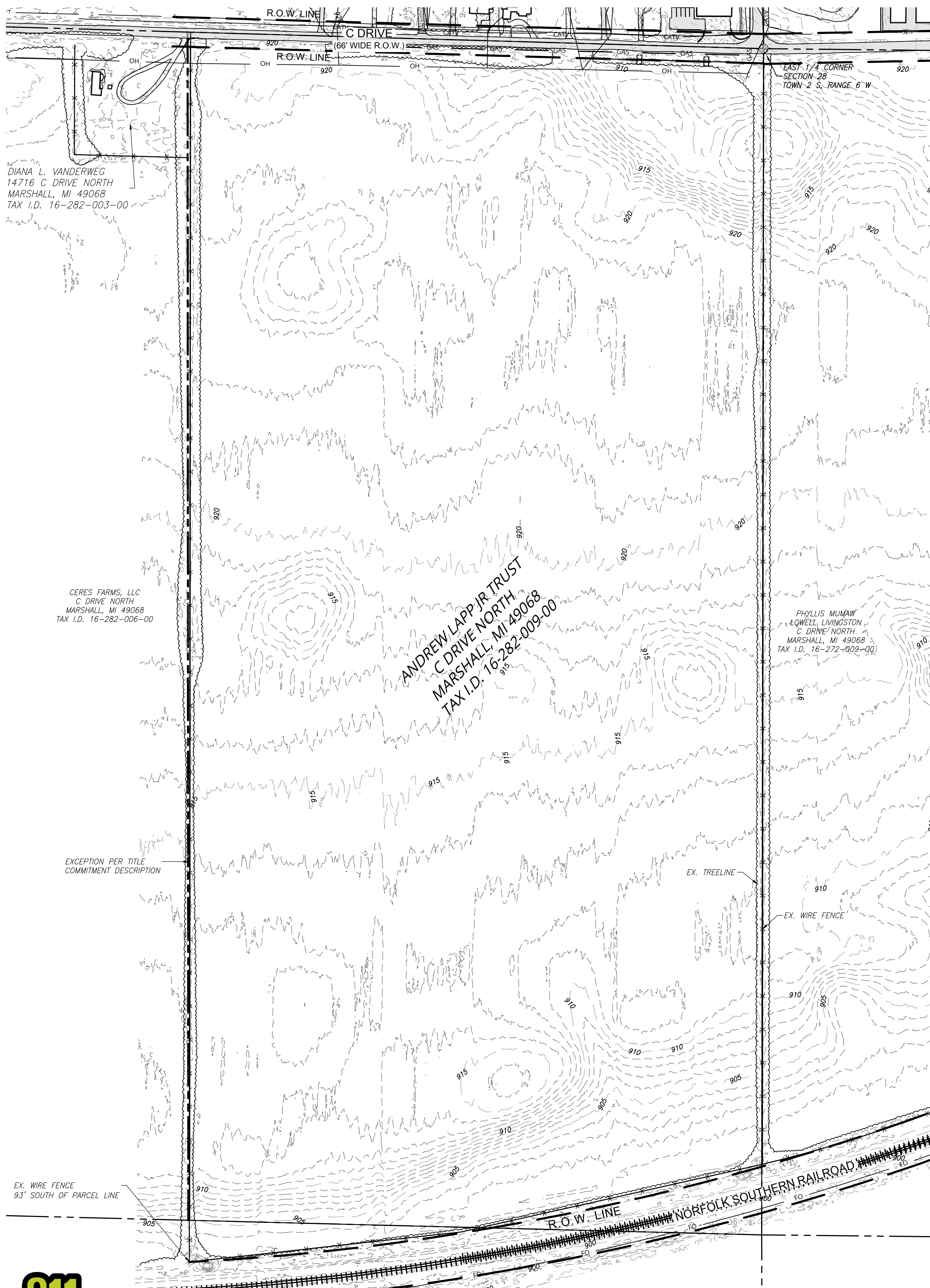
Checked By: **S. WILSON**

Reviewed By: J. EVANS

Sheet No.

01

DRAWING NOTE: SCALE DEPICTED IS MEANT FOR 24" X 36" AND
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MEDIA
NO REPRODUCTION SHALL BE MADE WITHOUT THE PRIOR



THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE APPROXIMATE. LOCATIONS OBTAINED BY FRANCHISE UTILITY AGENCIES, MUNICIPAL AGENCIES AND/OR OWNER PROVIDED RECORD DRAWINGS. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS IN THE FIELD PRIOR TO THE START OF CONSTRUCTION.



Know what's below.
Call before you dig.

CONSTRUCTION SITE SAFETY IS THE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK, OF NEARBY STRUCTURES, NOR OF OTHER PERSONS.



ITEM 12.B

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Kevin Maynard, Director of Electric Utilities
DATE: February 6, 2023
SUBJECT: **ELECTRIC AMI GRANT SUBMISSION**

The municipal electric system has approximately 4,628 electric meters in service. An estimated 1,300 of these are older electromechanical meters that predate modern electronic meters. As the electric utility's "cash register," these meters must accurately record electric demand and energy consumption so that Finance Department staff can issue timely, accurate electric bills. With an estimated service life of 25 years, approximately 185 electric meters should be replaced annually. Since a significant portion of existing electric meters already exceed 25 years of operation, the 2023 Electric Department goal is to replace 500 electric meters, prioritizing the oldest meters.

Staff is also evaluating Automated Metering Infrastructure (AMI) technology. In 2021, the Marshall Water and Wastewater departments solicited bids and installed an Automated Metering Infrastructure (AMI) system to remotely read water meters and provide additional service enhancements.

Although the Electric Department participated in the AMI bid solicitation, ultimately it was decided to defer electric AMI installation, due, in part, to the Electric Department's financial condition at that time.

Currently, electric system losses average 7%-8%. The U.S. Energy Information Administration reports that nationally, transmission and distribution system losses averaged 5% from 2017 through 2021. Staff believes some of our greater than average system losses are due to inaccurate metering.

The Electric Department has been working with ETNA—the firm that was awarded the Water AMI system bid—to update pricing for an Electric AMI system that would utilize the fixed network installed by the Water Department to read electric meters as well. Once draft electric AMI contracts and costs are prepared, staff will present this information for City Council review and consideration.

The estimated cost to replace all existing electric meters with AMI-enabled meters is approximately \$700,000. The three metering staff members would install AMI-enabled electric meters over a four-year period to avoid the expense of contracted labor and to spread the replacements over a longer period of time; this will allow the City to spread future meter replacements over a number of years.

The Michigan Municipal Electric Association (MMEA) has engaged Power Systems Engineering (PSE) to apply for an Infrastructure Investment and Jobs Act (IIJA) matching grant designed to cover 50% of the costs of installing electric AMI systems in Marshall and in other MMEA member communities.

PSE submitted the attached AMI grant concept paper to the Department of Energy (DOE) for

consideration. On February 2, the DOE responded, encouraging MMEA to complete and submit a full application by the March 17, 2023 deadline.

BUDGET IMPACT:

The estimated cost to the City to be included in this MMEA IIJA AMI system grant application is \$5,000-\$6,000. There are adequate funds available in Electric Distribution Professional Services; 582-577-801, for the grant submission work. The matching grant would cover 50% of the estimated \$700,000 cost to install the electric AMI system in Marshall. If awarded, the City would have up to five years to expend the matching grant monies.

RECOMMENDATION:

Authorize the Mayor and City Clerk to execute the MMEA IIJA Electric Department AMI system grant application on behalf of the City of Marshall.



Michigan Municipal Electric Association Members, Michigan

Concept Paper

Funding Opportunity Announcement: DE-FOA-0002740

BIL-Grid Resilience and Innovation Partnership (GRIP)

Topic Area 2 – Smart Grid Grants (BIL section 40107)

Technical Contact: Tom Asp, PSE Senior Communications & Automation Consultant,
AspT@powersystem.org

Business Contact: Katie Abraham, MMEA Executive Director, kabraham@mpower.org

Team Member Organizations: Power System Engineering, Inc.

MMEA Member Utilities:

Village of Baraga
City of Charlevoix
City of Chelsea
Village of Clinton
City of Eaton Rapids
City of Escanaba

City of Gladstone
City of Harbor Springs
City of L'Anse
City of Negaunee
City of Niles
City of Norway

City of Petoskey
City of Portland
Village of Paw Paw
City of St. Louis
Village of Sebewaing

Project Location: Lansing, MI

Estimated Budget: \$12 million / Cost Share: \$6 million (50%)

Project Duration: 60 months

1 Project and Technology Description

Background

The Michigan Municipal Electric Association (MMEA) represents 40 public power utilities in the State of Michigan, some that have been in existence for over 100 years. MMEA members service 10% of the state's electric load consisting of over 300,000 households and regional businesses, while employing hundreds of local residents. Michigan's Public Power utilities (MMEA members) have taken great strides to meet the growing demand for clean and sustainable energy, with over \$1 billion committed to renewable energy and over \$95 million committed to reducing energy waste in the last decade. Michigan's Lower Peninsula Public Power utilities are on target to reduce carbon emissions by over 60% by 2030 from 2005 levels. In the Upper Peninsula, the Members share Governor Whitmer's goal of net zero carbon by 2050 and are on track for a 45% reduction in CO2 emissions by 2025.

Of this impressive group, 17 MMEA members have joined forces to work collaboratively to improve the electric grid across the state and improve visibility of the distribution network. Collectively this consortium serves 17 small and medium sized communities across the upper and lower peninsulas of Michigan, covering rural and remote areas that are often denied the opportunity to access expensive grid edge technologies that could greatly benefit their customers while engaging grid reliability and resiliency. In effect, through this consortium, MMEA members, with just 2500 meters can offer our customers the same options that a utility with 50,000 meters can, due to the economies of scale. Sharing common implementation costs and operating expenses increases our buying power and leverages the benefits of shared staffing and other resources.

At a time when the electric industry is changing at a rapid pace, Michigan's Public Power utilities remain an important, contemporary institution. Our unique attributes allow us to focus on the specific needs of customers, including high reliability and lower rates, as well as local priorities including clean energy, new technologies, and advanced communications. Our workers take pride in making sure their hometown is the best it can be. Public Power is an expression of the American ideal of local people working together to meet local needs, but without Department of Energy Funding, they could struggle to do so.

