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The public may participate in the virtual meeting by using the link listed above or join by phone at

1-301-715-8592 Meeting ID: 879 3079 7488

**CITY COUNCIL
WORK SESSION AGENDA
Monday, March 1, 2021
6:30 PM**

A. Discussion with Marshall House Real Estate Broker on sale priorities

B. Other items

C. Future Work Sessions

a. 2021 Strategic Planning

April 9th & 10th

D. Future topics

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

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<https://us02web.zoom.us/j/82763835441>

The public may participate in the virtual meeting by using the link listed above or join by phone at **1-301-715-8592 Meeting ID: 827 6383 5441**

The public will be able to listen to all discussion by Council members and will be permitted to speak for up to 5 minutes during the public comment section of the agenda. Please use the ZOOM feature in the participant section to raise your hand or press *9 on the telephone keypad if you are using audio and you will be called upon to speak.

MARSHALL CITY COUNCIL AGENDA

Monday – 7:00 P.M.

March 1, 2021

- 1) **CALL TO ORDER**
- 2) **ROLL CALL**
- 3) **INVOCATION** – Devon Shephard, Woodland Church
- 4) **PLEDGE OF ALLEGIANCE**
- 5) **APPROVAL OF AGENDA** – Items can be added or deleted from the Agenda by Council action.
- 6) **PUBLIC COMMENT ON AGENDA ITEMS** – Persons addressing Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of five (5) minutes on any agenda item.
- 7) **CONSENT AGENDA**
 - A. **City Council Minutes**
Regular Session.....Tuesday, February 16, 2021
 - B. **City Bills**

Regular Purchases.....	\$187,121.68
Weekly Purchases –2/12/21	\$336,847.17
Weekly Purchases –2/19/21	\$34,481.08
Total.....	\$558,449.93
- 8) **PRESENTATIONS AND RECOGNITIONS**
- 9) **INFORMATIONAL ITEMS**
- 10) **PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**
- 11) **OLD BUSINESS**
- 12) **REPORTS AND RECOMMENDATIONS**
 - A. **MERS Defined Benefit Corrective Action Plan**
City Council will consider the recommendation to approve the Corrective Action Plan as presented and to direct the Finance Department to file the plan with the Michigan Department of Treasury.
 - B. **Rebecca Street and Oak Drive Dedication and Easements**
City Council will consider the recommendation to approve the resolutions for the dedication of Rebecca Street and Oak Drive as described in the attached deed and associated drawings and approve the public utility easements described in Attachment A and Exhibit A.

C. Green Burial Addition to Cemetery Rules and Regulations

City Council will consider the recommendation to approve the addition of *Limited Green Burials* to the Rules and Regulations for Oakridge Cemetery.

D. Rental Fees for Cronin Millrace Pavilion and Stuarts Landing

City Council will consider the recommendation to approve new Park Facilities Rental Application and fees as presented.

E. Social Media Policy

City Council will consider the recommendation to approve the Social Media and Comment Policies as presented.

F. Social District

City Council will consider the recommendation to approve the recommended changes to the Social District.

G. Grand River Brewery Community Saint Patrick's Day Celebration

City Council will consider the recommendation to approve the road closure for the 100 Block of S. Jefferson Street for the Grand River Brewery for March 17, 2021.

13) APPOINTMENTS / ELECTIONS

14) PUBLIC COMMENT ON NON-AGENDA ITEMS

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

15) COUNCIL AND MANAGER COMMUNICATIONS

16) ADJOURNMENT

Respectfully submitted,



Tom Tarkiewicz
City Manager

CALL TO ORDER

IN REGULAR SESSION, Tuesday, February 16, 2021, at 7:00 P.M., via Electronic Meeting format utilizing ZOOM. City Council was called to order by Mayor Caron.

ROLL CALL

Roll was called:

Present: Council Members: Mayor Caron (Marshall, MI), Gates (Marshall, MI), Rice (Marshall, MI), Schwartz (Savannah, GA), Traver (Marshall, MI), Underhill (Marshall, MI), and Wolfersberger (Marshall, MI).

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: None.

INVOCATION/PLEDGE OF ALLEGIANCE

Brandon Crawford of Grace Baptist Church gave the invocation and Mayor Caron led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Wolfersberger, supported Schwartz, to approve the agenda with the removal of item 7B Rebecca Street and Oak Drive Dedication and the addition of the Michigan South Central Power Invoice in the amount of \$742,641.56. On a roll call vote – ayes: Gates, Rice, Schwartz, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

Barry Wayne Adams reminded Council they implementing corporate fascism by zoning authority and stated that zoning places authority over an individual's right to use of their own property.

CONSENT AGENDA

Moved Gates, supported Wolfersberger, to approve the Consent Agenda:

- A. Scheduled a public hearing for Monday, March 15, 2021 to consider Zoning amendment Application #RZ21.01 to rezone 410 East Drive from POSD (Professional Office Service District) to R-2 (Suburban Residential District);
- B. Adopt the Resolution of Intent to authorize the City of Marshall to seek financial assistance from the State of Michigan for its public transportation service, DART;
- C. Approve the creation of a construction vehicle and storage permit for use in City parking lots per the fees set forth;
- D. Minutes of the City Council Regular Session held on Monday, February 1, 2021;

- E. Approve city bills in the amount of \$1,575,390.22.

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

PRESENTATIONS AND RECOGNITION

None.

INFORMATIONAL ITEMS

- A. **Event Report – Marshall High School Parade Request:**

Moved Schwartz, supported Underhill, to approve the road closures for the Marshall High School Graduation Vehicle Parade. On a roll call vote – ayes: Rice, Schwartz, Traver, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: none. **MOTION CARRIED.**

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

None.

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

- A. **Marshall House Broker Contract:**

Moved Traver, supported Underhill, to authorize the City Clerk to sign a brokerage services contract with Affordable Housing Advisors/Marcus & Millichap for the sale of the Marshall House. On a roll vote – ayes: Schwartz, Traver, Underhill, Wolfersberger, Mayor Caron, Gates, and Rice; nays: none. **MOTION CARRIED.**

- B. **Special Land Use #SLU21.01 for 1717 Pratt Avenue from MPM-C, LLC:**

Moved Underhill, supported Rice, to approve the recommendation by the Planning Commission to approve the Special Land Use Application agreement #SLU-21.01 from MPM-C, LLC for 1717 Pratt Avenue for the construction of hoop houses. On a roll vote – ayes: Underhill Wolfersberger, Mayor Caron, Gates, Rice, Schwartz, and Traver; nays: none. **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Barry Wayne Adams spoke regarding the wearing of masks and stated he received an opt out letter for the City-wide trash collection. Mr. Adams feels the City is doing

Marshall City Council, Regular Session
Tuesday, February 16, 2021
Unofficial

Marshall law.

ADJOURNMENT

The meeting was adjourned at 7:43 p.m.

Joe Caron, Mayor

Trisha Nelson, City Clerk

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
35510	ALEXANDER CHEMICAL	COR BLANKET PO FOR WATER TREATMENT PLANT	2021.008	4,206.00
35509	ALEXANDER CHEMICAL	COR BLANKET PO FOR CL2, SO2, SODIUM HYPOCHLO	2021.011	1,188.75
33678	ALEXANDER CHEMICAL	COR BLANKET PO FOR CL2, SO2, SODIUM HYPOCHLO	2021.011	1,011.00
1WWTGRTFD376	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1E02 - RECHARGEABLE BATTE		73.08
1NX37XKWJ7H	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1E02 - BLUETOOTH HEADSET		79.98
1RRVYLXQ3J9V	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1E02 - LENSE WIPES/COMPUT		26.97
02250472762	AUTO VALUE MARSHALL	POWERATED BELT		15.29
02250472935	AUTO VALUE MARSHALL	6FFN/6TS		8.29
02250472957	AUTO VALUE MARSHALL	GEAR OIL		42.18
02250473078	AUTO VALUE MARSHALL	PART # 71985/71987		49.14
02250473058	AUTO VALUE MARSHALL	DE ICER		32.94
02250473039	AUTO VALUE MARSHALL	WIRE BRUSH SET/60191/60190/CLEAR		25.96
02250473358	AUTO VALUE MARSHALL	GUIDES/OIL DIPSTICK X2		66.17
02250473262	AUTO VALUE MARSHALL	GUIDES/BATTERY		157.19
02250473263	AUTO VALUE MARSHALL	BATTERY CORE CREDIT		(36.00)
02250473273	AUTO VALUE MARSHALL	HITCH PIN/PINTLE RCVR		123.38
1000221742	BALTIC NETWORKS USA	MIKROTIK INTERNATIONAL- RESIDENTIAL ROUT	2021.261	2,401.48
42910	BUD'S TOWING & AUTOMOT	HOIST RENTAL		1,050.00
21-4232	CB HALL ELECTRIC COMP	PARTELLO ROAD LS		160.00
37751	COBAN TECHNOLOGIES	FOCUS VEHICLE DOCK PKG - COBAN ACCESSORY		565.00
4389470	CRYSTAL FLASH MARSHALL	DIESEL DELIVERY - 480.4 GALLONS		1,155.64
12144	CTT EQUIPMENT LLC	SERVICE CALL		140.00
579001	DARLING ACE HARDWARE	LP GAS		22.98
578348	DARLING ACE HARDWARE	GLASS/VALVE		51.48
578268	DARLING ACE HARDWARE	DISH SOAP/TIDE PODS/DISHWAND/SUPER GLUE/		25.75
578586	DARLING ACE HARDWARE	UTILITY BLADE		14.99
578754	DARLING ACE HARDWARE	RIVETS		2.59
579484	DARLING ACE HARDWARE	ICE MELT		31.98
579448	DARLING ACE HARDWARE	HEX WASHER		6.99
579643	DARLING ACE HARDWARE	FLAT WASHER/MACHINE SCREWS		16.68
579315	DARLING ACE HARDWARE	DRILL BIT/SCREWS		7.38
579659	DARLING ACE HARDWARE	SINK TRAP/SINK POPUP/SHOWER HOSE/PAINT B		66.53
895	DR LAB SERVICES	ANNUAL LAB PM AGREEMENT	2021.222	1,560.00
3317466	EDWARDS INDUSTRIAL SAL	FLEX COUPLING SLEEVE		24.40
960084	ENVIRONMENTAL RESOURCE	LAB QA SUPPLIES		667.65
I110205	ERIC DALE HEATING & AI	SERVICE CALL - DPW		80.00
I110170	ERIC DALE HEATING & AI	SERVICE CALL		75.00
I110197	ERIC DALE HEATING & AI	BOILER REPAIRS		635.00
I109700	ERIC DALE HEATING & AI	SERVICE CALL - DPW		789.00
I110354	ERIC DALE HEATING & AI	SERVICE CALL - DPW		607.00
IN102102030119	FS.COM INC	SINGLE MODE ATTENUATORS	2021.235	2,205.00
617	GLGC PLUMBING LLC	INSTALL NEW HEAD FOR POWER WASHER - DPW/		170.85
9781282422	GRAINGER	ACCT 804945673 - CEILING FAN		302.37
9319922873	GRAYBAR ELECTRIC	250' DROP CABLE		540.40
384223	HAVILAND PRODUCTS COMP	DEPOSIT CREDIT		(420.00)
2012021	HERITAGE CLEANERS	UNIFORM CLEANING - JANUARY		174.25
87848	HERMANS MARSHALL HARDW	GRAIN SCOOP		28.99
87701	HERMANS MARSHALL HARDW	SILICONE/T HANDLE/HACKSAW/DRILL/DRIVER S		387.42
87811	HERMANS MARSHALL HARDW	HEATER		99.99
87667	HERMANS MARSHALL HARDW	MASONARY BIT		4.29
28897	HUNTER PRELL COMPANY	SERVICE CALL - APT 102 NO HEAT		682.38
C163942	IMPACT SOLUTIONS	UTILITY BILL		15.00
C163796	IMPACT SOLUTIONS	#10 WHITE WOVEN WINDOW ENVELOPES	2021.237	1,085.60
C163811	IMPACT SOLUTIONS	#10 WHITE WOVEN WINDOW ENVELOPES	2021.237	1,738.25
C163872	IMPACT SOLUTIONS	RETURN ENVELOPES		15.00
20012	J AND K PLUMBING SUPPL	TOILET REPAIR		33.46
0001568	JUSTICE FENCE	GATE SERVICE		110.00
24049	KATZ WELL DRILLING INC	FABRICATION		261.28
S10998064.001	KENDALL ELECTRIC INCOR	PARTELLO RD LS - XFORMS		88.88
120136	LARRY'S FLOOR COVERING	RUBBER T/METAL TRANSITION PIECE		48.00
201936.10-2210148	LAWSON-FISHER ASSOCIAT	ENGINEERING FOR THE HYDRO ELECTRIC DAM R	2020.169	7,071.37
S4812333.002	MEDLER ELECTRIC COMPAN	'RB100-75 1X24 RED BUSH		32.40
S4806099.001	MEDLER ELECTRIC COMPAN	'12 STRAND WIRE		77.78
S4812333.001	MEDLER ELECTRIC COMPAN	'RB100-75/500' 12 STR CU RED		114.16
571627	NAPA OF MARSHALL	JUMP STARTER		249.00
571571	NAPA OF MARSHALL	PRESSURE WASHER HOSE		114.85
570400	NAPA OF MARSHALL	HOSE FITTING - POWER WASHER		7.29
450325	NORTH CENTRAL LABORATO	BLANKET PO FOR LAB SUPPLIES	2021.013	740.54
450425	NORTH CENTRAL LABORATO	BLANKET PO FOR LAB SUPPLIES	2021.013	72.84
104099	O'LEARY WATER CONDITIO	ICOLER RENTAL/WATER		31.00
4788-272980	O'REILLY FIRST CALL	WIPER BLADES		60.78
4788-273503	O'REILLY FIRST CALL	WASHER FLUID/TRANS FLUID/BRAKE FLUID/MOT		36.94
4788-273893	O'REILLY FIRST CALL	LYNCH PIN		1.69
4788-273892	O'REILLY FIRST CALL	SHOE ASSY		30.55
004239	OERTHERS	STRAW		5.89
1874745	OFFICE 360	CLIPBOARD		3.57
7118343-00	POWER & TELEPHONE SUPP	NID		396.77
56539407	POWER LINE SUPPLY	METER SOCKET		142.69
56539834	POWER LINE SUPPLY	DIELELTRIC GLOVES		210.00

