

CALL TO ORDER

IN REGULAR SESSION Monday, July 16, 2018 at 7:00 P.M. in the Council Chambers of Town Hall, 323 West Michigan Avenue, Marshall, MI, the Marshall City Council was called to order by Mayor Reed.

ROLL CALL

Roll was called:

Present: Council Members: Caron, McNeil, Metzger, and Mayor Reed, Schurig, and Williams.

Also Present: City Manager Tarkiewicz.

Absent: Council Member Costa.

Moved Williams, and supported Metzger, to excuse the absence of Council Member Costa. On a voice vote: **MOTION CARRIED.**

INVOCATION/PLEDGE OF ALLEGIANCE

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

APPROVAL OF THE AGENDA

Moved Metzger, supported Schurig, to approve the agenda with the addition of the MSCPA invoice in the amount of \$691,223.89. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

Moved Williams, supported Caron, to approve the Consent Agenda:

- A. Approve the proposed Traffic Control Order 104 to post NO PARKING on the south side of Green Street between Grand Street and Kalamazoo Avenue;
- B. Minutes of the City Council Regular Session held on Monday, June 18, 2018;
- C. Approve city bills in the amount of \$ 1,661,190.04;

On a roll call vote – ayes: Caron, McNeil, Metzger, Mayor Reed, Schurig, and Williams; nays: none. **MOTION CARRIED.**

PRESENTATIONS AND RECOGNITION

None.

INFORMATIONAL ITEMS

An Event Report was provided for the 2018 Art on the Avenue.

Moved McNeil, supported Schurig, to approve the 2018 Art on the Avenue Event. On a voice vote – **MOTION CARRIED.**

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Zoning Amendment Applications for 419 E. Hughes, 333 E. Hughes, 938 S. Marshall, and 501 Homer Road:

Trisha Nelson provided background regarding Zoning Amendment Applications #RZ18.02 at 419 E. Hughes, #RZ18.03 at 333 E. Hughes, #RZ18.04 at 938 S. Marshall, and #RZ18.05 at 501 Homer Road to rezone all properties from R-2 Suburban Residential to MFRD Multi-Family Residential. Kelly Williams is seeking to rezone these parcels to Multi-Family Residential to move forward with his plans to build apartments. The Planning Commission received the request at their regular meeting on May 9, 2018 and held a public hearing on the matter at their regular meeting on June 13, 2018. The Planning Commission worked through the Zoning Amendment worksheet and is recommending approval on the rezoning requests.

Mayor Reed opened the public hearing to hear public comment on Zoning Amendment Applications for 419 E. Hughes, 333 E. Hughes, 938 S. Marshall, and 501 Homer Road.

Velma Weston, 502 Homer Road, expressed her concerns with environmental impacts and water run-off and also inquired if anyone contacted the MDEQ. Ms. Weston spoke regarding the historical value of the home at 938 S. Marshall and also her concerns with any pollution to the river and the environmental impacts to the area. She feels the impression has been given to the neighborhood that the request will pass because of the fact the site has been cleared and fill dirt is already being brought in. Ms. Weston expressed her objection to all 4 of the rezoning applications that are being sought.

Francis Sloan, 1002 S. Marshall, expressed her concerns with the dirt from the Marshall Avenue bridge project being dumped on Mr. Williams property and if there are contamination or sediment concerns. She is concerned with the traffic in the area and does not want to see her neighborhood change.

Hearing no further comment, the hearing was closed.

Moved McNeil, supported Metzger, to approve Zoning Amendment Applications #RZ18.02 (Parcel #53-000-140-00) at 419 Hughes, #RZ18.03 (Parcel #53-001-825-00) at 333 E. Hughes, #RZ18.04 (Parcel #53-001-827-00) at 938 S. Marshall, and

#RZ18.05 (Parcel #53-001-522-00) at 501 Homer Road to rezone all properties from R-2 Suburban Residential to MFRD Multi-Family Residential. On a roll call vote – ayes: Metzger, Mayor Reed, Schurig, Williams, Caron and McNeil; nays: none. **MOTION CARRIED.**

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Tier III Technical Support for the FiberNet Project:

Moved Metzger, supported McNeil, to approve the awarding of the Tier III FiberNet support to the low-cost provider, Aspen Wireless, Inc., with a three (3) year contract with an option of two 2-year City Council approved renewals at a rate of \$8.75/account per month and have the City Clerk sign the contract. On a roll call vote – ayes: McNeil, Metzger, Mayor Reed, Schurig, Williams, and Caron; nays: none. **MOTION CARRIED.**

B. Granting of Public Utility Franchise:

Moved Williams, supported Caron, to approve the resolution authorizing the City Clerk to sign all necessary documents to implement the grant of the Public Utility Franchise for Vector Pipeline, L.P. and Michigan Gas and Utilities Corporation. On a voice vote – **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN RESOLUTION #2018-07

WHEREAS, the City of Marshall determines that the transmission of natural gas by pipeline provides an important and useful function for and benefit to the general public; and,

WHEREAS, Vector Pipeline, L.P. and Michigan Gas and Utilities Corporation, are modifying existing natural gas pipelines, and Vector Pipeline, L.P. is constructing an interconnect station near Oliver Drive; and,

WHEREAS, these proposed pipeline modifications and the interconnect station will enhance the development of City owned property to the east;

NOW THEREFORE, be it resolved that the City of Marshall does grant to Vector Pipeline, L.P. and Michigan Gas and Utilities Corporation a Public Utility Franchise, pursuant and subject to the Michigan Constitution of 1963 Article VII, Sections 24, 25, and 29, and Article XI of the Marshall City Charter, to operate a gas transmission pipeline and transfer station, as applicable, within the public

rights of way and easements granted to them by the City, and other property owners, and within the corporate limits of the City of Marshall.

BE IT FURTHER RESOLVED, that Vector Pipeline, L.P. and Michigan Gas and Utilities Corporation shall have the right to use City owned rights of way and easements, dedicated to the use of the public, including but not limited to those within Oliver Drive, subject all applicable federal and state laws and city ordinances.

BE IT FURTHER RESOLVED, that the City Council approves the grant of permanent and temporary construction easements necessary to and convenient to complete the proposed pipeline modifications and interconnect station, ratifies all actions and signatures to date, and authorizes the City Clerk to sign all necessary documents to implement the grant of this Public Utility Franchise.

I, Trisha Nelson, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on July 16, 2018, and that said meeting was conducted and that the minutes of said meeting were kept and will be or have been made available.

Trisha Nelson, City Clerk

C. Planning & Zoning Administrator:

Moved McNeil, supported Schurig, to assign the additional Planning and Zoning Administrator duties to the City Clerk and increase the salary as presented. On a voice vote - **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

A. Brooks Nature Area Advisory Board Appointments:

Moved Caron, supported Williams, to approve the reappointments of David Phaner, Patty Melliush, and Brian Huggett to the Brooks Nature Area Advisory Board with terms expiring August 15, 2021. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

COUNCIL AND MANAGER COMMUNICATIONS

Marshall City Council, Regular Session
Monday, July 16, 2018

ADJOURNMENT

The meeting was adjourned at 8:02 p.m.

Jack Reed, Mayor

Trisha Nelson, City Clerk