Project Overview

Municipalities across Michigan have a long history in leading the way in technology adoption and advancing economic development opportunities. As a consortium of 17 small and medium sized utilities, collaborating to support each other in the adoption and deployment of Advanced Metering Infrastructure (AMI) technologies that will enhance grid flexibility. The Consortium believes that a statewide investment in Smart Grid technology will allow municipal utilities across Michigan to increase the flexibility, efficiency, reliability, and resilience of the electric power system. MMEA and its members share in the belief of placing a priority on investment areas including improving the visibility of the electrical system to grid operators, facilitating the

aggregation and integration of distributed energy resources and other “grid-edge” devices, and enhancing interoperability and data architecture of systems that support two-way flow of electric power and localized analytics.

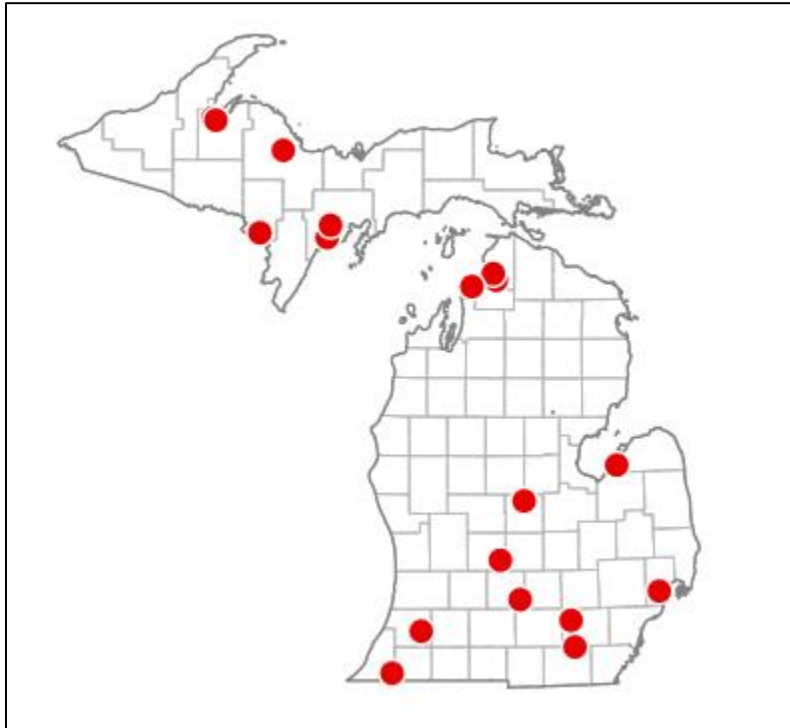


Figure 1 Map of Municipalities in the Consortium

1.1 Eligible Uses and Technical Approaches

The IJA Legislation identified in Section 40107, Deployment of Technologies to Enhance Grid Flexibility/Smart Grid Investment, Matching Grant Program, seeks to deploy and catalyze technology solutions that increase the flexibility, efficiency, reliability, and resilience of the electric power system. The FOA identifies a list of qualifying investments in section 40107 and items specific to this project include:

- *Metering devices, sensors, control devices, and other devices integrated with and attached to an electric utility system ... that are capable of engaging in Smart Grid functions*
- *Software that enables devices or computers to engage in Smart Grid functions*
- *Data analytics that enable software to engage in Smart Grid functions*

The MMEA AMI project is a perfect match for the smart grid grant, as its focus areas match those of section 40107 and addresses the pertinent qualifying investments which will provide a framework for smart meters, enabling dynamic pricing, real-time system feedback, and smart

equipment that will allow increased monitoring, communication, and control over the electrical system and for each of the participating utilities. These have not previously been fully available to all MMEA members.

The AMI system and grid analytic tools will further strengthen the reliability and self-healing properties of the grid by installing sensors, automated switches, and distribution system level alarms and event reporting which will protect against any system disturbances.

The system will realize immediate benefits for MMEA members and their customers. It is the collective mission of the MMEA members to transform the resilience of the distribution system to prepare communities for a clean energy future. Michigan is leading the way by supporting electric vehicles and installing clean energy. The community members share those goals. This project aligns with the strategic goals outlined in GRIP.

- **Transform:** Michigan is leading the way by supporting the production of electric vehicles. In 2022 alone, the state announced 5 large projects were announced that will invest more than \$14 billion into the state's economy. Existing plants in Lansing and Holland Town will receive over \$8 billion in investment to construct electric batteries and vehicles. Detroit Start up, Our Next Energy, announced it will spend \$1.6 billion on an electric vehicle plant in Wayne County. Gov. Whitmer's office was instrumental in recruiting these new investments and estimates that more than 12,000 new jobs will be created by these plants, boosting the amount of high quality, union jobs in the state.

With these investments will come expanded renewable energy installations placing new demands on the grid. While increased electrification and renewable energy offer opportunities, they require preparation by the members to support this transition. An AMI solution will boost intelligence of the system operations, response and resilience and allow customers to benefit from the energy transition and greater electrification regardless of location, extreme weather, or community size.

2022: Michigan investments in electric vehicle production

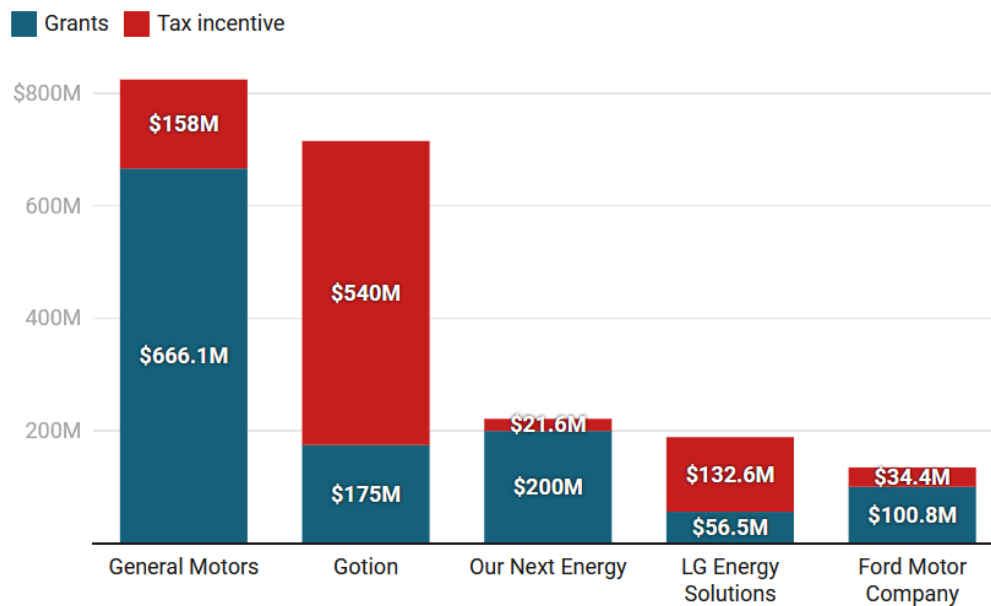


Chart: Scott Levin | slevin@mlive.com • Source: MEDC • Created with [Datawrapper](#)

Figure 2: Electric vehicle Investments in Michigan in 2022

- **Catalyze:** This approach to adopt technology across the state can serve as a model for distribution utilities across the country to take disruptive challenges into our own hands. By working together, towns and cities can minimize inventory and acquisition costs and lower barriers to implementation.

The Inflation Reduction Act (IRA) recently allocated billions for support of Distributed Energy Resources (DER), but without the appropriate communication system to the customer in place, the benefits of DER and smart devices, including EVs, will be limited. The success of this transition is reliant on a resilient, highly visible grid, capable of mitigating potential capacity challenges and weather disruptions.

- **Community:** By providing equipment that will enhance customer awareness, the project looks to directly benefit community members while reducing costs. This collection of 17 small or rural utilities will be able to leverage technology to reduce waste and outage times as well as lower costs. The plan will benefit all customers including those residing in the 8 tribal and disadvantaged communities served.

The value in supporting the transition to electrification immediately is shown in the new high quality manufacturing jobs being created in communities. Member utilities are closely engaged with residential and business customers and plan to benefit those customers directly with this plan.

Multiple eligible activities under Topic Area 2 will be incorporated at the utilities including,

- a. Extensive link between the grid, including consumer load, and the system operator.
- b. Real-time measurement of customer consumption and management of load. Operators will regularly assess grid function to determine areas coming under strain and execute an immediate solution to shed load and be provided a real-time data feedback loop for continuous system monitoring.
- c. Smart meters extensively measure system conditions (including power quality – voltage, power factor, demand, usage, current, and harmonics) down to the consumer level.
- d. Detect and isolate faults without full-power reclosing, reducing the frequency of through-fault currents.
- e. Customer-side applications process information and initiate control actions locally and will be based on real time pricing.
- f. Integrations with vital applications such as CIS, OMS, MDMS, DRMS, customer data and information portal, and others for robust analytics across the entire utility operations.
- g. Operators can process AMI information and take control actions at the system and regional level. Devices can operate autonomously in response to local events or in response to signals from a central control system.
- h. Customers can examine their usage at the exact moment when prices are higher, or incentives are available for reduced demand. Further providing valuable information to those in a position to act and respond to dynamic changes in the grid.
- i. Supports the deployment of distributed energy resources (DER) and can reduce the communication network costs of deploying pole-top distribution automation components.
- j. Integrated disconnects to limit whole-house demand, remotely turn off residences to switch to battery storage (whole house or EV) or solar, automatically restore meters back to the grid, and other ancillary things like streetlights, billboard signs, etc. during emergencies or times of grid strain.

In addition, for Topic 2, the DOE has identified multiple priority investments/focus areas. The MMEA AMI project addresses several of them as follows, with benefits across multiple areas:

- *Improving the visibility of the electrical system to grid operators, to help quickly rebalance the electrical system with autonomous controls, through data analytics, software, and sensors*

Improving visibility means the progress to a smarter grid will give better control over power quality from different aspects. Operators across the state will be able to communicate to

intelligent electronic devices (IEDs) downline to make decisions on system rebalancing, automatic switching, backfeeding, remote connection and disconnection of users, and theft detection and loss measurements. Quickly logging and reporting disturbances and outages will improve the power quality index. The AMI system will provide real-time data in a continuous feedback loop to further assist operators on their decision-making process. AMI data will also improve reporting and historical data regression to further refine, enhance, and improve for avoidance of future distribution grid catastrophes and disturbances. This includes creating better planning models from historical data and accurate load profiles and verifying planning criteria is appropriate for the new uses of the distribution system.