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
56542246	POWER LINE SUPPLY	9KV ARRESTER		1,470.34
21-0126	QUALITY EXCAVATORS, INC	INDUSTRIAL RD WATER MAIN REPAIR	2021.273	982.00
10041	SIGNWORLD CONCEPTS	M3 - LETTERING		775.00
344296	SOLOMON CORPORATION	3000 KVA TRANSFORMERS 3 PHASE PAD MOUN	2021.194	129,000.00
901853211	STATE INDUSTRIAL PRODUCTS	CLEANER/DEGREASER/FLOOR CLEANER		129.51
S012076825.001	STUART C IRBY CO	300 AMP FUSE		1,247.10
2445	TIRE CITY TIRE PROS	TIRES/MOUNT/BALANCE		639.92
631594	TIREMAXX	NEW TIRES FOR KOMATSU LOADER	2021.268	7,458.00
129464070	ULINE	BLUE BINS		111.74
129628795	ULINE	SHOP STOOL		152.98
494348	USA BLUEBOOK	25ML SAMPLE 100PK		268.98
494712	USA BLUEBOOK	LAB SUPPLIES		61.75
530362787	UTILITIES INSTRUMENTAT	TRANSFORMER AND BREAKER MAINTENANCE AT B	2021.266	10,625.00
GRAND TOTAL:				187,121.68

APPROVAL LIST FOR CITY OF MARSHALL
 EXP CHECK RUN DATES 02/12/2021 - 02/12/2021
 UNJOURNALIZED
 OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
02/11/2021	AARON COPE	UB refund for account: 787		50.00
21318	AHS RESCUE	CONFINED SPACE EQUIPMENT - PART 2	2021.265	1,963.03
02/11/2021	BARRAGAN-BARAJAS, ROSA	UB refund for account: 3205160042		28.92
2112021ADVALDIST4	CALHOUN COUNTY TREASURY	2020 WINTER AD VALOREM DIST #4		24,415.74
21121DELPERPROP	CALHOUN COUNTY TREASURY	DELINQUENT PERSONAL PROPERTY TAX COLLECT		397.07
DELPERPROP20	CALHOUN COUNTY TREASURY	DELINQUENT PERSONAL PROPERTY TAX COLLECT		304.55
DELPERSPROPTAX20	CALHOUN INTERMEDIATE S	DELINQUENT PERSONAL PROPERTY TAX COLLECT		509.72
2112021WNTRDIST4	CALHOUN INTERMEDIATE S	2020 WINTER AD VALOREM DIST #4		57,764.37
205901209455	CONSUMERS ENERGY	ACCT 103018521130		2,018.94
02052021	CROW, CURT	MEAL ALLOWANCE		20.00
S3482734	EASTERN MICHIGAN UNIVE	EXEC. LEADERSHIP PROGRAM - WILL NASH		3,250.00
02/11/2021	GIL TALAMANTEZ	UB refund for account: 1704		50.00
2023183	GRIFFIN PEST SOLUTIONS	PEST CONTROL - PSB		51.00
02082021	HUEPENBECKER, JOHN	MEAL ALLOWANCE		10.00
0144820	IACP	DUES		190.00
02082021	JOHNSON, DAVE	MEAL ALLOWANCE		10.00
WNTADVALDIST4	KELLOGG COMMUNITY COLL	2020 WINTER AD VALOREM DIST #4		33,932.74
DELPERSPROPTAX20	KELLOGG COMMUNITY COLL	DELINQUENT PERSONAL PROPERTY TAX COLLECT		298.03
1720997-20210131	LEXISNEXIS RISK DATA	MINTEL SOFTWARE - NOV/DEC		200.00
02/11/2021	LOGAN BETTS	UB refund for account: 2157		50.00
70036/78068	LOWE'S BUSINESS ACCT/S	ACCT - 821 3032 105909 5		1,631.07
WNTRADVALDIST4	MARSHALL AREA FIRE FIG	2020 WINTER AD VALOREM DIST #4		13,128.52
01102021ER	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 4868 - ED RICE		20.91
DELQPERPROPTAX20	MARSHALL DISTRICT LIBR	DELINQUENT PERSONAL PROPERTY TAX COLLECT		93.25
DELQPERSPROPTAX20	MARSHALL FIREFIGHTER A	DELINQUENT PERSONAL PROPERTY TAX COLLECT		74.67
WNTRADVALDIST4	MARSHALL PUBLIC SCHOOL	2020 WINTER AD VALOREM DIST #4		166,633.80
DELQPERSPROPTAX20	MARSHALL PUBLIC SCHOOL	DELINQUENT PERSONAL PROPERTY TAX COLLECT		1,154.69
22275	MICHIGAN MUNICIPAL LEA	AD - FINANCE DIRECTOR		42.24
66412	MICHIGAN OFFICE ENVIRO	OFFICE CHAIRS FOR MRLEC	2021.185	1,173.25
02/11/2021	NATHAN SMITH	UB refund for account: 1986		50.00
USINV2101152715	NTT CLOUD COMMUNICATIO	ON CALL SERVICE		16.17
1782541	OFFICE 360	BANDAIDS		20.16
02/11/2021	PATTON-SHEPHERD, KEVIN	UB refund for account: 1600260031		59.82
10224	REVORE LAW FIRM, P.L.C	LEGAL SERVICES JANUARY		10,966.25
2092021	SANDERS, TIM	MEAL ALLOWANCE		20.00
15814	SONAR	SONAR SOFTWARE MONTHLY SERVICE. \$1.25/C	2021.007	1,885.00
1632918731	STAPLES BUSINESS CREDI	CREDIT ACCT # 302063		834.94
761-10604705	STATE OF MICHIGAN EGLE	STORM WATER PERMIT FEE		260.00
761-10598311	STATE OF MICHIGAN EGLE	AIR QUALITY FEE		2,007.00
02052021	TAYLOR, JEFF	MEAL ALLOWANCE		20.00
50	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE (3-PERSON \$106/	2021.058	3,604.00
02082021	UPRIGHT, CINDY	MEAL ALLOWANCE		10.00
9872489017	VERIZON WIRELESS	ACCT 987146080-00001		1,207.44
70067062	WEX BANK	ACCT 0470-00-462076-1		6,264.30
01292021	WOW! BUSINESS	ACCT 014226414		122.61
01282021	WOW! BUSINESS	ACCT 010058364		32.97
GRAND TOTAL:				336,847.17

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
269789901102-21	AT&T MOBILITY	ACCT 26978990115991		165.16
269781907002-21	AT&T MOBILITY	ACCT 26978190705731		161.29
2018986594578	CONSUMERS ENERGY	ACCT 100009163971		1,378.28
201896594577	CONSUMERS ENERGY	ACCT 100009163708		335.03
201896594576	CONSUMERS ENERGY	ACCT 100009163435		734.94
202163574563	CONSUMERS ENERGY	ACCT 100072243312		484.06
206523910277	CONSUMERS ENERGY	ACCT 100000335602		2,864.31
203320474814	CONSUMERS ENERGY	ACCT 100007594680		561.90
203053482796	CONSUMERS ENERGY	ACCT 100067101772		94.84
203231496788	CONSUMERS ENERGY	ACCT 100089211096		355.82
204922325619	CONSUMERS ENERGY	ACCT 103009157670		56.87
202341563216	CONSUMERS ENERGY	ACCT 103015800248		691.95
201451642990	CONSUMERS ENERGY	ACCT 100009163203		392.91
02162021	CROW, CURT	MEAL ALLOWANCE		20.00
102971	CRT, INC	CLOUD STORAGE - MONTHLY		1,231.37
103037	CRT, INC	V5 ESSENTIAL SUPPORT 3YRS		176.75
02/18/2021	DEVIN POLICELLA	UB refund for account: 2160		50.00
02/18/2021	EDWARD LISCOMBE	UB refund for account: 937		94.52
50014176	EMERGENCY VEHICLE PRODU	VEHICLE CHANGEOVER FOR LANKERDS 2020 DO 2021.269		2,000.00
87705	HERMANS MARSHALL HARDW.	SAWZALL BLADES/STORAGE TOTES		91.95
87664	HERMANS MARSHALL HARDW.	SNAPS/C-CLAMPS		42.54
87699	HERMANS MARSHALL HARDW.	LED SHOPLIGHTS		89.97
114925	J. RANCK ELECTRIC INC	AIRPORT MAINTENANCE		678.00
016521	LEWEY'S SHOE REPAIR	BOOT ALLOWANCE - EMILY FINNEY		249.95
016510	LEWEY'S SHOE REPAIR	BOOT ALLOWANCE - JEREMIAH STEELE		279.95
02/18/2021	LIBBRECHT, JEROME	UB refund for account: 3000960001		14.04
992006-GHWUZY	LOWE'S	ACCT 99007320387		227.94
02072021EZ	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 2217 - ERIC ZUZGA		641.77
02072021COM	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 3431 - CITY OF MARSHA		171.46
02072021TT	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 7681 - TOM TARKIEWICZ		475.48
02072021SMCD	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 4217 - SCOTT MCDONALD		87.47
02032021	QUADIENT FINANCE USA,	POSTAGE - ACCT 7900044055829307		3,000.00
8192	RICE'S SHOES, INC	BOOT ALLOWANCE - DAN JINKS		145.00
02162021	SANDERS, TIM	MEAL ALLOWANCE		20.00
02/18/2021	STINER, SARAH	UB refund for account: 3004410012		69.42
289769	TARGET INFORMATION MAN.	CODE MCI CITATIONS		733.90
02162021	TAYLOR, JEFF	MEAL ALLOWANCE		20.00
214396	TELNET WORLDWIDE	ACCT 8948		2,010.88
1472	THE WOODHILL GROUP, LL	FINANCIAL SERVICES AGREEMENT	2021.250	6,093.75
51	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE (3-PERSON \$106/2021.058		3,570.88
21CM-001	V & V ASSESSING LLC	ASSESSMENT CHANGE NOTICES		2,470.50
73507522	WINDSTREAM	ACCT 205599191		83.17
02022021	WOW! INTERNET-CABLE-PH	ACCT 010041764		1,363.06
GRAND TOTAL:				34,481.08



ADMINISTRATIVE REPORT
March 1, 2021 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members
FROM: Tom Tarkiewicz, City Manager
SUBJECT: MERS Defined Benefit Corrective Action Plan

BACKGROUND: Public Act 202 of 2017, Protecting Local Government Retirement and Benefits Act, went into effect on December 20, 2017. The local reporting required under this Act relates to retirement pension benefits and retirement health benefits. On December 13, 2019 the City of Marshall filed Form 5572 – Pension Report and Health Care (OPEB) Report with the Michigan Department of Treasury. On January 28, 2021, the City received the Department of Treasury’s email letter titled “Retirement System Annual Report: Preliminary Review of Underfunded Status” for our MERS Defined Benefit Plan due to the fact that our Defined Benefit Plan liabilities are funded at 59.88% and the State’s threshold is 60%.