- *Enhancing interoperability and data architecture of systems that support two-way flow of both electric power and localized analytics to provide information between electricity system operators and consumers.*

Real-time, two-way energy data will reshape the relationship between MMEA member power providers and our customers. Smart meter and AMI data analytics will deliver not only value in areas such as customer experience, control, and electric vehicle and DER integration, but also in grid optimization and asset management. By informing and influencing when and how much energy is used, distribution utilities can support the expansion of electrification and use of renewable sources with much less disruption to the grid. AMI data will also help improve capacity planning and equipment right-sizing prior to capital intensive investments to replace or build out new infrastructure. The AMI and analytic systems will also provide data to identify areas of economic struggle, uncommon or excessive electric usage, and support programs for fair and equitable distribution of electrical power. By further providing efficient metering data, members can manage the costs and rates to our customer base, providing specific programs for those most in need while providing a fair and just rate to the customer base as a whole.

- *Anticipate and mitigate the impacts of extreme weather or natural disaster on grid resiliency, including investments to increase the ability to redirect or shut off power to minimize blackouts, prevent wildfires, and avoid further damage.*

AMI and analytic systems will enable more advanced control needed to manage the distribution system, providing greater safety and reliability throughout. The two-way flow of electricity and data is essential to feed information and data to operators to be analyzed to optimize the grid, foresee potential issues, and react faster when challenges arise. An AMI system increases the ability to monitor grid conditions making it possible to anticipate and mitigate potential power integrity issues, resulting in fewer outages and power quality events. AMI provides the ability to identify locations with battery storage and alternative energy resources. In the event of a storm, disaster, or other like issue, the AMI system can automatically isolate those alternative resources to provide relief to the overall system while leveraging alternative fuel sources. Furthermore, the AMI meter can provide safety and monitoring to prevent unintentional power backflow onto the system without notice, preventing cause of electrocution and death to consumers and utility personnel during outage restoration and disaster events. Furthermore, the AMI meter can provide safety and monitoring to prevent unintentional power backflow onto the system without

notice, preventing cause of electrocution and death to customers and utility personnel during outage restoration and disaster events.

1.2 Supports State, Local, Tribal, Community, and Regional Resilience

MMEA members understand that AMI and advanced analytics must be installed to provide a modern, customer-centric grid that allows utilities, rate payers, and other companies to respond to changing customer, societal, and economic preferences. Showcasing how a group of small utilities can make the technology work across a large, separated territory will provide a path for other small communities to follow to move toward energy equity and close the existing technology gap. Without AMI, small MMEA member utilities have an extremely difficult, if not impossible, battle to meet cost effective reliability goals as well as adapt to increased use of electric vehicles, battery storage, and other DER.

As part of Michigan's power grid, this consortium will collaborate with regulators and industry groups to define and quantify the impact of AMI and other distributed technologies on operations and planning.

This consortium serves 8 disadvantaged communities including 5 tribal lands across Michigan and has the potential to provide a model for other states to follow. Decreasing energy usage and increasing energy efficiency is a priority for all communities in Michigan as well as across the country. AMI will play an important role in facilitating decarbonization through improved efficiency in energy delivery and use; in lowering costs for customers, reducing demand on the grid, and lowering greenhouse gas emissions.

1.3 Grid-Benefitting Outcomes

More Reliable and Sustainable Power Supply and Delivery

AMI - including smart meters, sensors, collectors, software, and other equipment - will provide accurate, real-time information about demand, voltage, power factor, harmonics, and usage and let operators adjust the flow accordingly. Utilities will be able to regulate the flow of energy according to consumer demand. As DER and EVs continue to expand, AMI will be central in the effort to balance renewable, flexible sources of generation with load to maintain reliability, make informed investments in the grid, and drive toward a more sustainable grid.

It will ultimately provide real-time information for customers and utilities to make decisions on cost, efficiencies and system performance. It will allow the utility to move from reactive operating procedures to proactive in operating and investment strategies. Load profiles can be added to planning models to represent specific configurations or events.

Outage Reduction

Data analytics gathered from the AMI system will enable intelligent predictions and real-time decisions about production and consumption. Identifying faults, mapping outage locations and recovering faster from them, allows utilities to leverage demand-side management including investments to increase the ability to redirect or shut off power to reduce outages, minimize blackouts, and avoid further damage to keep the grid in balance. Data analysis on outage information allows for making asset management, operations and planning strategies, impacting future outages.

Fine Tune Load Shifting Programs to Optimize Outcomes

Through the AMI systems, member utilities will be able to quantify appliance ownership such as heat pumps, AC, EV charging, and water heaters and when they are being used. This insight will illustrate which programs have the greatest energy saving potential and who would be ideally suited for beneficial electrification or load shifting programs.

Customers will be provided data on how much energy is used by each of their appliances and activities and how to use that knowledge to reduce energy consumption and costs. They can also see the impact of load shifting behaviors to provide consistent reinforcement of good behaviors and course correction when additional behavioral changes are required. This is further enhanced by load curtailment and load management components available through the AMI system or as a separate system being fully integrated into the AMI system.

1.4 Project Impact

A major impact to the full deployment of AMI will be the elimination of old and obsolete electromechanical meters which are known to record less electric usage as the moving

mechanical parts age and slow down, resulting in incorrect usage information and corresponding energy charges resulting in higher costs to distribution utilities and their customers.

Modern, solid state, electronic, AMI meters maintain their accuracy over time through current technology advancements that lack mechanical components. This results in a more accurate energy usage profile on the grid, providing correct billing readings, and feeding exact data for analytics reporting and ultimately providing an equitable situation for all customers.

When paired with system analytics, correct data baselines, and accurate baselined values, a modern AMI meter is capable of self-monitoring thus making it easier to identify inaccurate measurements, incorrect installations, electric energy theft, and provides the immediate opportunity to make corrective actions before information and data is compromised.

Another major impact of AMI is its facilitation of demand response and innovative rates. During periods of high energy demand, a small reduction in demand produces a relatively large reduction in the market price of electricity and provides an opportunity to forego purchasing power from traditional sources (coal or gas fired power plants) and can avoid outages and rolling blackouts. Innovative rates like time-of-use (TOU) can also reduce the cost to both the utility and our members by deferring a need for finding additional, expensive peak generation. The demand response system, when paired with AMI can also leverage distributed generation resources, allowing utilities to discharge charged batteries or use idle EV cars, trucks, and buses instead of turning to the less carbon friendly power pool options.

1.5 DOE Funding Impact

MMEA members understand the value of data and are committed to integrating AMI systems into our operations. They consider the system a foundational building block toward a more sustainable and resilient smart grid. DOE funding, aside from the immediate financial benefit, will allow smaller MMEA members to significantly expand on tools and features of a modern AMI system including an emphasis on meter data management (MDM) and centralized repository for data (data lake), business process tools, and analytics. The system is expected to cost between \$11.3M and \$12M, with the understanding that the various MMEA members will collectively provide 50% of that cost. Without DOE funding the high cost of software licensees and the process tools will be out of reach for smaller utilities, and would simply not be possible, and not having these tools puts smaller towns with public power systems at a competitive disadvantage that could significantly impact our ability to recruit new business and enjoy economic development.

Of the 17 MMEA members most (at least 10) will need to have a full deployment of AMI, a few will need to complete their AMI installation, and a few will need to update their systems to change from drive by functionality to true automated reading. Efficiencies of the group will be realized with the enhanced reliability and resiliency functions of AMI data. This will be obtained by collaborating as a consortium on the Meter Data Management (MDM) or Data Lake program, sharing in development and use of business process tools, completing data analytic philosophies, and enhanced use or deployment of distributed automation and SCADA.

1.6 Project Readiness, Viability, and Timing

Working with Power System Engineering, Inc., an experienced and qualified utility AMI consultant, MMEA members will develop the requirements for the AMI systems with integrations to CIS, OMS, MDMS, DRMS, Customer Data Portal, and other utility applications across the various systems. Each MMEA member will have a unique starting point in developing and implementing their AMI system. However, MMEA will work with the members to implement complementing AMI systems and the enhanced functions.

Once all systems are implemented and endpoints are installed and deployed, MMEA members understand how crucial it is to remain focused on delivering benefits from AMI and analytic tools. Successful execution sustains and expands the network and program. Key operational metrics, a governance model (including ownership and responsibility for performance), effective tools for reporting across internal teams, and a strategy for reporting to external stakeholders will be developed.

2 Community Benefits Plan

2.1 Community and Labor Engagement Leading to Negotiated Agreements

Of the 17 communities behind this initiative, 8 have disadvantaged communities as defined by the White House Council on Environmental Quality's Climate and Economic Justice Screening Tool (CEJST), located at <https://screeningtool.geoplatform.gov/>.

As the energy transition takes place, the state is responded by investing in the new energy technology sector. However, not everyone has seen the benefit. Many smaller, rural communities lack the technology to unlock the potential that smart grid tools can offer.

This project will allow equal access by even the smallest of utilities in the state and will facilitate lower costs and a more resilient energy grid for everyone regardless of location or power provider. Participating utilities will maintain the values, culture, and autonomy of a small utility while gaining access to and obtaining the ability to leverage advanced technologies to increase reliability, resiliency, and sustainability of their respective systems that, as individuals, we could not afford.

2.2 Investing in Job Quality and Workforce Continuity

Michigan has a long proud history of manufacturing and union membership participation. Over 80% of the consortium members have union employees covering a wide array of affiliations including IBEW, AFSCME, and the Utility Workers Union of America.

Like the Department of Energy, MMEA members support the negotiation of Workforce and Community Agreements to help settle disputes ahead of project deployment, strengthen civic participation, increase worker empowerment, secure the required workforce, and equitably align the resources and needs of local workers and communities with the benefits and opportunities of new projects. This AMI project will continue those principles.

AMI is a foundational technology that lays the groundwork for an electrical distribution system capable of supporting not just typical energy needs, but also the growth and expansion of wind, EVs, and other DERs onto the grid. With this robust capability, the MMEA cities and towns can attract businesses and further economic development which in turn creates the need and opportunity for an expanded quality workforce. Beyond the initial installation, within each community, opportunities in data analytics and long-term operations and maintenance will create even more high-quality positions.

2.3 Advancing Diversity, Equity, Inclusion, and Accessibility

The diversity of the MMEA membership fosters a culture of belonging and is critical for sustaining a productive work environment. The numerous members have long worked together on projects,

and we realize that advancing diversity, equity, inclusion, and accessibility (DEIA) brings different perspectives, increased creativity, higher innovation, and faster problem solving.

The MMEA members work to reflect the demographic of the communities in which we live and work; with diverse backgrounds and perspectives represented at the employee, manager, and board levels across the state. We may be small individually, but collectively we bring a wealth of knowledge and potential and having this AMI system will help us demonstrate that. In addition, by working together we can leverage our market power to work with diverse business enterprises (DBEs) and subcontractors, offering opportunities when available to traditionally marginalized groups in our community.

2.4 Contributing to the Justice40 Initiative

Of the 17 communities in our consortium, 8 of them directly serve tribal and disadvantaged communities. Many parts of the state have been hit hard by the transition away from fossil fuels. The reduction in coal use has shuttered power plants and many small businesses associated with the fossil fuel infrastructure have been adversely impacted. When combined with a significant loss of mining and manufacturing jobs, the state has seen some areas left out of the new, green economy. The darker colors on the map below indicate disadvantaged communities, and sadly there are many across both peninsulas. Rural areas have been economically impacted by the energy transition and the lack of opportunity in lower population areas makes our members especially susceptible. While affordable energy can contribute to expanded economic development, without modern energy options, many business opportunities will pass us by for larger areas with more advanced metering options

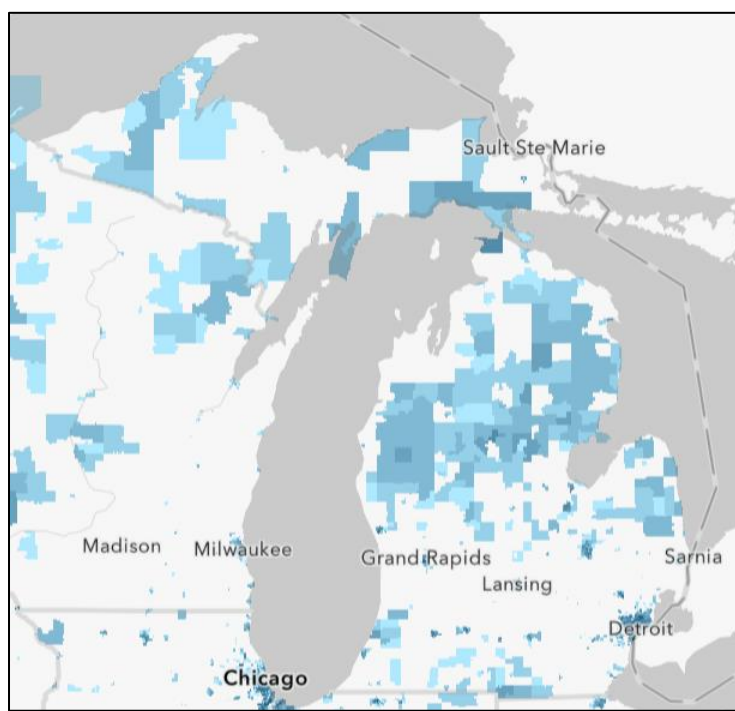


Figure 3: Disadvantaged Communities

3 Addendum A: Project Qualifications

3.1 Skill & Expertise

Given the nature of this consortium, Power System Engineering, Inc. (PSE) will act the overall Project Manager and will coordinate with each Project Team at each have the skill and expertise needed to successfully execute the project plan.

Power System Engineering, Inc. (PSE) has been supporting utility clients with specifying, evaluating, procuring, and implementing automation tools and applications for several decades. PSE was an active participant in the early days of Automatic Meter Reading (AMR) and has supported the transition to AMI, integration of data and information to support utility operation, planning, and management, and the introduction of vendor interface and interoperability standards. Our support process includes the development of requirements and specifications for AMI, MDM, data analytics, meter exchange services, and application integration.

When developing the performance requirements, it is critical to incorporate each member's long-term vision and the role an AMI system will play in supporting that vision. This includes outlining the required application interfaces, database access rules and rights, interface standards, and other elements of application integration. In addition, we will have each respondent discuss how their AMI solution will support (both today and in the future) devices and meters from other equipment vendors.

3.2 Teaming Partners

MMEA members have been working with PSE to develop specifications for the AMI project. PSE will also be involved in the procurement and deployment of the system.

3.3 Adequate Access to Equipment and Facilities

Describe whether you have adequate access to the equipment and facilities necessary to accomplish the effort and/or clearly explain how you intend to obtain access to the necessary equipment and facilities.

MMEA and PSE will work closely with the selected AMI Supplier to provide equipment installation training, including development of standardized written installation procedures.

3.4 Prior Experience

MMEA members have a long history of collaborative efforts and PSE has experience in facilitation and management of joint projects along with MMEA members. For example, in 2020 PSE conducted a joint fiber-to-the-premises (FTTP) feasibility study for MMEA members. The FTTP project and reports were funded by the MMEA through a Rural Business Development Grant (RBDG) from Rural Development, an Agency of the USDA. The project explored the opportunity

to provide broadband services over a FTTP network for six MMEA member municipal electric utilities in Michigan (Charlevoix, Eaton Rapids, Grand Haven, Hart, Negaunee, and Norway).

Power System Engineering, Inc. (PSE) began in early 1974 to serve the engineering and technology needs of electric municipals and cooperatives. Over the past 48 years, we have evolved to become a full service electrical and mechanical consulting firm for utilities, private industry, government entities, and associations across North America. PSE is a full-service, forward-thinking, independent consulting firm with decades of experience and a leader in the engineering community.

PSE has expert knowledge of municipal electric utilities, water, communications and fiber systems, utility operations and customer services associated with automation software applications (AMI, DERMS, DA, etc.) as well as a thorough understanding of future trends in these utilities. This knowledge includes, but is not limited to, customer management, meter reading, AMI for both electric and water, utility billing, MDMS, DA, CVR, SCADA, GIS, OMS, mesh and point-to-point communications networks, fiber optic systems and networks, and Smart City features applicable to electric, gas, and water utilities.

PSE's AMR/AMI procurement and installation support began in 1992. Over the last 10 years, we have assisted over 40 clients with AMI projects. PSE has assisted electric, gas, and water clients' migration through the meter reading industry from self-readings to drive-by, hand-held meter reading to one-way remote meter reading, and the latest two-way RF AMI technologies including tower-based wireless, mesh wireless, cellular, and fiber. PSE has regular technology and roadmap updates from AMI, MDMS, CIS, DR, and other utility automation vendors, as well as the latest communications and networking equipment vendors. Technology tradeoffs are well understood, and we help utilities select the best technologies to meet their present and future needs. We have provided business cases, procurement, and integration assistance for multi-utility AMI projects including electric, water, gas, and steam, so we understand the technology and the vendors' abilities to support each system.

Additionally, PSE completed numerous projects for transmission and distribution line design, substation design, customer rates, communications, Distributed Generation impact studies, system strategy planning, SCADA, Demand Response studies, commission and Board hearings, solar and EV installations, system project deployment, Project Management, and procurement.

3.5 Other Data

Of the 17 participants, 3 have fully deployed AMI, 10 are in process of planning and selecting an AMI vendor, 3 are finishing deployment, and 1 desires a "overlay" to convert a recently deployed drive-by system to a fixed network, which will also collect additional information beyond simply billing reads. Depending on size, different providers are at different stages no implementation, but all of us lack access to enhanced options like MDMS and SCADA.

All of our participants are looking at adding the analytic tools that will allow us to reach the full potential of an AMI system. Without these tools, the full benefits of AMI, including grid resiliency

and reliability, cannot be realized. This funding will allow all members to take the next steps of implementing AMI so we can capitalize of the benefits of a smart grid.

The approach by participant is shown in the table below.

MMEA Member	Electric Meters	Participation						
		AMI Approach			Enhance Reliability and Resiliency with AMI Data			Enhance Reliability and Resiliency with leverage of AMI communication
		Implement AMI	Complete AMI	Add Overlay to Enhance Drive-By System	MDMS or Data Lake	Buisness Process Tools	Analytics	Enhanced DA and SCADA (overlay on AMI)
Baraga	950	x			x	x	x	x
Charlevoix	4,500	x			x	x	x	x
Chelsea	5,350	x			x	x	x	x
Clinton	1,200			x	x	x	x	x
Eaton Rapids	2,400				x	x	x	x
Escanaba	7,200				x	x	x	x
Gladstone	3,100		x		x	x	x	x
Harbor Springs	3,700	x			x	x	x	x
L'Anse	1,200	x			x	x	x	x
Negaunee	2,200		x		x	x	x	x
Niles	6,300	x			x	x	x	x
Norway	2,319		x		x	x	x	x
Petoskey	4,500	x			x	x	x	x
Portland	2,600	x			x	x	x	x
Paw Paw	2,170	x			x	x	x	x
St. Louis	1,975				x	x	x	x
Sebewaing	1,260	x			x	x	x	x
Total	52,924	10	3	1	17	17	17	17



ITEM 12.C

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Joshua Lankerd, Chief of Police
DATE: February 6, 2023
SUBJECT: TOBACCO ORDINANCE UPDATE

The Marshall Police Administration, City Prosecutor, and City Attorney are tasked with reviewing and updating City of Marshall Ordinances. This process includes making updates to City Ordinances with changes to State Law. In July of 2022, the Michigan State tobacco law was changed, from 18 years old to 21 years old in Michigan, to be consistent with federal law. This law went into effect in October. The Police Administration met with the City Prosecutor to update our ordinance 136.03 Tobacco, which was added to the list of items to go before council. The proposed ordinance was updated and reviewed by the City Attorney.

The only noted change to the ordinance is the update of the age from 18 years old to 21 years old, as the ordinance was just last updated in 2019. These changes will bring our ordinance in line with State and Federal Law.

BUDGET IMPACT:

There is no budget impact expected.

RECOMMENDATION:

To introduce and set a Public Hearing for Ordinance 2023-05- Updates to the Tobacco Ordinance.

City of Marshall, Michigan
Ordinance # _____

AN ORDINANCE TO AMEND THE CITY OF MARSHALL CODE OF
ORDINANCES, SECTION 136.03.