In accordance with PA 202, a local governmental unit may submit a Corrective Action Plan with Treasury, outlining the steps the local unit has enacted or will enact to reach a 60% “funding level”. The attached plan and corresponding attachments will be filed as soon as it is approved by City Council.

Council should be aware that the City has paid all invoices from MERS in full and on time. The reason for the funding level going below the 60% threshold is due to MERS recent years return on investments being less than actuarial projections.

RECOMMENDATION: The recommendation is for City Council to approve the City’s Corrective Action Plan as presented and to direct the Finance Department to file the plan with the Michigan Department of Treasury.

FISCAL EFFECTS: If the plan is approved, the City will continue to pay the “Actuarially Determined Contribution” (ADC) as invoiced by MERS plus an additional \$10,000 per year for 5 years. If the plan is not approved, the City will be required to file a revised “Corrective Action Plan” with the State that may require the City to pay more than the ADC plus the additional \$10,000.

ALTERNATIVES: As suggested by Council.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Tom Tarkiewicz", written in a cursive style.

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.
Marshall, MI 49068
p 269.781.5183
f 269.781.3835
cityofmarshall.com

**CITY OF MARSHALL, MICHIGAN
RESOLUTION # 2021-XX**

WHEREAS, the City of Marshall's **Municipal Employees Retirement Pension Plan** as of fiscal year end June 30, 2020 is underfunded by 40.12% or \$14,892,330.

WHEREAS, Public Act 202, of 2017, as amended, requires that an entity achieve 60% funding levels or have an actuarial determined contribution that is less than 10% of governmental revenues.

WHEREAS, on January 28, 2021, the City received a letter from the Michigan Department of Treasury requiring a Corrective Action Plan to address the underfunded status.

WHEREAS, by contributing the annual actuarial defined contribution plus an additional \$10,000 per year for five years the City will achieve the 60% required funding by fiscal year end June 30, 2025.

NOW THEREFORE BE IT RESOLVED, that the City of Marshall Council approves the Protecting Local Government Retirement and Benefits Act Corrective Action Plan detailed on Treasury form 5598 and authorizes the City Manager to approve the same.

BE IT FURTHER RESOLVED that the City of Marshall will commit to contributing annually for five years, beginning with fiscal year end June 30, 2021, \$10,000 to the pension plan in addition to the actuarial determined contribution.

BE IT FURTHER RESOLVED that the City of Marshall's Finance Department is directed to submit the Corrective Action plan to the Michigan Department of Treasury for certification and to make the annual contributions to the pension plan for the length of the Corrective Action Plan.

CERTIFICATION OF CITY CLERK

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Marshall at a regular meeting held on March 1, 2021.

Trisha Nelson, City Clerk

Date

Protecting Local Government Retirement and Benefits Act

Corrective Action Plan:

Defined Benefit Pension Retirement Systems

Issued under authority of Public Act 202 of 2017 (The Act).

1. LOCAL GOVERNMENT INFORMATION

Local Government Name: City of Marshall Six-Digit Muni Code: 132030
Defined Benefit Pension System Name: MERS Pension Plan
Contact Name (Administrative Officer): Tom Tarkiewicz
Title if not Administrative Officer: _____ Telephone: (269) 558-0315
Email (Communication will be sent here): ttarkiewicz@cityofmarshall.com
Fiscal Year System was Determined to be Underfunded: 2020

2. GENERAL INFORMATION

Corrective Action Plan: An underfunded local government shall develop and submit for approval a corrective action plan for the local government. The local government shall determine the components of the corrective action plan. This corrective action plan shall be submitted by any local government with at least one defined benefit pension retirement system that has been determined to have an underfunded status. Underfunded status for a defined benefit pension system is defined as being less than 60% funded according to the most recent audited financial statements, and, if the local government is a city, village, township, or county, the actuarially determined contribution (ADC) for all of the defined benefit pension retirement systems of the local government is greater than 10% of the local government's annual governmental fund revenues, based on the most recent fiscal year.

Due Date: The local government has **180 days from the date of notification** to submit a corrective action plan to the Municipal Stability Board (the Board). The Board may extend the 180-day deadline by up to an additional 45 days if the local government submits a reasonable draft of a corrective action plan and requests an extension.

Filing: Per Sec. 10(1) of PA 202 of 2017 (the Act), this corrective action plan must be approved by the local government's administrative officer and its governing body. ***You must provide proof of your governing body approving this corrective action plan and attach the documentation as a separate PDF document.*** Failure to provide documentation that demonstrates approval from your governing body will automatically result in a disapproval of the corrective action plan.

The submitted plan must demonstrate through distinct supporting documentation how and when the local government will reach the 60% funded ratio. Or, if the local government is a city, village, township, or county, the submitted plan may demonstrate how and when the ADC for all defined benefit pension systems will be less than 10% of annual governmental fund revenues, as defined by the Act. Supporting documentation for the funding ratio and/or ADC must include an actuarial projection, an actuarial valuation, or an internally developed analysis. The local government must project governmental fund revenues using a reasonable forecast based on historical trends and projected rates of inflation.

The completed plan must be submitted via email to Treasury at LocalRetirementReporting@michigan.gov for review by the Board. **If you have multiple underfunded retirement systems, you are required to**

complete separate plans and send a separate email for each underfunded system. Please attach each plan as a separate PDF document in addition to all applicable supporting documentation.

The subject line of the email(s) should be in the following format: **Corrective Action Plan-20XX, Local Government Name, Retirement System Name** (e.g. Corrective Action Plan-2017, City of Lansing, Employees' Retirement System Pension Plan). Treasury will send an automatic reply acknowledging receipt of the email. Your individual email settings must allow for receipt of Treasury's automatic reply. This will be the only notification confirming receipt of the application(s).

Municipal Stability Board: The Board shall review and vote on the approval of a corrective action plan submitted by a local government. If a corrective action plan is approved, the Board will monitor the corrective action plan and report on the local government's compliance with the Act not less than every two years.

Review Process: Following receipt of the email by Treasury, the Board will receive the corrective action plan submission at the Board's next scheduled meeting. The Board shall then approve or reject the corrective action plan within 45 days from the date of the meeting.

Considerations for Approval: A successful corrective action plan will demonstrate the actions for correcting underfunded status as set forth in Sec. 10(7) of the Act (listed below), as well as any additional solutions to address the underfunded status. Please also include steps already taken to address your underfunded status as well as the date prospective actions will be taken. A local government may also include in its corrective action plan a review of the local government's budget and finances to determine any alternative methods available to address its underfunded status. A corrective action plan under this section may include the development and implementation of corrective options for the local government to address its underfunded status. The corrective options as described in Sec. 10(7) may include, but are not limited to, any of the following:

- (i) Closing the current defined benefit plan;
- (ii) Implementing a multiplier limit;
- (iii) Reducing or eliminating new accrued benefits;
- (iv) Implementing final average compensation standards.

Implementation: The local government has up to 180 days after the approval of a corrective action plan to begin to implement the corrective action plan to address its underfunded status. The Board shall monitor each underfunded local government's compliance with this Act and any corrective action plan. The Board shall adopt a schedule, not less than every 2 years, to certify that the underfunded local government is in substantial compliance with the Act. If the Board determines that an underfunded local government is not in substantial compliance under this subsection, the Board shall within 15 days provide notification and report to the local government detailing the reasons for the determination of noncompliance with the corrective action plan. The local government has 60 days from the date of the notification to address the determination of noncompliance.

3. DESCRIPTIONS OF PRIOR ACTIONS

Prior actions are separated into three categories below: System Design Changes, Additional Funding, and Other Considerations. Please provide a brief description of the prior actions implemented by the local government to address the retirement system's underfunded status within the appropriate category section. Within each category are sample statements that you may choose to use to indicate the changes to your system that will positively affect your funded status. For retirement systems that have multiple divisions, departments, or plans within the same retirement system, please indicate how these changes impact the retirement system as a whole.

- If applicable, prior actions listed within your waiver application(s) may also be included in your corrective action plan.

Please indicate where in the attached supporting documentation these changes are described and the impact of those changes (i.e. what has the local government done to improve its underfunded status, and which attachment(s) supports your actions).

- Please provide the name of the system impacted, the date you made the change, the relevant page number(s) within the supporting documentation, and the resulting change to the system's funded ratio.

Category of Prior Actions:

- System Design Changes** - System design changes may include the following: lower tier of benefits for new hires, final average compensation limitations, freeze future benefit accruals for active employees in the defined benefit system, defined contribution system for new hires, hybrid system for new hires, bridged multiplier for active employees, etc.

Sample Statement: *The system's multiplier for current employees was lowered from 2.5X to 2X for the General Employees' Retirement System on January 1, 2019. On page 8 of the attached actuarial supplemental valuation, it shows our funded ratio will be 60% by fiscal year 2022.*

Two underfunded MERS divisions were closed in 2013 and general government employees are now enrolled in a defined contribution plan.

Benefits will not increase per MERS Board resolution denying increases unless 100% funding achieved across all divisions

- Additional Funding** - Additional funding may include the following: voluntary contributions above the ADC, bonding, millage increases, restricted funds, etc.

Sample Statement: *The local government provided a lump sum payment of \$1 million to the General Employees' Retirement System on January 1, 2019. This lump sum payment was in addition to the ADC of the system. The additional contribution will increase the retirement system's funded ratio to 61% by 2027. Please see page 10 of the attached enacted budget, which highlights this contribution of \$1 million.*

- Other Considerations** - Other considerations may include the following: outdated Form 5572 information, actuarial assumption changes, amortization policy changes, etc.

Sample Statement: *The information provided on the Form 5572 from the audit used actuarial data from 2017. Attached is an updated actuarial valuation from 2019 that shows our funded ratio has improved to 62% as indicated on page 13.*

4. DESCRIPTION OF PROSPECTIVE ACTIONS

The corrective action plan allows you to submit a plan of prospective actions which are separated into three categories below: System Design Changes, Additional Funding, and Other Considerations. Please provide a brief description of the additional actions the local government is planning to implement to address the retirement system's underfunded status within the appropriate category section. Within each category are sample statements that you may choose to use to indicate the changes to your system that will positively affect your funding status. For retirement systems that have multiple divisions, departments, or plans within the same retirement system, please indicate how these changes impact the retirement system as a whole.

Please indicate where in the attached supporting documentation these changes are described and the impact of those changes (i.e. what will the local government do to improve its underfunded status, and which attachment(s) supports your actions).

Category of Prospective Actions:

- System Design Changes** - System design changes may include the following: Lower tier of benefits for new hires, final average compensation limitations, freeze future benefit accruals for active employees in the defined benefit system, defined contribution system for new hires, hybrid system for new hires, bridged multiplier for active employees, etc.

Sample Statement: Beginning with summer 2019 contract negotiations, the local government will seek to lower the system's multiplier for current employees from 2.5X to 2X for the **General Employees' Retirement System**. On page 8 of the attached actuarial supplemental valuation, it shows our funded ratio would be 60% funded by fiscal year 2021 if these changes were adopted and implemented by fiscal year 2020.

- Additional Funding** - Additional funding may include the following: voluntary contributions above the ADC, bonding, millage increases, restricted funds, etc.

Sample Statement: Beginning in fiscal year 2020, the local government will provide a lump sum payment of \$1 million to the **General Employees' Retirement System**. This lump sum payment will be in addition to the ADC of the system. The additional contribution will increase the retirement system's funded ratio to 61% by 2026. Please see page 10 of the attached enacted budget, which highlights this contribution of \$1 million. Please see page 12 of the attached supplemental actuarial valuation showing the projected change to the system's funded ratio with this additional contribution.

The City of Marshall will reach the 60% funding level in 5 years beginning with FYE2021 by contributing, for five years, an additional \$10,000 per year of funding in addition to the annual ADC.

- Other Considerations** - Other considerations may include the following: outdated Form 5572 information, actuarial assumption changes, amortization policy changes, etc.

Sample Statement: Beginning in fiscal year 2020, the local government will begin amortizing the unfunded portion of the pension liability using a level-dollar amortization method over a closed period of 10 years. This will allow the retirement system to reach a funded status of 62% by 2023 as shown in the attached actuarial analysis on page 13.

5. CONFIRMATION OF FUNDING

Please check the applicable answer:

Do the corrective actions listed in this plan allow for your local government to make, at a minimum, the ADC payment for the defined benefit pension system according to your long-term budget forecast?

Yes

No, Explain:

6. DOCUMENTATION ATTACHED TO THIS CORRECTIVE ACTION PLAN

Documentation should be attached as a PDF to this corrective action plan. The documentation should detail the corrective action plan that would be implemented to adequately address the local government's underfunded status. Please check all documents that are included as part of this plan and attach in successive order as provided below:

Naming Convention: When attaching documents, please use the naming convention shown below. If there is more than one document in a specific category that needs to be submitted, include a, b, or c for each document. For example, if you are submitting two supplemental valuations, you would name the first document "Attachment 2a" and the second document "Attachment 2b".

Naming Convention:

Attachment – 1

Attachment – 1a

Attachment – 2a

Attachment – 3a

Attachment – 4a

Attachment – 5a

Attachment – 6a

Type of Document:

This corrective action plan form (required);

Documentation from the governing body approving this corrective action plan (required);

An actuarial projection, an actuarial valuation, or an internally developed analysis (in accordance with GASB and/or actuarial standards of practice), which illustrates how and when the local government will reach the 60% funded ratio. Or, if the local government is a city, village, township, or county, how and when the ADC will be less than 10% of governmental fund revenues, as defined by the Act (required);

Documentation of additional payments in past years that are not reflected in your audited financial statements (e.g. enacted budget, system provided information);

Documentation of commitment to additional payments in future years (e.g. resolution, ordinance);

A separate corrective action plan that the local government has approved to address its underfunded status, which includes documentation of prior actions, prospective actions, and the positive impact on the system's funded ratio;

Other documentation not categorized above.

7. CORRECTIVE ACTION PLAN CRITERIA

Please confirm that each of the three corrective action plan criteria listed below have been satisfied when submitting this document. Specific detail on corrective action plan criteria can be found in the Corrective Action Plan Development: Best Practices and Strategies document.

Corrective Action Plan Criteria:

Description:

- Underfunded Status
- Is there a description and adequate supporting documentation of how and when the retirement system will reach the 60% funded ratio? Or, if your local government is a city, village, township, or county, how and when the ADC of all pension systems will be less than 10% of governmental fund revenues? Do the corrective actions address the underfunded status in a reasonable timeframe?
- Legality
- Does the corrective action plan follow all applicable laws? Are all required administrative certifications and governing body approvals included?
- Affordability
- Do the corrective action(s) listed allow the local government to make the ADC payment for the pension system now and into the future without additional changes to this corrective action plan?

8. LOCAL GOVERNMENT'S ADMINISTRATIVE OFFICER APPROVAL OF CORRECTIVE ACTION PLAN

I, Tom Tarkiewicz, as the government's administrative officer (Ex. City/Township Manager, Executive Director, Chief Executive Officer, etc.) (**insert title**) City Manager approve this corrective action plan and will implement the prospective actions contained in this corrective action plan.

I confirm to the best of my knowledge that because of the changes listed above, one of the following statements will occur:

- The MERS Defined Benefit Pension Plan (**insert retirement pension system name**) will achieve a funded status of at least 60% by fiscal year 2025 as demonstrated by required supporting documentation listed in Section 6.

OR, if the local government is a city, village, township, or county:

- The ADC for all the defined benefit pension retirement systems of the local government will be less than 10% of the local government's annual governmental fund revenues by fiscal year _____ as demonstrated by required supporting documentation listed in Section 6.

Signature:

Date:

City of Marshall
Municipality Code: 132030
Fiscal Year: 2020
Report ID: 110061
Corrective Action Plan Retirement System
Internal Funding Analysis Required to Achieve 60% Funding in 5 Years

Dec 31 Valuation Date	June 30 Fiscal Year End Date	Actuarial Accrued Liability*	Asset Valuation *	Additional Funding	Simple Interest Investment Income on Additional Funding	Revised Asset Valuation Due to Additional Funding	Funding Level
					7.35%		
2019	2020	\$ 37,120,096	\$22,227,766			\$ 22,227,766	59.88%
2020	2021	\$ 38,853,875	\$22,520,704	\$ 10,000	\$ 735	\$ 22,531,439	57.99%
2021	2022	\$ 39,400,000	\$22,900,000	\$ 10,000	\$ 1,470	\$ 22,922,205	58.18%
2022	2023	\$ 39,900,000	\$23,500,000	\$ 10,000	\$ 2,205	\$ 23,534,410	58.98%
2023	2024	\$ 40,300,000	\$24,100,000	\$ 10,000	\$ 2,940	\$ 24,147,350	59.92%
2024	2025	\$ 40,700,000	\$25,100,000	\$ 10,000	\$ 3,675	\$ 25,161,025	61.82%

* MERS projections. Assume full ADC payments received. Council has budgeted for and shown historical commitment to meeting ADC requirements



ADMINISTRATIVE REPORT
March 1, 2021 – CITY COUNCIL MEETING

TO: Honorable Mayor and Councilmembers
FROM: Marguerite Davenport, Director of Public Services
Tom Tarkiewicz, City Manager
SUBJECT: Rebecca Street and Oak Drive Dedication
Rebecca Street and Oak Drive Public Utility Easements

BACKGROUND: At the January 19, 2021 meeting City Council approved the construction bids to build water, sanitary, storm, and street infrastructure within the Mar-view Subdivision #2 plat dated 1962. This project is being funded through a bond sale supported by the South Neighborhood Improvement Authority (NIA) tax capture and was recommended for approval at the NIA board meeting dated January 11, 2021. In addition to Council’s support of the construction bids and bond sale on January 11, 2021 council also approved the Development Agreement Phase 1 between the City and Norfolk Home of Alwyn Downs, LLC.

In order for the streets to be properly dedication and recorded in Registrar of Deeds, the attached *Warranty Deed(s)* from Norfolk Homes to the City per the description and drawings completed by KEBS, Inc, dated February 8, 2021, needs to be executed and filed. Because they were undeveloped at the time of the plat, these streets have never been recognized within the City of Marshall. This action is necessary so that these streets will be recognized by the State of Michigan for funding purposes under Act 51.

In addition to the right-of-way, the development has seven (7) separate easement areas and descriptions per *Attachment A: Storm Sewer and Utility Easements* and *Exhibit A*. These easements are to be used for storm sewer and public utilities outside the street right-of-way.

RECOMMENDATION: It is recommended that the Council approve the resolutions for the dedication of Rebecca Street and Oak Drive as described in the attached deed and associated drawings and approve the public utility easements described in Attachment A and Exhibit A. Approval of both items will authorize the Clerk to sign the resolution for street dedication and resolution for easements.

FISCAL EFFECTS: None

CITY GOAL CLASSIFICATION: GOAL AREA 3. INFRASTRUCTURE AND CITY SERVICES

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

ALTERNATIVES: As suggested by council.

Respectfully submitted,

Marguerite Davenport
Director of Public Services

Tom Tarkiewicz
City Manager

23 W. Michigan Ave.
Marshall, MI 49068
p 269.781.5183
f 269.781.3835
:ityofmarshall.com

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2021-__**

WHEREAS, the City of Marshall enacted Ordinance No. 2020-02 establishing the South Neighborhood Improvement Authority; and

WHEREAS, the City of Marshall and Norfolk Homes of Alwyn Downs, LLC, have entered into a Development Agreement Phase 1, dated January __, 2021, for the purposes of developing certain property ("Property") for residential housing in order to promote economic growth in the City of Marshall; and

WHEREAS, although platted, located within the Property lies two undeveloped streets necessary for the development of the Property; and

WHEREAS, Norfolk Homes of Alwyn Downs, LLC, conveyed by Warranty Deeds to the City of Marshall the two undeveloped streets identified herein as Oak Drive and Rebecca Street, identified and attached as **Exhibit A** and **Exhibit B**; and

WHEREAS, it appears that the Oak Drive right-of-way (ROW) and the Rebecca Street right-of-way (ROW) within the platted Property were never recognized as public streets within the City of Marshall Street System and recorded with the Calhoun County Registrar of Deeds; and

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place these streets within the City of Marshall Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended; and

WHEREAS, the City Council dedicates the Oak Drive right-of-way described as:

A parcel of land being part of Oak Drive of Mar-View #2 as recorded in Liber 15 of Plats, page 38 in the Office of the Register of Deeds of Calhoun County, Michigan, and being further described as; Beginning at the Northwest corner of Lot 85 of said Mar-View #2; thence N00°00'00"E, 60.00 feet along the West line of said Oak Drive to the Southwest Corner of Lot 84 of said Mar-View #2; thence S88°35'00"E, 280.00 feet along the North line of said Oak Drive to the Southeast Corner of Lot 83 of said Mar-View #2; thence S18°17'10"E, 63.71 feet to the Northeast Corner of Lot 87 of said Mar-View #2; thence N88°35'00"W, 300.00 feet along the South line of said Oak Drive to the point of beginning; said parcel being subject to the rights of the public over and across that portion currently being used for road purposes; said parcel being subject to any easements or restrictions of use or record.

WHEREAS, the City Council dedicates the Rebecca Street right-of-way described as:

A parcel of land being part of Rebecca Street of Mar-View #2 as recorded in Liber 15 of Plats, page 38 in the Office of the Register of Deeds of Calhoun County, Michigan, and being further described as; Beginning at the Northeast corner of Lot 37 of said Mar-View #2; thence S88°35'00"E, 60.00 feet to the Northwest Corner of Lot 38 of said Mar-View #2; thence S00°00'00"W, 685.37 feet along the East line of said Rebecca Street; thence Southeasterly, 23.19 feet along said East line along the arc of a curve to the left, said curve having a radius of 15.00 feet, a delta angle of 88°35'00", and a chord bearing S44°17'30"E, 20.95 feet to the North line of said Oak Drive; thence N88°35'00"W, 90.01 feet along said North line to the West line of said Rebecca Street; thence Northeasterly, 23.93 feet along said West line along the arc of a curve to the left, said curve having a radius of 15.00 feet, a delta angle of 91°25'00' and a chord bearing N45°24'30"E, 21.47 feet; thence N00°00'00"E, 684.62 feet along said West line to the point of beginning; said parcel being subject to the rights of the public over and across that portion currently being used for road purposes; said parcel being subject to any easements or restrictions of use or record.