WHEREAS, on July 21, 2022, the State of Michigan enacted Public Act 167 of Public Acts of 2022, which amends the Youth Tobacco Act of Michigan, codified in MCL 722.641 *et seq*; and

WHEREAS, the amendments to the Youth Tobacco Act of Michigan necessitate corresponding amendments to Section 136.03 of the Marshall Code of Ordinances; and

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

NOW, THEREFORE, THE CITY OF MARSHALL ORDAINS that the current version of Section 136.03 be amended as set forth herein:

Section 1. Purpose. For the public health, safety, and welfare of City residents and visitors to the City, to amend Section 136.03 Tobacco products, vapor products, alternative nicotine products, of the Marshall Code of Ordinances to maintain consistency and uniformity between the Act and local ordinance.

Section 2. That Section 136.03 Tobacco products, vapor products, alternative nicotine products, of the Marshall City Code is hereby amended, as indicated in strikes and bold, as follows:

Sec. 136.03 Tobacco products, vapor products, alternative nicotine products.

(A) *Definitions.* As used in this section:

Alternative nicotine product means a noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. Alternative nicotine product does not include a tobacco product, vapor product, food, or a product regulated as a drug or device by the United States Food and Drug Administration under 21 USC 351 to 360fff-7.

Liquid nicotine means a liquid or other substance containing nicotine in any concentration that is sold, marketed, or intended for use in a noncombustible product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine or any other substance, and the use or inhalation of which simulates smoking.

Liquid nicotine container means a bottle or other container holding liquid nicotine in any concentration but does not include a cartridge containing liquid nicotine if the cartridge is pre-filled and sealed by the manufacturer of the cartridge and is not intended to be opened by the consumer.

Minor means an individual who is less than ~~18~~ **21** years of age.

Person who sells tobacco products at retail means a person whose ordinary course of business consists, in whole or part, of the retail sales of tobacco products subject to state sales tax.

Person who sells vapor products or alternative nicotine products at retail means a person whose ordinary course of business consists, in whole or part, of the retail sales of vapor products or alternative nicotine products.

Public place means a public street, sidewalk, park, any outside area open to the general public, any public conveyance or private vehicle located in an area open to the general public, or any area open to the general public in a publicly owned or operated building or public place of business. "Public place" shall also include the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, in a school bus, or on the grounds of any correctional facility, including the juvenile detention facility or the property upon which the facility is located.

Tobacco product means a product that contains tobacco and is intended for human consumption, including, but not limited to, a cigarette, non-cigarette smoking tobacco, or smokeless tobacco, as those terms are defined in Section 2 of the Tobacco Products Tax Act, Public Act 327 of 1993, M.C.L.A. § 205.422, as may be from time to time amended, and a cigar.

Use a tobacco product, vapor product, or alternative nicotine product means to smoke, chew, suck, inhale, or otherwise consume a tobacco product, vapor product, or alternative nicotine.

Vapor product means a noncombustible product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine or any other substance, and the use or inhalation of which simulates smoking. Vapor product includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine or other substance in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar product or device. Vapor product does not include a product regulated as a drug or device by the United States Food and Drug Administration under 21 USC 351 to 360fff-7.

- (B) A person shall not sell, give, or furnish a tobacco product, vapor product, or alternative nicotine product to a minor, including, but not limited to, through a vending machine. This division does not apply to the handling or transportation of a tobacco product, vapor product, or alternative nicotine product by a minor under the terms of the minor's employment.
- (C) Before selling, offering for sale, giving or furnishing a tobacco product, vapor product, or alternative nicotine product to an individual, a person shall verify that the individual is at least **18 21** years of age by doing one of the following:
 - (1) If the individual appears to be under 27 years of age, examining a government-issued photographic identification that establishes that the individual is at least **18 21** years of age.
 - (2) For sales made by the internet or other remote sales method, performing an age verification through an independent, third-party age verification service that compares information available from a commercially available data base, or aggregate of databases, that are regularly used by government agencies and businesses for the purpose of age and identity verification to the personal information entered by the individual during the ordering process that establishes that the individual is **18 21** years of age or older.
- (D) A person who violates divisions (B) or (C) is guilty of a misdemeanor punishable by a fine as follows:
 - (1) For a first offense, not more than \$100.00.
 - (2) For a second offense, not more than \$500.00.

- (E) A person who sells tobacco products at retail shall not sell a cigarette separately from its package. This division does not apply to a person who sells tobacco products at retail in a tobacco specialty retail store or other retail store that deals exclusively in the sale of tobacco products and smoking paraphernalia. A person who violates this division is guilty of a misdemeanor, punishable by a fine of not more than \$500.00.
- (F) A person shall not sell a liquid nicotine container unless the liquid nicotine container meets the child-resistant effectiveness standards of 16 CFR 1700.15(b). A person who violates this division is guilty of a misdemeanor punishable by a fine of not more than \$50.00 for each violation.
- (G) A person who sells vapor products or alternative nicotine products at retail shall not display for sale a vapor product unless the vapor product is stored for sale behind a counter in an area accessible only to employees or within a locked case. A person who violates this division is responsible for a municipal civil infraction and shall be fined not more than \$500.00.
- (H) A minor shall not do any of the following:
 - (1) Purchase or attempt to purchase a tobacco product.
 - (2) Possess or attempt to possess a tobacco product.
 - (3) Use a tobacco product in a public place.
 - (4) Present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his or her own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product.
- (I) A minor who violates division (H) shall be punished as follows:
 - (1) For a first offense, the minor is guilty of a misdemeanor punishable by a fine of not more than \$50.00. The court may also require the minor to participate in a health and risk reduction assessment program and order up to 16 hours of community service.
 - (2) For a second offense, the minor is guilty of a misdemeanor punishable by a fine of not more than \$50.00. The court may also require the minor to participate in a health and risk reduction assessment program and order up to 32 hours of community service.
 - (3) For a third or subsequent offense, the minor is guilty of a misdemeanor punishable by a fine of not more than \$50.00. The court may also require the minor to participate in a health and risk reduction assessment program and order up to 48 hours of community service.
- (J) A minor shall not do any of the following:
 - (1) Purchase or attempt to purchase a vapor product or alternative nicotine product.
 - (2) Possess or attempt to possess a vapor product or alternative nicotine product.
 - (3) Use a vapor product or alternative nicotine product.
 - (4) Present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his or her own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a vapor product or alternative nicotine product.
- (K) A minor who violates division (J) shall be punished as follows:

- (1) For a first violation, the minor is responsible for a municipal civil infraction and shall be fined not more than \$50.00. The court may also order the minor to participate in a health and risk reduction program and perform up to 16 hours of community service.
 - (2) For a second violation, the minor is responsible for a municipal civil infraction and shall be fined not more than \$50.00. The court may also order the minor to participate in a health and risk reduction program and perform up to 32 hours of community service.
 - (3) For a third violation, the minor is guilty of a misdemeanor punishable by a fine of not more than \$50.00. The court may also order the minor to participate in a health and risk reduction program and perform up to 48 hours of community service.
- (L) Divisions (H) and (J) do not apply to the following:
- (1) The handling or transportation of a tobacco product, vapor product or alternative nicotine product by a minor under the terms of the minor's employment.
 - (2) Undercover operations or compliance checks conducted in accordance with M.C.L.A. §§ 722.642(6)(a)—(c).
 - (3) A minor charged with violating divisions (H) or (J) may be charged with, convicted of, or sentenced for any other violation of law arising out of the violation of division (E) or (G).
- (Ord. 2019-05, passed 8-19-2019)

Section 3. Savings Clause.

All proceedings pending and all rights and liabilities existing or incurred at the time this amendatory Ordinance takes effect are saved and may be consummated according to the law enforced when they were commenced. This amendatory Ordinance shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory Ordinance for an offense committed before that date.

Section 4. Conflicting Ordinances Repealed.

Except as to prosecution and legal actions pending and saved pursuant to Section 3 above, any Marshall City Ordinances or parts of Ordinances in conflict with or inconsistent with any of the provisions of this Ordinance, are repealed.

Section 5. Severability.

If any section, paragraph, clause, phrase or part of this Ordinance is held invalid by any court of competent jurisdiction or any agency, department or commission empowered by statute for such purposes, such decision shall not affect the validity of the remaining provisions of this Ordinance, and the application of those provisions to any person or circumstance shall not be affected thereby.

Section 6. Code Edits. The editors of the Marshall City Code are hereby authorized, subject to approval of the City Manager, or designee, to update and revise code section numbers to effectuate the provisions of this Ordinance.

Section 7. Section Headings. The section headings used in this ordinance are for convenience only and are not a part of this Ordinance.

Section 8. Effective Date. This Ordinance shall take effect upon publication.

Introduced by the Marshall City Council this ____ day of _____, 2023.

Motion by

Second by

Ayes:

Nays:

Absent:

Adopted by the Marshall City Council this ____ day of _____, ____.

Motion by

Second by

Approved:

James Schwartz, Mayor

STATE OF MICHIGAN

COUNTY OF CALHOUN

I, Michelle Eubank, Marshall City Clerk, certify this is Ordinance #____ adopted by the Marshall City Council at a meeting held the ____ day of _____, _____, a meeting held according to the Open Meetings Act, Public Act No. 267 of 1976, as amended. I further certify Ordinance #____ was published in the Marshall Ad-Visor, a newspaper of general circulation in the City of Marshall, the ____ day of _____, _____, subsequent to its adoption.

Michelle Eubank, City Clerk

Introduced:
Public Hearing:
Adopted:
Published:
Effective:



ITEM 12.D

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Joshua Lanker, Chief of Police
DATE: February 6, 2023
SUBJECT: **GENERAL PENALTY ORDINANCE UPDATE**

The Police Department Staff meets periodically with the City Prosecutor and City Attorney to review and update ordinances. Over the course of these meetings, we identified a few changes required in the General Penalty 10.99 section to be consistent with state law and other local ordinances.

The three main changes and updates to the General Penalty 10.99 Ordinance include:

Adoption of the 93-day misdemeanor penalty for ordinances which correspond substantially with state law, which includes but is not limited to the following ordinances:

- Simple Assault
- Retail Fraud
- Larceny/Embezzlement
- Suspended Driving
- OWI

High BAC Penalties- MCL 257.625(1) by reference to ordinance 70.01 Michigan Vehicle Code Violations punishable by one or more of the following:

- Community Service for not more than 360 hours
- Imprisonment for not more than 180 days
- A fine of not less than \$200 or more than \$700

Municipal Civil Infraction Penalties were updated from the current \$50 to \$500 to \$25 to \$500.