NOW THEREFORE BE IT RESOLVED:

1. That the centerline of Oak Drive is described as:

A road centerline located in the parcel of land being part of Oak Drive of Mar-View #2 as recorded in Liber 15 of Plats, page 38 in the Office of the Register of Deeds of Calhoun County, Michigan, and being further described as; Beginning at the Northwest corner of Lot 85 of said Mar-View #2; thence N00°00'00"E, 60.00 feet along the West line of said Oak Drive to the Southwest Corner of Lot 84 of said Mar-View #2; thence S88°35'00"E, 280.00 feet along the North line of said Oak Drive to the Southeast Corner of Lot 83 of said Mar-View #2; thence S18°17'10"E, 63.71 feet to the Northeast Corner of Lot 87 of said Mar-View #2; thence N88°35'00"W, 300.00 feet along the South line of said Oak Drive to the point of beginning; said parcel being subject to the rights of the public over and across that portion currently being used for road purposes; said parcel being subject to any easements or restrictions of use or record.

2. That the centerline of Rebecca Street is described as:

A road centerline located in the parcel of land being part of Rebecca Street of Mar-View #2 as recorded in Liber 15 of Plats, page 38 in the Office of the Register of Deeds of Calhoun County, Michigan, and being further described as; Beginning at the Northeast corner of Lot 37 of said Mar-View #2; thence S88°35'00"E, 60.00 feet to the Northwest Corner of Lot 38 of said Mar-View #2; thence S00°00'00"W, 685.37 feet along the East line of said Rebecca Street; thence Southeasterly, 23.19 feet along said East line along the arc of a curve to the left, said curve having a radius of 15.00 feet, a delta angle of 88°35'00", and a chord bearing S44°17'30"E, 20.95 feet to the North line of said Oak Drive; thence N88°35'00"W, 90.01 feet along said North line to the West line of said Rebecca Street; thence Northeasterly, 23.93 feet along said West line along the arc of a curve to the left,

said curve having a radius of 15.00 feet, a delta angle of 91°25'00' and a chord bearing N45°24'30'E, 21.47 feet; thence N00°00'00'E, 684.62 feet along said West line to the point of beginning; said parcel being subject to the rights of the public over and across that portion currently being used for road purposes; said parcel being subject to any easements or restrictions of use or record.

3. That said Oak Drive and Rebecca Street are located within a City right-of-way and is under the control of the City of Marshall.
4. That said Oak Drive and Rebecca Street are public streets and for public street purposes.
5. That said streets are accepted into the City of Marshall Street System and open to the public upon final street construction and development.

Voting For:

Voting Against:

Absent:

CERTIFICATION OF CITY CLERK/TREASURER

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Marshall at a regular meeting held on the 1st day of March, 2021.

Trisha Nelson, City Clerk

Date

Exhibit A
WARRANTY DEED

Norfolk Homes of Alwyn Downs, LLC, a Michigan limited liability company, whose address is 8178 Jackson Road, Suite D, Ann Arbor, Michigan 48103 (the "Grantor"), convey and warrant to the City of Marshall, a Michigan city organized and operating under the provisions of the Home Rule City Act, MCL 117.1, *et seq.*, as amended, whose addresses is 323 W. Michigan Avenue, Marshall, Michigan 49068 (the "Grantee"), the following described real property located within the City of Marshall, Calhoun County, Michigan, commonly known as Oak Drive, described as:

A parcel of land being part of Oak Drive of Mar-View #2 as recorded in Liber 15 of Plats, page 38 in the Office of the Register of Deeds of Calhoun County, Michigan, and being further described as; Beginning at the Northwest corner of Lot 85 of said Mar-View #2; thence N00°00'00"E, 60.00 feet along the West line of said Oak Drive to the Southwest Corner of Lot 84 of said Mar-View #2; thence S88°35'00"E, 280.00 feet along the North line of said Oak Drive to the Southeast Corner of Lot 83 of said Mar-View #2; thence S18°17'10"E, 63.71 feet to the Northeast Corner of Lot 87 of said Mar-View #2; thence N88°35'00"W, 300.00 feet along the South line of said Oak Drive to the point of beginning; said parcel being subject to the rights of the public over and across that portion currently being used for road purposes; said parcel being subject to any easements or restrictions of use or record.

(the "Property")

for the sum of One and 00/100 Dollars (\$1.00).

This Warranty Deed is made subject to all legal highways, zoning and building laws, ordinances and regulations, to all restrictions, easements, rights-of-way, exceptions, reservations and conditions contained in prior instruments of record in the chain of title to the Property conveyed hereby and to any state of facts which an accurate survey would show.

Grantor covenants and warrants with Grantee that Grantor, its successors and assigns, shall warrant and defend the Property unto Grantee, its heirs, successors and assigns, against the claims and demands of Grantor and the lawful claims of all persons claiming by, through or under Grantor.

The Grantor grants to the Grantee the right to make all permitted divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

The Property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act, MCL 286.471, *et seq.*, as amended.

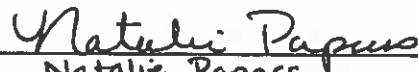
This deed is exempt from transfer tax pursuant to Section 5(h)(i) of Public Act 134 of 1966, MCL 207.505(h)(i), as amended, and Section 6(h)(i) of Public Act 330 of 1993, MCL 207.526(h)(i), as amended.

Norfolk Homes of Alwyn Downs, LLC,

Dated: 2-24-21

By: 
Sean Lefere, Member

Acknowledged by me in Washtenaw County, Michigan, this 24 day of February, 2021, by Sean Lefere.

 (signature)
Natalie Papacs (printed)
Notary Public, Oakland County, Michigan
My Commission Expires: July 11, 2024
Acting in the County of Washtenaw

When Recorded Return To:	Send Subsequent Tax Bills To:	Prepared By (Without Opinion):
City of Marshall 323 W. Michigan Avenue, Marshall, Michigan 49068	City of Marshall 323 W. Michigan Avenue, Marshall, Michigan 49068	David M. Revore, Esq. Revore Law Firm, PLC 121 ½ W. Michigan Avenue Marshall, Michigan 49068

Exhibit B
WARRANTY DEED

Norfolk Homes of Alwyn Downs, LLC, a Michigan limited liability company, whose address is 8178 Jackson Road, Suite D, Ann Arbor, Michigan 48103 (the "Grantor"), convey and warrant to the City of Marshall, a Michigan city organized and operating under the provisions of the Home Rule City Act, MCL 117.1, *et seq.*, as amended, whose addresses is 323 W. Michigan Avenue, Marshall, Michigan 49068 (the "Grantee"), the following described real property located within the City of Marshall, Calhoun County, Michigan, commonly known as Rebecca Street, described as:

A parcel of land being part of Rebecca Street of Mar-View #2 as recorded in Liber 15 of Plats, page 38 in the Office of the Register of Deeds of Calhoun County, Michigan, and being further described as; Beginning at the Northeast corner of Lot 37 of said Mar-View #2; thence S88°35'00"E, 60.00 feet to the Northwest Corner of Lot 38 of said Mar-View #2; thence S00°00'00"W, 685.37 feet along the East line of said Rebecca Street; thence Southeasterly, 23.19 feet along said East line along the arc of a curve to the left, said curve having a radius of 15.00 feet, a delta angle of 88°35'00", and a chord bearing S44°17'30"E, 20.95 feet to the North line of said Oak Drive; thence N88°35'00"W, 90.01 feet along said North line to the West line of said Rebecca Street; thence Northeasterly, 23.93 feet along said West line along the arc of a curve to the left, said curve having a radius of 15.00 feet, a delta angle of 91°25'00' and a chord bearing N45°24'30"E, 21.47 feet; thence N00°00'00"E, 684.62 feet along said West line to the point of beginning; said parcel being subject to the rights of the public over and across that portion currently being used for road purposes; said parcel being subject to any easements or restrictions of use or record.

(the "Property")

for the sum of One and 00/100 Dollars (\$1.00).

This Warranty Deed is made subject to all legal highways, zoning and building laws, ordinances and regulations, to all restrictions, easements, rights-of-way, exceptions, reservations and conditions contained in prior instruments of record in the chain of title to the Property conveyed hereby and to any state of facts which an accurate survey would show.

Grantor covenants and warrants with Grantee that Grantor, its successors and assigns, shall warrant and defend the Property unto Grantee, its heirs, successors and assigns, against the claims and demands of Grantor and the lawful claims of all persons claiming by, through or under Grantor.

The Grantor grants to the Grantee the right to make all permitted divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

The Property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act, MCL 286.471, *et seq.*, as amended.

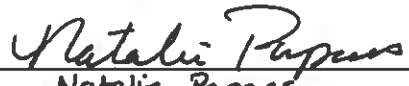
This deed is exempt from transfer tax pursuant to Section 5(h)(i) of Public Act 134 of 1966, MCL 207.505(h)(i), as amended, and Section 6(h)(i) of Public Act 330 of 1993, MCL 207.526(h)(i), as amended.

Norfolk Homes of Alwyn Downs, LLC,

Dated: 2-24-21

By: 
Sean Lefere, Vice President

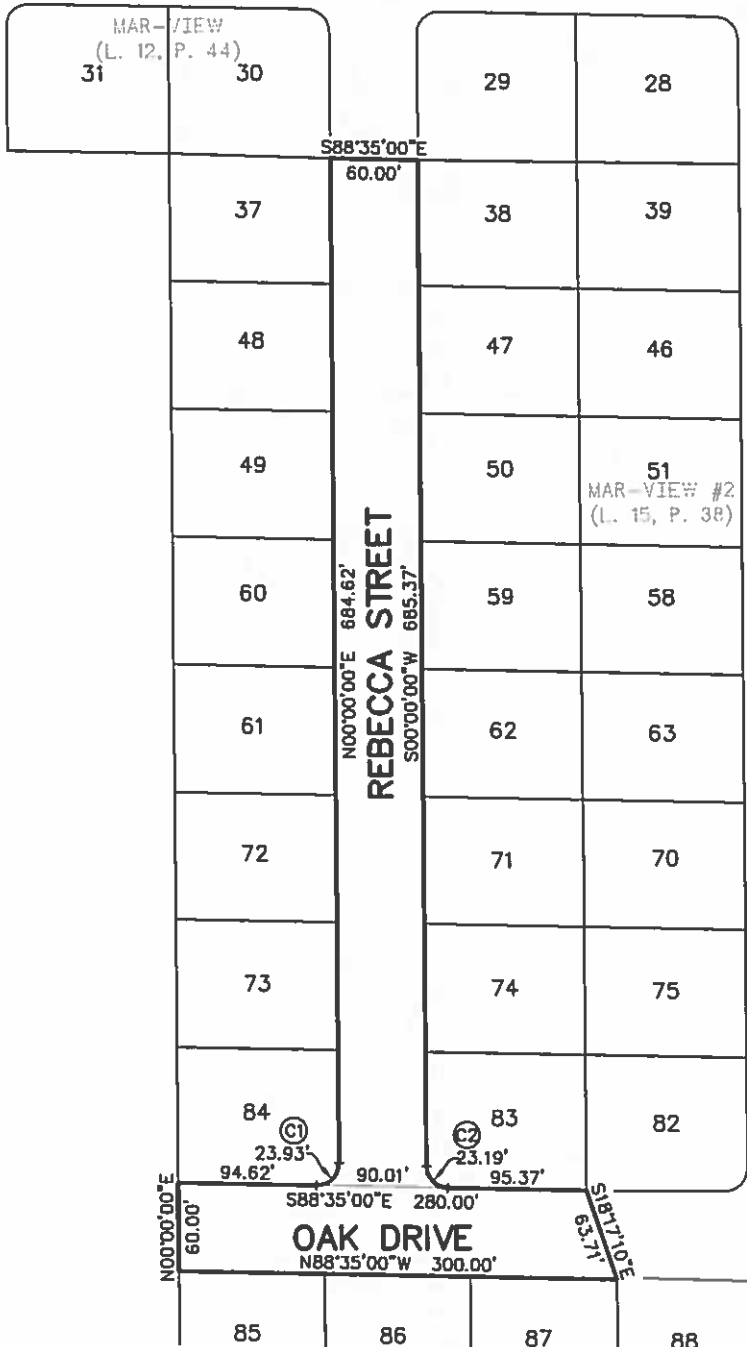
Acknowledged by me in Washtenaw County, Michigan, this 24 day of February, 2021, by Sean Lefere.