Overall, these changes, if approved, will bring consistency between our ordinances and state law.

BUDGET IMPACT:

These penalty changes will have minimal impact on the budget.

RECOMMENDATION:

To introduce and set a Public Hearing for Ordinance 2023-06- Updates to the General Penalty Ordinance, Chapter 10, Section 10.99.



ITEM 12.E

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Marguerite Davenport, Director of Public Services
DATE: February 6, 2023
SUBJECT: **LEGGITT ROAD AND EAST PROSPECT STREET CONSTRUCTION CONTRACT**

The Engineering Department, in conjunction with the Water, Wastewater, and Public Works Departments, issued a bid for the construction of two streets within the City; Leggitt Road and East Prospect Street. Bids were received on January 25, 2023 and the results were as follows:

Company	City, State	Bid Amount
C&D Hughes	Charlotte, MI	\$1,770,247.15
Concord Excavating	Concord, MI	\$1,463,736.28
Hunter Prell	Battle Creek, MI	\$1,351,399.00

The City contracted with ENG consultants on the design of Leggitt Road Construction as approved at the July 18, 2022 City Council Meeting. The East Prospect Street portion of the work was designed along with the 2022 Prospect Street project, but removed from construction at the time of contract award in Spring 2022. East Prospect Street Construction includes watermain replacement and street reconstruction from N Liberty St to East Drive. Several areas, totalling approximate 200-feet, of sidewalk infill will be completed as part of this project. The Leggitt Road project includes replacement of watermain and sanitary sewer, installation of stormwater controls, and reconstruction of the road. Both Leggitt Road and E Prospect are in poor condition.

Leggitt Road Funding

The funding for Leggitt is proposed through the water and wastewater departments, the municipal street fund, the local street fund, property owner contributions (for private parking), and special assessment to property owners. Leggitt Road is a dead end road servicing four industrial properties and one residential property. In the spring of 2022, the City met with the local property owners and discussed the plans to improve the road. In those discussions, property owners indicated they are willing to cost-share a portion of the improvements. City staff

are proposing to fund half of the street specific costs through special assessment based on the feedback of adjacent property owners. The component specific costs of the project are as follows:

Project Component	Amount
Water	\$251,207.67
Wastewater	\$143,932.67
Street	\$253,038.92
Total Bid	\$648,179.25

The private parking portion of the project is \$34,296.48 between two parcels. The water and wastewater components will be funded by the utility funds, respectively. Half of the street portion is proposed for special assessment funding (approximately \$127,000). However, staff have not yet been able to initiate that process. At this time, staff propose awarding the contract from the water, wastewater, and local street funds so that the materials needed, specifically pipe, can be ordered and the project deadline met. The projects were bid with the understanding that the Leggitt Road construction can occur anytime throughout the construction season, but must be completed by November whereas the Prospect Street project was bid with a completion date of August 15, 2023 to limit the impact on the adjacent Gordon Elementary. Therefore, the following funding matrix is proposed for the Leggitt Road Reconstruction portion of the contract:

Funding Department	Funding Type	Construction Contract Amount	Contingency	Funded Amount	Budget Amendment Needed	From General Ledger Line	To General Ledger Line
Water	Revenue Bonds	\$93,000	\$0	\$93,000	yes		591-900-970.00
Water	Fund Balance	\$158,207.67	\$25,792.33	\$184,000	yes		591-900-970.00
Wastewater	Fund Balance	\$143,932.67	\$15,067.33	\$159,000	yes		590-900-970.00
Municipal Street Fund	Bond Proceeds	\$100,000	\$0	\$100,000	yes		204-441-820.00
Local Streets Fund	Fund Balance	\$153,038	\$25,961.08	\$179,000	yes		203-900-970.00
Total		\$648,179.25	\$66,820.75	\$715,000			

East Prospect Street Funding

East Prospect was designed in 2022 with the other sections of Prospect constructed during the summer of 2022. At the time of the contract award, staff were uncertain about funding for the project due to changes in other projects affecting the water department at the time. Today, however, staff are ready to proceed with the project that includes watermain replacement, partial street reconstruction, and infill sidewalk construction. East Prospect Street can be broken into two project components as follows:

Project Component	Amount
Water	\$364,333.25
Streets	\$338,886.50
Total Bid	\$703,219.75

The water department planned for a portion of the project to be funded by the 2022 Water Revenue Bonds. However, inflationary pricing has caused the bond amounts to be fully appropriated on other projects. Therefore, staff are proposing to fund the watermain portion of East Prospect from the Water fund balance and the American Rescue Plan Act (ARPA) fund. The street portion will be funded partially from the Municipal Street Fund and the Local Street Fund. The following funding matrix outlines the funding for the East Prospect portion of the project:

Funding Department	Funding Type	Amount of Construction Contract	Amount of Contingency	Total Funded Amount	Budget Amendment Needed	From General Ledger Line	To General Ledger Line
Water	Fund Balance	\$131,000.00	\$0	\$131,000.00	yes		591-900-970.00
Water	ARPA	\$233,333.25	\$35,666.75	\$269,000.00	yes	287-000-528.00	591-900-970.00
Municipal Street Fund	Bond Proceeds	\$175,000.00	\$0	\$175,000.00	yes		204-441-820.00
Local Street Fund	Fund Balance	\$163,886.50	\$33,113.50	\$197,000.00	yes		203-900-970.00
Total		\$703,219.75	\$68,780.25	\$772,000.00			

The construction will require construction engineering services to oversee the work. ENG has proposed a construction engineering fee of \$162,167.88 for all the proposed work on Leggit Road and East Prospect Street. Funding for this portion of the work will be allocated as follows:

Funding Department	Funding Type	Amount	Contingency	Total Funded Amount	Budget Amendment Needed	From GL Line Item	To GL Line Item
Water Department	ARPA	\$70,000	\$3,500	\$73,500	yes	287-000-528.00	591-900-970.00
Wastewater Department	Fund Balance	\$17,167.88	\$1,332.12	\$18,500	yes		590-900-970.00
Municipal Street Fund	Bond Proceeds	\$75,000	\$3,750	\$78,750	yes		204-441-820.00
Total		\$162,167.88	\$8,582.12	\$170,750.00			

BUDGET IMPACT:

- The 2022 water revenue bonds planned expenses will be expended upon completion of this project.
- The American Rescue Plan Act fund balance will be decreased from 603,736.29 to \$261,236.29.
- The Water Fund will be reduced by \$315,000 which is available in addition to typical operating costs and restricted cash.
- The Municipal Street fund balance will be reduced from \$1,275,395.11 to \$921,635. Currently, the 2023 construction project is estimated at \$700,000, which will complete the promised construction.
- The Local Street fund balance will be reduced from 696,322.62 to 320,322.62.

RECOMMENDATION:

- Approve the construction contract with Hunter Prell in the amount of \$1,351,399.00 with a contingency of \$153,601.00 for a total funded amount of \$1,487,000.00.
- Approve the construction engineering contract with ENG in the amount of \$162,167.88 with a contingency of \$8,582.12 for a total funded amount of \$170,750.00.
- Approve the budget amendment of \$93,000 from Water Revenue Bond Proceed to Water Capital Outlay.
- Approve the budget amendment of \$315,000 from Water Fund Balance to Water Capital Outlay.
- Approve the budget amendment of \$342,500 from American Rescue Plan Act Revenue to Water Capital Outlay.
- Approve the budget amendment of \$177,500 from Wastewater Fund Balance to Wastewater Capital Outlay.
- Approve the budget amendment of \$353,750 from Municipal Street Fund Bond Proceeds to Municipal Street Fund Contracted Services.
- Approve the budget amendment of \$376,000 from Local Streets Fund Balance to Local Streets Capital Outlay.



ITEM 12.F

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Eric Zuzga, Director of Community Services
Justin Miller, Parks and Recreation Superintendent
DATE: February 6, 2023
SUBJECT: COUNTY PARKS MILLAGE REPORT

In 2020, voters approved a county wide millage for parks. The millage rate is .2 mills for five years. In year two of the 5-year county millage the allocation for the City of Marshall parks is estimated at **\$20,995.23**.

City Staff will continue to collect the County Parks Millage each year and combine each year. This will allow the city to use the dollars for matching funds for grants to be used towards Riverwalk repairs on the east portion of the Riverwalk.

In 2021, City staff contracted tree removal on the Stuart's Landing portion of the riverwalk with the county parks millage. The Riverwalk is still in need of repairs and the repairs fit the parameters of county parks millage.

BUDGET IMPACT:

The County Park allocation will allow us to fix segments of the Riverwalk that are in need of repair without using our general fund to complete the work. A budget amendment will be needed when construction is able to move forward.

RECOMMENDATION:

Authorize submission of the 2022 Report and Accept the County Parks Millage allocation of **\$20,995.23** to be used for continued repairs to the Riverwalk.

CALHOUN COUNTY PARKS AND RECREATION COMMISSION 2022 PARKS MILLAGE ALLOCATION REPORT & 2023 ALLOCATION REQUEST

City of Marshall

General Instructions:

- All communities that received an allocation must complete the following reports. Section 1 asks how a community used (or did not use) its 2022 allocation. Section 2 covers how a community accepts or declines its 2023 millage allocation.
- Communities declining their allocation must sign and submit the form, leaving most fields blank, other than the notice of declining. Documentation of approval of this form by a local government body, such as meeting minutes when action was taken or a resolution by the governing body, is required. Minutes or a resolution can be provided after February 15th but should be on the following meeting agenda.
- This information will be used to advise staff, citizens, committee members, and elected officials on how the County Parks Millage funds are being spent by local municipalities.

Financial and reporting guide:

- Municipalities must be able to report on Parks Millage funds separately from general park expenditures. The end of year millage report requires millage expenses be separated from general or other operating fund parks expenses.
- The allocation request and year-end millage report are due on February 15th. Municipalities will be contacted prior to the due date with a reminder and instructions.
- Municipalities can maintain a balance of funds up to three years' worth of allocations. Municipalities that have not submitted any plans to spend funds between 2021-2023 will not receive a fourth-year allocation unless significant planning or progress is shown. Municipalities in this situation must reach out to Parks Director, Doug Ferrall, at 269-781-0769 for a one-on-one meeting.
- Municipalities that fail to complete this form forfeit their allocation. Forfeited funds will be placed back into the municipal allocation pool and divided proportionately among remaining municipalities.

What can millage funds be used for?