 (signature)
Natalie Papacs (printed)
Notary Public, Oakland County, Michigan
My Commission Expires: July 11, 2024
Acting in the County of Washtenaw

When Recorded Return To:	Send Subsequent Tax Bills To:	Prepared By (Without Opinion):
City of Marshall 323 W. Michigan Avenue, Marshall, Michigan 49068	City of Marshall 323 W. Michigan Avenue, Marshall, Michigan 49068	David M. Revore, Esq. Revore Law Firm, PLC 121 1/2 W. Michigan Avenue Marshall, Michigan 49068

SKETCH

FOR: NORFOLK HOMES OF ALYWYN DOWNS, LLC
CIRCLE DRIVE



1" = 100'

CURVE TABLE				
CURVE	RADIUS	LENGTH	DELTA	CHORD
C1	15.00'	23.93'	91°25'00"	N45°42'30"E 21.47'
C2	15.00'	23.19'	88°35'00"	S44°17'30"E 20.95'

- R = Recorded Distance
- M = Measured Distance
- = Dead Line
- - - = Distance Not to Scale

KEBS, INC. KYES ENGINEERING
BRYAN LAND SURVEYS

13432 PRESTON DRIVE, MARSHALL, MI 49068
PH. 269-781-9800 FAX. 269-781-9805

2116 HASLETT ROAD, HASLETT, MI 48840
PH. 517-339-1014 FAX. 517-339-8047

DRAWN BY: BEB	SECTION 36, T2S, R6W
FIELD WORK BY:	JOB NUMBER: 96479
DRAWING DATE: 2/8/21	SHEET 1 OF 2

MICHAEL A. GROAT
PROFESSIONAL SURVEYOR

DATE
No. **39079**

3/1/21 cc packet

SKETCH

FOR: NORFOLK HOMES OF ALYWYN DOWNS, LLC

LEGAL DESCRIPTIONS

OAK DRIVE

A parcel of land being part of Oak Drive of Mar-View #2 as recorded in Liber 15 of Plats, page 38 in the Office of the Register of Deeds of Calhoun County, Michigan, and being further described as; Beginning at the Northwest corner of Lot 85 of said Mar-View #2; thence N00°00'00"E, 60.00 feet along the West line of said Oak Drive to the Southwest Corner of Lot 84 of said Mar-View #2; thence S88°35'00"E, 280.00 feet along the North line of said Oak Drive to the Southeast Corner of Lot 83 of said Mar-View #2; thence S18°17'10"E, 63.71 feet to the Northeast Corner of Lot 87 of said Mar-View #2; thence N88°35'00"W, 300.00 feet along the South line of said Oak Drive to the point of beginning; said parcel being subject to the rights of the public over and across that portion currently being used for road purposes; said parcel being subject to any easements or restrictions of use or record.

REBECCA DRIVE

A parcel of land being part of Rebecca Street of Mar-View #2 as recorded in Liber 15 of Plats, page 38 in the Office of the Register of Deeds of Calhoun County, Michigan, and being further described as; Beginning at the Northeast corner of Lot 37 of said Mar-View #2; thence S88°35'00"E, 60.00 feet to the Northwest Corner of Lot 38 of said Mar-View #2; thence S00°00'00"W, 685.37 feet along the East line of said Rebecca Street; thence Southeasterly, 23.19 feet along said East line along the arc of a curve to the left, said curve having a radius of 15.00 feet, a delta angle of 88°35'00", and a chord bearing S44°17'30"E, 20.95 feet to the North line of said Oak Drive; thence N88°35'00"W, 90.01 feet along said North line to the West line of said Rebecca Street; thence Northeasterly, 23.93 feet along said West line along the arc of a curve to the left, said curve having a radius of 15.00 feet, a delta angle of 91°25'00' and a chord bearing N45°24'30"E, 21.47 feet; thence N00°00'00"E, 684.62 feet along said West line to the point of beginning; said parcel being subject to the rights of the public over and across that portion currently being used for road purposes; said parcel being subject to any easements or restrictions of use or record.



KEBS, INC. KYES ENGINEERING
BRYAN LAND SURVEYS

13432 PRESTON DRIVE, MARSHALL, MI 49088
PH. 269-781-9800 FAX. 269-781-9805

2116 HASLETT ROAD, HASLETT, MI 48840
PH. 517-339-1014 FAX. 517-339-8047

DRAWN BY: BEB	SECTION 36, T2S, R6W
FIELD WORK BY:	JOB NUMBER: 96479
DRAWING DATE: 2/8/21	SHEET 2 OF 2

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2021-__**

WHEREAS, the City of Marshall enacted Ordinance No. 2020-02 establishing the South Neighborhood Improvement Authority; and

WHEREAS, the City of Marshall, Norfolk Homes of Alwyn Downs, LLC, and the SNIA have entered into a Development Agreement Phase 1, dated January __, 2021, for the purposes of developing certain property ("Property") for residential housing in order to promote economic growth in the City of Marshall; and

WHEREAS, although platted, the Property requires storm and sanitary sewer and utilities being infrastructure improvements and necessary easements for the infrastructure improvements; and

WHEREAS, Norfolk Homes of Alwyn Downs, LLC, and the City of Marshall desire that the Property have infrastructure improvements to support the residential development of the Property; and

WHEREAS, Norfolk Homes of Alwyn Downs, LLC, and the City of Marshall (Parties) have negotiated and developed an Easement Agreement (Easement Agreement) for the Property identified herein attached hereto as Attachment A.

NOW THEREFORE BE IT RESOLVED:

1. That the Parties desire the development of the Property and have negotiated and developed the Easement Agreement for the development of the Property; and
2. That the Parties enter into the Easement Agreement (Attachment A) based upon its terms, conditions, and the Agreement's Exhibit A; and
3. That City Council hereby authorizes its City Clerk to execute the Easement Agreement on behalf of the City Council; and
4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are hereby rescinded.

Voting For:

Voting Against:

Absent:

CERTIFICATION OF CITY CLERK

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Marshall at a regular meeting held on the 1st day of March 2021.

Trisha Nelson, City Clerk

Date

Attachment A

STORM SEWER AND UTILITY EASEMENTS

This Storm Sewer and Utility Easements (this “Easement” or this “Agreement”) for public infrastructure improvements, to include: storm sewer and private and **public** utilities (collectively, “Utility” or “Utilities”), made this ___ day of _____, 2021, by and between Norfolk Homes of Alwyn Downs, LLC, a Michigan limited liability company, whose address is 8178 Jackson Road, Suite D, Ann Arbor, Michigan 48103 (hereinafter called the “Grantor”), and the City of Marshall, a Michigan city organized and operating under the provisions of the Home Rule City Act, MCL 117.1, *et seq.*, as amended, whose address is 323 W. Michigan Avenue, Marshall, Michigan 49068 (the “Grantee”), (hereinafter called the “Grantee”) (individually, a “Party” and collectively, the “Parties”).

WITNESSETH:

1. For and in consideration of the total sum of One and 00/100 Dollars (\$1.00), paid to Norfolk Homes of Alwyn Downs, LLC, Grantor, by the Grantee, the Grantor hereby grants and conveys to the Grantee, its successors and assigns, Easements or right-of-way to lay, install, maintain, construct, operate, repair, replace, renew, add, expand, remove, and inspect a sanitary sewer and sanitary sewer service and/or line or lines of pipe for the transportation of sewage, together with all necessary and convenient equipment, facilities, pumps, pipes, lines, connections therefor and all other fixtures and appliances appurtenant thereto (collectively, the “Sanitary Sewer”). and to operate, by means thereof, a system for the transportation of sewage under, in, upon, along, over and across the following described premises; and further, to lay, install, maintain, construct, operate, repair, replace, renew, add, expand, remove utilities and/or lines, together with all necessary and convenient equipment, facilities, pipes, lines, connections therefor and all other fixtures and appliances appurtenant thereto; **and further, to lay, install, maintain, construct, operate, repair, replace, renew, add, expand, and remove, all other utilities and/or lines, including but not limited to: Fibernet, electric, and natural gas,**

together with all necessary and convenient equipment, facilities, pipes, lines, connections therefor and all other fixtures and appliances appurtenant thereto (collectively, the "Utilities"), located in the City of Marshall, County of Calhoun, State of Michigan (the "Easement"), described as:

Land in the City of Marshall, Section 36, Town 2 South, Range 6 West, Calhoun County, Michigan. Commencing 654.1 feet North of the West 1/4 post of Section 36, Town 2 South, Range 6 West, thence North to a point 1320 feet South of the Northwest 1/4 corner, Section 36, thence East 1320 feet, thence North 824.6 feet, thence East 683.1 feet, thence North 495 feet, thence East 334 feet, thence South 264 feet, thence East 82.5 feet, thence South 232.4 feet, thence East 249.5 feet, thence South 2136.88 feet to the center of the Section, thence West 1206.25 feet, thence North 196 feet, thence Northeast 431.5 feet to a point 1706 feet East of the Section line, thence West to a point 780 feet East of the Section line, thence North 93 feet, thence North 74 degrees 7' 15" West 135.15 feet, thence North 47 feet, thence West 212 feet, thence South 55 feet, thence South 89 degrees 33' West 438 feet to the place of beginning. ALSO the Northwest 1/4 of the Northwest 1/4 Section 36, Town 2 South, Range 6 West.

EXCEPT the Plat of Mar-View recorded in Liber 12 of Plats, Page 44, Calhoun County Records.

EXCEPT the Plat of Mar-View No.2 recorded in Liber 15 of Plats Page 38, Calhoun County Records.

ALSO Lots 37 and 38, 47 to 50, 59 to 62, 71 to 74 and 83 to 87 of the Plat of Mar-View No.2 recorded in Liber 15 of Plats Page 38, Calhoun County Records, including any portion of the abandoned roads as evidenced by CONSENT recorded in Liber 832, Page 11, Calhoun County Records.

Commonly known as: 1225 Kalamazoo Avenue, Marshall, Michigan 49068
Property Tax Identification: 13-53-002-720-00 9

Easements' Descriptions:

Described in **EXHIBIT A** attached hereto.

2. In addition to the rights granted in Paragraph 1, above, this Easement shall include the following additional rights:

A. The right to move earth materials, including the right to dig soil, and to cut, trim, remove or otherwise control all trees, branches, bushes, brush, undergrowth, crops or other growth or vegetation located or growing upon or in

the Easement Area as may be reasonably necessary to permit the Grantee to use the Easement Area for the installation, construction and maintenance of the storm sewer and utilities and the equipment and facilities connected therewith.

B. The right to temporarily and reasonably store materials and conduct other "staging" and necessary activities for the installation, construction and maintenance of the storm sewer and utilities.

C. The right to remove any buildings and structures within the Easement Area and to prohibit the erection or placement of any buildings or structures (excluding roadways and driveways) in or upon said area.

D. The right of ingress to, egress from and passage on and over the Grantor's Property to the Easement Areas for the purpose of exercising the easement rights hereinbefore described; provided that the Grantor, its successors and assigns shall have full rights of ingress, egress and access over the Grantor's Property, but all in a manner compatible with the exercise of the easement rights hereinbefore described.

3. Grantee, by the acceptance of this Easement, covenants and agrees as follows:

A. To restore the Easement Areas substantially to near its original condition after installation of the storm sewer and utilities. Grantee shall NOT be required to replace any vegetation, including trees removed, destroyed or damaged as a consequence of the Grantee's exercise of its easement rights described herein. Grantee shall, however, grade the Easement Area disturbed by construction and/or maintenance of said utilities and shall seed said area with appropriate grasses.

4. Grantor covenants that Grantor is lawfully seized and possessed of Grantor's Property herein described and that Grantor has a good and lawful right to grant and convey the easement described herein.

5. It is expressly understood and agreed by and between the Parties hereto that the easement and rights herein granted may be assigned by the Grantee to its successor in interest. It is also understood that this Agreement constitutes the entire terms and conditions with reference to the easement as agreed upon between the Parties, except as may be hereafter amended in writing by the Parties. Grantor specifically warrants that Grantor is the owner of Grantor's Property and that no person(s) or other entity(ies) have any rights, title or interest in said Grantor's Property. Grantor further warrants that the person whose signature appears on its behalf has been authorized to bind Grantor to the terms and conditions set forth herein.

6. That payment of the amount contained in Paragraph 1, above, and any other performance by Grantee of the obligations enumerated herein is expressly conditioned upon the obtaining of all easements and rights of way required for the construction, installation, and maintenance of the storm sewer and utilities as required.

7. **Entire Agreement.** This Agreement and all exhibits constitute the entire agreement between the parties regarding the subject matter of this Agreement, and all prior negotiations and agreements regarding the Easement between the parties, whether written or oral, shall be of no further force and effect. This Agreement may not be modified except by a written document signed by both parties.

8. **Notice.** Except as otherwise provided, all notices required under this Agreement shall be effective only if in writing or in a form of electronic or facsimile transmission that provides evidence of receipt and shall be either personally served, electronically transmitted, or sent with postage prepaid to the appropriate party at its address as set forth in the introductory paragraph of this Agreement. Either party may change its address by giving notice of the change or a new facsimile transmission number to the other as provided in this section.

9. **Severability.** If any term, covenant, or condition of this Agreement or the application of which to any party or circumstance shall be to any extent invalid or unenforceable, the remainder of this Agreement, or the application of such term, covenant, or condition to persons or circumstances other than those to which it is held invalid or unenforceable, shall be

effective, and each term, covenant, or condition of this Agreement shall be valid and enforced to the fullest extent permitted by law.

10. **Jurisdiction and Venue.** Any disputes under this conveyance shall be subject to the laws of the state of Michigan and venue for any disputes shall lie in Calhoun County, Michigan.

11. **Time is of the Essence.** Time shall be of the essence in the performance and actions undertaken under this Agreement.

12. **Exhibit.** The following exhibit is attached to and a part of this Agreement:

EXHIBIT A – Drawing (Sketch) and Descriptions of the Easements.

13. **Successors and Assigns.** The covenants, conditions and restrictions contained in this Agreement shall run with the land and be binding upon the Parties, their successors and assigns.

14. **Run With The Land.** The terms, conditions, restrictions, above, shall run with the Burdened Property and Benefitted Property and be binding on the Grantor and Grantee, their successors and assignees.

15. **Effective Date.** Owner/Grantor and Grantee have signed this Agreement, and it shall be effective as of the day and year first above written.

[SIGNATURES APPEAR ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the Parties have caused this Easement to be executed on the date and year first above written.

GRANTOR:

Dated: 2/24/21, 2020

By: *Sean Lefere*
Sean Lefere, Member Vice President

STATE OF MICHIGAN)
COUNTY OF Washtenaw SS:

Before me a Notary Public on this 24 day of February, 2021, personally appeared Sean Lefere, to me known to be said person and made oath that he has read the foregoing Easement, by him subscribed, and acknowledged the same was his free act and deed.

Natalie Papacs
Natalie Papacs Notary Public
Oakland County, Michigan
Acting in Washtenaw County
My commission expires: July 11, 2024

[IF APPLICABLE, ADD NOTARIZED MORTGAGEE CONSENT]

GRANTEE:

**CITY OF MARSHALL,
a Michigan city organized and operating
under the provisions of the Home Rule
City Act**

Dated: _____, 2020

By: _____
Trisha Nelson

Its: City Clerk

STATE OF MICHIGAN)
COUNTY OF _____) ss:

Before me a Notary Public on this _____ day of _____, 2021, personally appeared _____, City of Marshall, Grantee, to me known to be said person and made oath that he/she has read the foregoing Easement, by him/her subscribed, and acknowledged the same as his/her free act and deed on behalf of the City of Marshall, a Michigan _____.

Notary Public
_____ County, Michigan
Acting in _____ County
My commission expires: _____

Prepared By and After Recording Return To:
David M. Revore, Esq.
Revore Law Firm, P.L.C.
121 ½ West Michigan Avenue
Marshall, Michigan 49068

EXHIBIT "A"

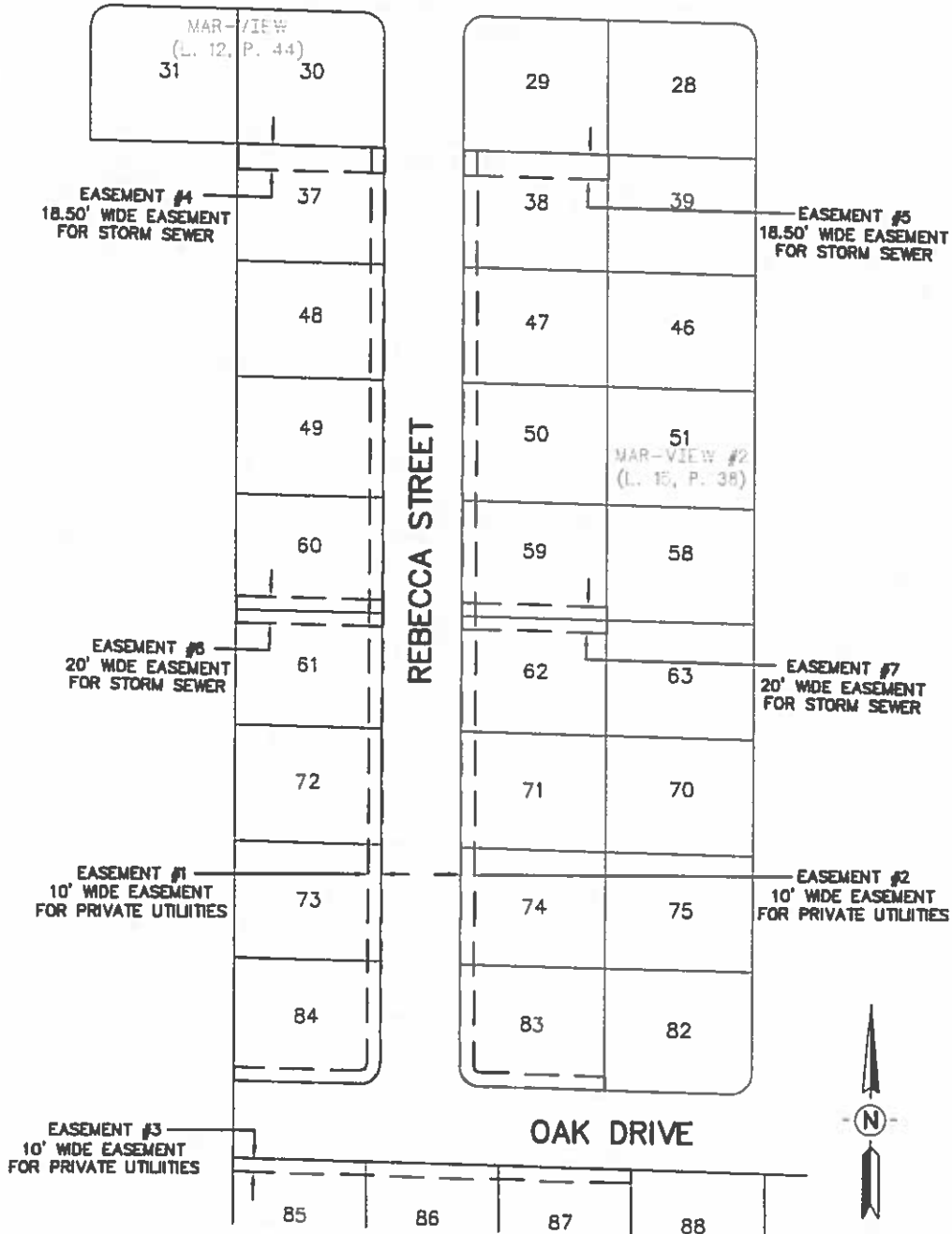
[Drawing (Sketch) and Descriptions of the Easements]

EXHIBIT A

SKETCH

FOR: NORFORK HOMES OF ALYWYN DOWNS, LLC

CIRCLE DRIVE




REVISED: FEB. 23, 2021
REV. WIDTH EASEMENTS 4 & 5

- R = Recorded Distance
- M = Measured Distance
- = Deed Line
- = Distance Not to Scale

MICHAEL A. GROAT
PROFESSIONAL SURVEYOR

DATE
No. 39079

 KEBS, INC. KYES ENGINEERING BRYAN LAND SURVEYS 13432 PRESTON DRIVE, MARSHALL, MI 49068 PH. 269-781-9800 FAX. 269-781-9805 2118 HASLETT ROAD, HASLETT, MI 48840 PH. 517-339-1014 FAX. 517-339-8047	DRAWN BY: BEB	SECTION 36, T2S, R6W
	FIELD WORK BY:	JOB NUMBER: 96479
DRAWING DATE: 2/23/21	SHEET 1 OF 2	

SKETCH

FOR: NORFORK HOMES OF ALYWYN DOWNS, LLC

EASEMENT #1 - TEN FEET WIDE EASEMENT FOR PRIVATE UTILITIES

A ten feet wide easement for private utilities being the Easterly 10 feet of Lots 37, 48, 49, 60, 61, 72, 73, and 84, and the Southerly 10 feet of Lot 84 of Mar-View #2 as recorded in Liber 15 of Plats, page 38 in the Office of the Register of Deeds of Calhoun County, Michigan.

EASEMENT #2 - TEN FEET WIDE EASEMENT FOR PRIVATE UTILITIES

A ten feet wide easement for private utilities being the Westerly 10 feet of Lots 38, 47, 50, 59, 62, 71, 74, and 83, and the Southerly 10 feet of Lot 83 of Mar-View #2 as recorded in Liber 15 of Plats, page 38 in the Office of the Register of Deeds of Calhoun County, Michigan.

EASEMENT #3 - TEN FEET WIDE EASEMENT FOR PRIVATE UTILITIES

A ten feet wide easement for private utilities being the Northerly 10 feet of Lots 85, 86, and 87 of Mar-View #2 as recorded in Liber 15 of Plats, page 38 in the Office of the Register of Deeds of Calhoun County, Michigan.

EASEMENT #4 - EIGHTEEN & HALF FEET WIDE EASEMENT FOR STORM SEWER

A eighteen & half feet wide easement for storm sewer being the Northerly 18.50 feet of Lot 37 of Mar-View #2 as recorded in Liber 15 of Plats, page 38 in the Office of the Register of Deeds of Calhoun County, Michigan.

EASEMENT #5 - EIGHTEEN & HALF FEET WIDE EASEMENT FOR STORM SEWER

A eighteen & half feet wide easement for storm sewer being the Northerly 18.50 feet of Lot 38 of Mar-View #2 as recorded in Liber 15 of Plats, page 38 in the Office of the Register of Deeds of Calhoun County, Michigan.

EASEMENT #6 - TWENTY FEET WIDE EASEMENT FOR STORM SEWER

A twenty feet wide easement for storm sewer being the Southerly 10 feet of lot 60 and the Northerly 10 feet of Lot 61 of Mar-View #2 as recorded in Liber 15 of Plats, page 38 in the Office of the Register of Deeds of Calhoun County, Michigan.

EASEMENT #7 - TWENTY FEET WIDE EASEMENT FOR STORM SEWER

A twenty feet wide easement for storm sewer being the Southerly 10 feet of lot 59 and the Northerly 10 feet of Lot 62 of Mar-View #2 as recorded in Liber 15 of Plats, page 38 in the Office of the Register of Deeds of Calhoun County, Michigan.