Millage funds must be used in accordance to the ballot language citizens approved on Aug. 4, 2020. It reads, millage funds will "be used and dispersed for the purpose of maintaining, operating, preserving, acquiring, and developing parks in Calhoun County." See the list below for examples.

Capital repairs or replacements
Additional park maintenance

Park acquisitions
Matching funds

New park amenities
Park planning and engineering

What can't millage funds be used for?

Parks requiring an entry fee
Recreation leagues
Sports programming
Cemeteries

Parks that are not open to the public
Athletic fields that are not open to the public
Replacing local municipality parks funding

*Municipalities that have ideas that fall outside the guidelines of this document must contact Calhoun County Parks staff to discuss the proposal. All proposals will be reviewed on a case-by-case basis.

Timeline/Due dates

Allocation request and previous year's report due
Allocations sent to municipalities

February 15th, 2023
Early May 2023

**CALHOUN COUNTY PARKS AND RECREATION COMMISSION
2022 PARKS MILLAGE ALLOCATION REPORT & 2023 ALLOCATION REQUEST**

City of Marshall

Section 1: 2022 Allocation Report

Complete the following to explain how your municipality used its 2022 local share of the park millage.

2022 Allocation Financial Report:

1.	2022 County millage allocation	<u>\$18,671.45</u>
2.	2021 remaining millage allocation	<u>\$7,097.77</u>
3.	Total	<u>\$25,769.22</u>
4.	Millage expenses	
	4a. Salaries and fringe	\$ _____
	4b. Contractual services	\$ _____
	4c. Supplies and equipment	\$ _____
	4d. Other _____	\$ _____
	_____	\$ _____
5.	Total millage expenditures (Add lines 4a through 4d)	\$ _____
6.	Ending millage balance (Subtract line 4 from line 3)	\$ _____

What did you accomplish with your 2022 millage allocation?

How did your results differ from your original proposal?

Was millage money used as matching funds for state, federal, or local grants?

☐ Yes ☐ No If yes, how much grant money was awarded? \$ _____

Section 2: 2023 Allocation Request

The following reviews if/how your municipality intends to use its 2023 local share of the parks millage. Please note the allocation below is an estimate and will change based on actual taxes collected.

City of Marshall's 2023 Park's Millage Allocation estimate is \$20,995.23

Municipal allocation commitment

- ☐ City of Marshall accepts its millage allocation.
- ☐ City of Marshall declines its millage allocation.

**CALHOUN COUNTY PARKS AND RECREATION COMMISSION
2022 PARKS MILLAGE ALLOCATION REPORT & 2023 ALLOCATION REQUEST**

City of Marshall

Project(s) Description – Please explain if/how you plan to spend the 2023 Park Millage Allocation

Project Type(s):

Check all that apply

- | | |
|--|--|
| ☐ Capital Replacement | ☐ New Capital Improvement |
| ☐ Additional Maintenance | ☐ Equipment |
| ☐ Planning or Engineering | ☐ No project in 2022: |
| ☐ Other (explain below) | |

Estimated Budget:

Salaries and fringe	\$	_____
Contractual services	\$	_____
Supplies and equipment	\$	_____
Other:	\$	_____
Other:	\$	_____
Total Budget	\$	_____

How would your municipality fund the ongoing maintenance of this project(s) if the millage isn't renewed at the end of the five-year period?

☐ City of Marshall does hereby certify that Calhoun County Parks Millage funding is not being used to replace existing municipal park funding and that these funds are being used to expand the quality of parks in our community.

Documentation

☐ Municipalities must provide documentation of approval of this form by a local government body such as meeting minutes where action was taken or a resolution by the governing body.

Date

Authorized official signature

Date of approval of local governing board
(Township board, city, or village council).

Authorized official printed name

Authorized official title

**CALHOUN COUNTY PARKS AND RECREATION COMMISSION
2022 PARKS MILLAGE ALLOCATION REPORT & 2023 ALLOCATION REQUEST**

City of Marshall

Additional comments/space:



ITEM 12.G

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Eric Zuzga, Director of Community Services
Justin Miller, Parks and Recreation Superintendent
DATE: February 6, 2023
SUBJECT: **T-MOBILE AND AARP GRANT REQUEST FOR EATON PARK**

City Staff continues to seek funds to allow the Eaton Park project to become a reality. Staff were made aware of the T-Mobile Hometown Grant and AARP Community Challenge Grant Programs. Staff is asking for permission to submit grant totaling \$70,000 to the two organizations.

T-Mobile Hometown Grants is a \$25 million, five-year initiative to support the people and organizations who help small towns across America thrive and grow. Hometown Grants are given every quarter to up to 25 small towns. Apply for funding to support a community project of your choice, like revitalizing or repurposing a historic structure, creating a downtown asset or destination, or improving a space where friends and neighbors gather. Projects that add to a sense of place or could lead to further investment are of particular interest. The grant application deadline for the T-Mobile Hometown Grant is March 31, 2023 with staff planning to submit an application of \$50,000 if authorized.

The [AARP Community Challenge](#) provides small grants to fund quick-action projects that can help communities become more livable for people of all ages. In 2023, the AARP Community Challenge is accepting applications across three different grant opportunities, two of which are new this year. We are accepting applications for projects that benefit residents — especially those age 50 and older. Projects can:

- Create vibrant **public places** that improve open spaces, parks and access to other amenities
- Deliver a range of **transportation and mobility options** that increase connectivity, walkability, bikeability, and access to public and private transit
- Support **housing options** that increases the availability of accessible and affordable choices
- Ensure a focus on **diversity, equity and inclusion** while improving the built and social environment of a community;
- Increase **digital connections** by expanding high-speed internet and enhancing digital literacy skills of residents
- Support **community resilience** through investments that improve disaster management, preparedness and mitigation for residents

- Increase **civic engagement** with innovative and tangible projects that bring residents and local leaders together to address challenges and facilitate a greater sense of inclusion
- Improve **community health and economic empowerment** in support of financial well-being and improved health outcomes

The application deadline is March 15, 2023 with staff planning to submit an application of \$20,000 if authorized.

BUDGET IMPACT:

There is no direct impact from submission of the grant applications. The grants will add to the funds already raised and will continue to move forward our efforts on making Eaton Park a reality.

RECOMMENDATION:

Approve submission of the T-Mobile and AARP grant applications to support the development of Eaton Park.



ITEM 12.H

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
DATE: February 6, 2023
SUBJECT: MAFFA COT FUNDING REQUEST

The City has received a request from the Marshall Area Fire Fighters Ambulance Authority (MAFFAA) for a \$5,000 contribution towards the purchase of a new power cot for use by the Ambulance Authority. The MAFFAA is making this financial request of all their member communities to replace the existing cots currently in service.

BUDGET IMPACT:

We are recommending that American Rescue Plan Act (ARPA) funding received by the City be used for this expenditure. The current ARPA balance is \$603,736.29 and would be decreased to \$598,736.29 if the request is approved.

RECOMMENDATION:

Approve Resolution 2023-05, A Resolution to Authorize a \$5,000 contribution to the Marshall Area Fire Fighters Ambulance Authority for the Purchase of a New Power Cot.

**CITY OF MARSHALL, MICHIGAN
RESOLUTION NO. 2023-05**

**A RESOLUTION TO AUTHORIZE A \$5,000 CONTRIBUTION TO THE MARSHALL
AREA FIRE FIGHTERS' AMBULANCE AUTHORITY FOR THE PURCHASE OF A
NEW POWER COT**

WHEREAS, The Marshall Firefighters Ambulance Service (MFFAS) was formed in 1980 by the Marshall Firefighters Association as a private non-profit organization providing Ambulance Services to the City of Marshall and the surrounding Townships; and

WHEREAS, In April of 2004, the Marshall Area Fire Fighters Ambulance Authority (MAFFAA) was formed by the Nine Townships and the City of Marshall under Public Act 57 of 1988; and

WHEREAS, It is the mission of the Marshall Area Fire Fighters Ambulance Authority to provide quality pre-hospital medical care to the citizens of Marshall and central Calhoun County that comprise the Authority Area; and

WHEREAS, the Ambulance Authority covers 324 square miles of central Calhoun County with five advanced life support ambulances with 24 Paramedics and responded to over 4,000 calls for service; and

WHEREAS, MAFFAA is requesting each participating local unit to contribute \$5,000 towards the purchase of a new power cot as the existing ones are over 15-years old and past their service life; and

NOW THEREFORE, BE IT RESOLVED, as public health, safety and welfare are the foundation of local government, we authorize the City Manager to expend \$5,000 of the City American Rescue Plan Act (ARPA) fund allocation towards the purchase of a power cot as requested by the Marshall Area Fire Fighters Ambulance Authority to serve our citizens.

The foregoing is a true and a complete copy of the resolution adopted by the City Council and the City of Marshall at a regular meeting on February 6, 2023. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976, as amended). Minutes of the meeting will be available as required by the Act.

City of Marshall

By: Michelle Eubank

Its: Clerk

Date: February 6, 2023



Marshall Area Fire Fighters Ambulance Authority

16984 Burlingame Drive • Marshall, MI 49068
Business: (269) 781-9819 • Fax: (269) 781-9323

Marshall City Board Members,

MAFFAA would like to request your contribution of \$5000.00 per entity to go towards the purchase of a new power cot for our service. The cost of one cot, with service plan, is \$37,163.10. Currently, our service has 6 cots of which 5 are power cots and 1 manual cot. The power cots that we are currently using are 15 years old with an FDA service life of just 7 years. Our manual cot is estimated at 18 years plus. The power cots have been a wonderful attribution to the service. They have facilitated our ability to provide our employees with the greatest option in reducing injury caused by lifting. However, we are also aware that our current cots are reaching obsolescence. Therefore, we have recently ordered 5 new power cots in order to ensure not only employee safety, but patient safety. We are asking the city & townships that we serve to release the funds from your ARPA accounts to assist us in making this necessary purchase possible. Any extra funding would be returned to the participating entities.

We sincerely appreciate your continued support and thank you for your consideration.

Nicholas J Smith, executive Director
Marshall Area Fire Fighters Ambulance Authority



Marshall- ARPA 6th Power-PRO 2

Quote Number: 10640100

Remit to:

Stryker Medical

P.O. Box 93308

Version: 1

Chicago, IL 60673-3308

Prepared For: MARSHALL AREA FIRE FIGHTERS

Rep:

Maegan Beveridge

Attn:

Email:

maegan.beveridge@stryker.com

Phone Number:

Quote Date: 01/23/2023

Expiration Date: 04/23/2023

Delivery Address

Name: MARSHALL AREA FIRE FIGHTERS

Account #: 1150229

Address: 16984 BURLINGAME DR

MARSHALL

Michigan 49068-8422

End User - Shipping - Billing

Name: MARSHALL AREA FIRE FIGHTERS

Account #: 1150229

Address: 16984 BURLINGAME DR

MARSHALL

Michigan 49068-8422

Bill To Account

Name: MARSHALL AREA FIRE FIGHTERS

Account #: 1150229

Address: 16984 BURLINGAME DR

MARSHALL

Michigan 49068-8422

Equipment Products:

#	Product	Description	Qty	Sell Price	Total
1.0	650705550001	6507 POWER PRO 2, HIGH CONFIG	1	\$28,148.86	\$28,148.86
2.0	650707000002	Lithium-Ion Battery	1	\$741.64	\$741.64
3.0	650700450301	ASSEMBLY, BATTERY CHARGER	1	\$1,061.14	\$1,061.14
4.0	650700450102	ASSEMBLY, POWER CORD, NORTH AM	1	\$24.19	\$24.19
Equipment Total:					\$29,975.83

Trade In Credit:

Product	Description	Qty	Credit Ea.	Total Credit
TR-SMCOT-PP2	TR-SYK MCOT TO PP2	1	-\$500.00	-\$500.00

ProCare Products:

#	Product	Description	Years	Qty	Sell Price	Total
6.1	77500010	ProCare Power-PRO 2 Prevent Service: Annual onsite preventive maintenance inspection and unlimited repairs including parts, labor and travel with SEM and battery coverage for 6507 POWER PRO 2, HIGH CONFIG	6	1	\$7,262.32	\$7,262.32
ProCare Total:						\$7,262.32



Marshall- ARPA 6th Power-PRO 2

Quote Number: 10640100

Version: 1

Prepared For: MARSHALL AREA FIRE FIGHTERS

Attn:

Quote Date: 01/23/2023

Expiration Date: 04/23/2023

Remit to: Stryker Medical

P.O. Box 93308

Chicago, IL 60673-3308

Rep: Maegan Beveridge

Email: maegan.beveridge@stryker.com

Phone Number:

Price Totals:

Estimated Sales Tax (0.000%):	\$0.00
Freight/Shipping:	\$424.95
Grand Total:	\$37,163.10

Comments:

Prices: In effect for 30 days

Terms: Net 30 Days

Contact your local Sales Representative for more information about our flexible payment options.

Capital Terms and Conditions:

Deal Consummation: This is a quote and not a commitment. This quote is subject to final credit, pricing, and documentation approval. Legal documentation must be signed before your equipment can be delivered. Documentation will be provided upon completion of our review process and your selection of a payment schedule. Confidentiality Notice: Recipient will not disclose to any third party the terms of this quote or any other information, including any pricing or discounts, offered to be provided by Stryker to Recipient in connection with this quote, without Stryker's prior written approval, except as may be requested by law or by lawful order of any applicable government agency. A copy of Stryker Medical's Acute Care capital terms and conditions can be found at https://techweb.stryker.com/Terms_Conditions/index.html. A copy of Stryker Medical's Emergency Care capital terms and conditions can be found at <https://www.strykeremergencycare.com/terms>.

August 2022

Dear valued customer,

Due to the COVID-19 pandemic, certain product applications carry additional guidelines. Please review the following information regarding Stryker's Power-PRO™ 2 powered ambulance cot, Power-PRO XT powered ambulance cot and Power-LOAD® powered cot fastener.

These advanced products provide a powered system approach to raising/lowering and loading/unloading a patient in the back of an ambulance.

Some key features and benefits that help with caregiver safety include:

- **Only two operators needed for an occupied cot:** In the pre-hospital space, adequate staffing is a common problem. The COVID-19 pandemic could have further impacted those staffing shortages.
- **Raise/lower and load/unload with the touch of a button:** The Power-PRO 2 and Power-PRO XT can raise or lower a patient with a touch of a button. A patient up to 700 pounds on either cot can be loaded or unloaded from an ambulance using Power-LOAD.
- **Caregiver injury reduction:** Case studies showcase reduction in caregiver back-related injuries.
 - 100 percent reduction in cot-related injuries saved one service \$545,000 in 4.5 years.¹
 - 96 percent reduction in adverse cot events after implementation of Power-PRO XT and Power-LOAD by one service.²
- **SAE J3027 crash-rated system:** Tests ambulance litter integrity, retention and patient restraint.*
- **Safe working load of 870 pounds:** The Power-LOAD system can support 870 pounds of working load (the total weight of the cot and patient). This potentially requires less rescuers on scene to help load and unload patients in the back of the ambulance.
- **Power-PRO 2:** The transport handle helps achieve a more ergonomic posture during navigation and allows a lower transport height.

Visit stryker.com for more information on the Power-PRO 2, Power-PRO XT or Power-LOAD.

Sincerely,



John Guyeskey
Senior Marketing Manager

*When used with Stryker's X-Restraints and universal floorplate. Data provided by EMSA.

1. Stryker (2018). EMSStat – Norman Regional Health System Case Study (Case Study on Power-PRO XT cots and Power-LOAD cot fastening systems).

2. Emergency Medical Services Authority. (2015). Risk Reduction Success Story: Utilization of the Stryker Power-LOAD Cot Fastener System in the EMSA System. Tulsa, Oklahoma and Oklahoma City, Oklahoma: Emergency Medical Services Authority.

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ITEM 13.A

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
DATE: February 6, 2023
SUBJECT: **WARD 2 APPOINTMENT**

The Marshall City Charter, Section 2.09, outlines the procedures for when a vacancy occurs on City Council.

(a) Vacancies. The office of any council member, including the office of mayor, shall become vacant upon the occurrence of one or more of the following events: (1) for any reason specified by law or for any intentional violation of this charter, (2) the council member's death or adjudication of mental incompetency, (3) the council member's resignation tendered to the council and accepted by the council, (4) the council member's termination of residency within that area from which he or she was nominated as specified in Section 2.01, (5) the council member's absence from four (4) consecutive regular meetings of the council or 25% of all regular meetings in any calendar year unless such absence shall in each case be excused by the council, (6) the council member's conviction of a felony.

(b) Filling of Vacancies. If a vacancy occurs in the city council, except in the office of mayor, the city council shall, at a regular meeting and within sixty (60) days after such vacancy occurs, appoint a person who possesses the qualifications required of holders of said office. This term shall expire on January first of the year following the next regular election. At this election such vacancies shall be filled for the balance of the unexpired term, if any. However, if any such vacancy is not filled within sixty (60) days or if three or more vacancies in the positions of mayor and council members exist simultaneously or are held by appointments, the clerk shall, within ten (10) days, call a special election to be held within one hundred twenty (120) days thereafter to fill such vacancies for the unexpired terms. No vacancies shall be filled in any manner if fewer than ninety (90) days remain in said vacant council term of office.

After advertising the City Council vacancies from January 4th to January 20th, we received interest from former Mayor Joe Caron, Ms. Elli Blonde, Mr. James Arver and Mr. Ron Hannold for the Ward 2 vacancy and Ms. Theresa Chaney-Huggett and Mr. Scott McDonald for the Ward 4 vacancy.

On February 6, 2023, the City Council invited all the candidates to a scheduled Work Session to introduce themselves and present their qualifications and interest in seeking the appointment.

As required by the City of Marshall Charter, we recommend that the City Council select and appoint a qualified individual to the vacant Ward 2 City Council Member position and appoint a qualified individual to the vacant Ward 4 City Council Member position. If both appointments are

made by the February 21st City Council Regular Meeting, we will avoid the need and cost of a special election.

BUDGET IMPACT:

None.

RECOMMENDATION:

Move to appoint _____ as the Ward 2 City Council Member to serve until January 1st of the year following the next regular election.



ITEM 13.B

TO: Honorable Mayor and City Council
FROM:
DATE: February 6, 2023
SUBJECT: **WARD 4 APPOINTMENT**

The Marshall City Charter, Section 2.09, outlines the procedures for when a vacancy occurs on City Council.

(a) Vacancies. The office of any council member, including the office of mayor, shall become vacant upon the occurrence of one or more of the following events: (1) for any reason specified by law or for any intentional violation of this charter, (2) the council member's death or adjudication of mental incompetency, (3) the council member's resignation tendered to the council and accepted by the council, (4) the council member's termination of residency within that area from which he or she was nominated as specified in Section 2.01, (5) the council member's absence from four (4) consecutive regular meetings of the council or 25% of all regular meetings in any calendar year unless such absence shall in each case be excused by the council, (6) the council member's conviction of a felony.

(b) Filling of Vacancies. If a vacancy occurs in the city council, except in the office of mayor, the city council shall, at a regular meeting and within sixty (60) days after such vacancy occurs, appoint a person who possesses the qualifications required of holders of said office. This term shall expire on January first of the year following the next regular election. At this election such vacancies shall be filled for the balance of the unexpired term, if any. However, if any such vacancy is not filled within sixty (60) days or if three or more vacancies in the positions of mayor and council members exist simultaneously or are held by appointments, the clerk shall, within ten (10) days, call a special election to be held within one hundred twenty (120) days thereafter to fill such vacancies for the unexpired terms. No vacancies shall be filled in any manner if fewer than ninety (90) days remain in said vacant council term of office.

After advertising the City Council vacancies from January 4th to January 20th, we received interest from former Mayor Joe Caron, Ms. Elli Blonde, Mr. James Arver and Mr. Ron Hannold for the Ward 2 vacancy and Ms. Theresa Chaney-Huggett and Mr. Scott McDonald for the Ward 4 vacancy.

On February 6, 2023, the City Council invited all the candidates to a scheduled Work Session to introduce themselves and present their qualifications and interest in seeking the appointment.

As required by the City of Marshall Charter, we recommend that the City Council select and appoint a qualified individual to the vacant Ward 2 City Council Member position and appoint a qualified individual to the vacant Ward 4 City Council Member position. If both appointments are

made by the February 21st City Council Regular Meeting, we will avoid the need and cost of a special election.

BUDGET IMPACT:

None.

RECOMMENDATION:

Move to appoint _____ as the Ward 4 City Council Member to serve until January 1st of the year following the next regular election.