KESB, INC. KYES ENGINEERING
BRYAN LAND SURVEYS

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2118 HASLETT ROAD, HASLETT, MI 48840
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DRAWN BY: BEB	SECTION 36, T2S, R6W
FIELD WORK BY:	JOB NUMBER: 96479
DRAWING DATE: 2/23/21	SHEET 2 OF 2

REVISED: FEB. 23, 2021
REV. WIDTH EASEMENTS 4 & 5



ADMINISTRATIVE REPORT
March 1, 2021 – CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Councilmembers

FROM: Phil Smith, Superintendent DPW
Marguerite Davenport, Director of Public Services
Tom Tarkiewicz, City Manager

SUBJECT: Green Burial Addition to Cemetery Rules and Regulations

BACKGROUND: The city has been approached by residents for the option of a “green burial” at Oakridge Cemetery. Green burials have been on staff’s radar as their popularity has increased in various industry communications over the last couple years. After research and communications with other Cemetery sextons and funeral homes, staff have created rules for *Limited Green Burials* for insertion in the existing Rules and Regulations for Oakridge Cemetery (attached to this report). Limited green burials are modification of the traditional green burial sites to fit within the existing area of Oakridge Cemetery. The closest cemetery offering green burials is Ridgeview in Grand Rapids.

Staff propose to add section VI. *Limited Green Burials* at the end of the existing document with content as follows:

A. *Purpose and Intent*

1. *Limited green burials at the Oakridge Cemetery are dedicated to serving individuals and families who desire a natural burial, one in which they can return their bodies to the earth in an ecologically sustainable manner. To honor these intentions, the rules for limited green burials are very different from the conventional burials.*

B. *Burial preparations*

1. *Because limited green burials are significantly different from conventional burials and requires much tighter time and material constraints, it is essential that lot owners plan ahead with their funeral director and fully communicate the rules for burial preparation and materials to their family and friends.*

C. *Burial Rules*

1. *Green burials are generally intended for non-embalmed bodies, but bodies embalmed with certified green/non-toxic/biodegradable fluids are permitted. Be sure to pre-plan carefully with your funeral director to determine if green embalming is likely to be needed and prepare accordingly.*
2. *Bottomless grave liners/vaults are required to help prevent unplanned future disruption to the grave.*
3. *Sturdy containers for burials (untreated wood coffins, wicker or grass baskets, bamboo or cardboard boxes, etc.) must be made of biodegradable materials if used. To minimize settling/sinking of graves, it is recommended that they be appropriately sized for the body with minimal empty space inside.*
4. *Solid/sturdy containers must fit easily within the standard grave hole size of 3ft. X 7ft. For burials requiring a larger grave hole size, advance notice to the Sexton is required.*

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

5. Shroud burials using wrappings such as cloth, blankets, or quilts are permitted when made of biodegradable materials
6. Cremains and conventionally embalmed (toxic) bodies are not permitted in limited green burial. However, at the discretion of the Sexton, an exception may be made.
7. The standard grave hole size will be 3 ft. x 7 ft., centered within a 4ft. x 10ft. lot. For burials requiring larger grave holes, advance notice to the Sexton is required.
8. Grave depth will be in the range of 3 to 4 feet in depth, at the discretion of the Sexton but respecting the desire for natural burials to be no deeper than necessary.
9. Burials employing just shrouds or insufficiently sturdy containers will require strapping the body to a trundle board for interment. Funeral directors are responsible for providing trundle boards and assuring that they are of appropriate size and strength and will easily fit into the standard grave hole size of 3 ft. x 7 ft. Trundle boards will remain in the grave at burial unless they can be easily and respectfully removed.

D. Green Burial Price

1. Burial costs may vary over time and may significantly differ from conventional burials. Please consult the current limited green burial price list for up-to-date cost figures, including additional fees for weekend and holiday.

The additions to the rules and regulations were recommended for approval at the February 23, 2021 Parks, Recreation, and Cemetery meeting.

RECOMMENDATION: It is recommended that council approve the addition of *Limited Green Burials* to the Rules and Regulations for Oakridge Cemetery.

FISCAL EFFECTS: None.

ALTERNATIVES: As suggested by Council

Respectfully submitted,



Phil Smith
Superintendent, Department of Public Works
Services



Marguerite Davenport
Director of Public



Tom Tarkiewicz
City Manager



Rules and Regulations Oakridge Cemetery Marshall, Michigan

PREFACE

It is the goal of the cemetery management to maintain Oakridge Cemetery as a quiet and beautiful resting place for the deceased. There is no attempt to interfere with individual tastes. Rather, these rules and regulations are set forth for the benefit and protection of all lot owners and for the maintenance of the grounds.

I. GENERAL REGULATIONS

A. Ownership and Management:

1. Oakridge Cemetery is owned by the City of Marshall under the management of the Department of Public Works.
2. The cemetery office is located at the DPW Garage, 616 Homer Road. This office is open Monday through Friday from 7:30 a.m. until 3:00 p.m. All questions concerning cemetery records, purchasing procedure, interment arrangements, perpetual care and other services may be directed to this office. Telephone (269)781-3985. The City of Marshall is in no way responsible for damage or loss to any lot, including markers, monuments, urns, or grave decorations.

B. Services to be provided by cemetery management only:

1. Interments: permit required.
2. Disinterment: permit required if transferring to another cemetery.
3. Installation of marker, monument and urn foundations.
4. Perpetual care of all lots purchased with this provision to include mowing of the grounds at reasonable intervals, the seasonal removal of leaves and other debris, the trimming of grass around markers and monuments and the repair of sunken graves.
5. General maintenance such as tree work, road work, snow removal, upkeep of water lines, trash removal, etc., shall be performed as necessary.

C. Conduct in the Cemetery shall be in accordance with all City of Marshall Ordinances such as but not limited to:

No person shall:

1. Throw rubbish or debris on any part of the cemetery grounds.
2. Pick or mutilate any flower or disturb any tree, shrub or other plant material.
3. Consume alcoholic beverages on the premises.
4. Permit any domestic animal to enter the cemetery unleashed.
5. Discharge a firearm in the cemetery unless as part of an authorized volley at burial or memorial services.
6. Damage any monument, marker, urn, vault or other structures on cemetery property.
7. Use any form of advertising on the premises.
8. Drive in excess of 10 mph.
9. Violate any City of Marshall traffic code.
10. Drive off established roads without permission of the management.
11. Use the cemetery as a public thoroughfare.
12. Gain entrance to the cemetery except via established entry points.
13. Gain entrance to the cemetery before dawn or after 9:00 p.m.
14. Use motorized pleasure vehicles such as snowmobiles, go-carts, etc., within the cemetery.

D. Operational Policies

Staff may from time-to-time establish and implement policies to improve cemetery operations which shall include but not limited to; regulating foundation size, maintenance policies, dress codes, to name a few.

II. BURIAL LOTS

A. Purchase

1. All cemetery lots are to be purchased for the interment of human remains.
2. No cemetery lots shall be purchased for speculative purposes.
3. All lots are to be sold with the provision for perpetual care.

4. Upon complete lot payment, a deed shall be issued by the City Clerk. If purchased by more than one person, each person's interest shall be specified. The term "deed" shall be interpreted as meaning having burial rights only.
5. All lots are purchased subject to rules and regulations now in force and to those that may be adopted in the future.
6. Cemetery lots are exempt from property taxes and cannot be seized on execution. No mortgage or other encumbrance can be given on any burial space.
7. A lot may be reserved for 30 Days at which time if the individual requesting the lot does not proceed to make payments, the City will remove the name from the lot and make the lot available to the next individual requesting the same.
8. The City does not purchase back cemetery lots. An owner wishing to sell a lot may send a letter with contact information to the City stating that they would like to sell their lot and should someone wish to purchase the lot staff will give the purchaser the contact information.

III. FUNERALS

A. Requirements

1. No interment shall take place until the grave space is paid in full with the exception of indigent cases.
2. No interment shall take place without a burial permit.
3. All burials must be made in a durable, non-deteriorating burial vault.
4. If the deceased is not the lot owner or a member of the lot owner's immediate family, written permission acceptable to the City, by the lot owner or agent may be requested before interment will be permitted.
5. Funeral directors making arrangements for burials shall be responsible for all charges not paid by the lot owner.
6. One adult or child interment shall be permitted per grave space.
7. Openings requested by funeral directors shall be construed as requested by the lot owner. The cemetery management shall not be responsible for errors in openings if given incorrect information.
8. Cremains may be buried above another grave; not more than two cremains per lot.
9. Oakridge Cemetery does not inter on Sundays, Thanksgiving Day, Christmas Day, New Year's Day, Memorial Day, July 4, or Labor Day. On other City of

Marshall holidays (Presidents' Day, the day after Thanksgiving, or Good Friday) interments will be scheduled with the 50% overtime fee in effect.

B. Services

1. All funeral processions within the cemetery shall be under the direction of the management.
2. Workers shall suspend their labors near graveside services.
3. Funeral designs and floral pieces shall be removed by the management when they become unsightly.
4. Graves shall be opened by City of Marshall employees or their agent.

IV. LOTCARE

A. Monuments, markers, and foundations.

1. Family Plot consisting of 3 or more lots may have a monument identifying the family name placed upon a lot within the plot. The City shall decide where the monument is to be placed. Markers identifying the person buried on the lot shall be flush or slant markers.
2. For single lots, one marker is permitted per grave space. If cremains are placed above a burial on the same lot, then the second marker shall be a flush marker.
3. All monuments and markers are to be constructed of durable granite, cut stone from recognized quarries, standard bronze, quality marble, or standard metal as used by veterans' organizations.
4. All monuments and markers shall be installed upon a foundation constructed by City of Marshall Employees or designated agent at the lot owner's expense in accordance with City policy.
5. All monuments and markers placed upon the foundation shall be installed by the lot owner or agent with prior permission by the cemetery management. The cemetery shall be responsible for installing government markers.
 - a. Those persons engaged in placing monuments or markers shall provide adequate planking to protect the turf.
 - b. The site shall be left in a clean and orderly condition.

C. Decorations

Decorations shall be defined as anything natural or artificial such as but not limited to figurines, flowers, stuffed animals, ornaments, wrought iron, urns, photographs and the like.

1. Not more than two urns shall be permitted per lot on each side of a single marker or family monument.
2. In addition to any urn(s), a lot owner may decorate a grave site with artificial or natural flowers which shall be placed in a metal or plastic container suitable for display. Glass containers or decorations shall be prohibited. Artificial decoration stuck in the ground will be removed. There may be no more than two Shepard's hooks installed next to and overhanging a marker or monument. Military flag holder(s) and flags for those that served in the military are exempt from these regulations as well as those by recognized organizations such as Rotary. Stuffed animals shall be prohibited except those placed during the initial internment. Decorations that staff deems to be excessive shall be removed by the management.
3. Winter grave decorations are permitted beginning the first Monday in October. Decorations not removed by the last Monday in March shall be considered abandoned and will be disposed of by the management.
4. Spring grave decorations are permitted beginning the first Monday in April through the last Monday in September. Decorations not removed by the last Monday in September shall be considered abandoned and will be disposed of by the management.
5. Copings, fences, curbs, hedges, mounds, and structures of wood, or equally perishable material are prohibited. Structures or enclosures established on any lot prior to the addition of these regulations, which have in the judgment of the management, become unsightly, shall be removed.
6. The planting of flowers, perennials and shrubs on a lot shall not be permitted.
7. No tree or shrub shall be pruned or removed without the consent of the management.
8. Planting of trees will be done by cemetery personnel and only at location approved by and maintained by City Staff. No tree shall be planted within 100 feet of an existing tree.
9. Hanging decoration on any tree, shrub, and/or other structure in the cemetery is prohibited.

V. POTTERS FIELD

A. Resolution

1. "Be it resolved by the City Commission of the City of Marshall, Calhoun County, Michigan, in its regular session this nineteenth day of December A.D. 1949, that from and after the date hereof, there shall be no burials in Potters' Field in Oakridge Cemetery unless the deceased person is a legal resident of the City of Marshall, or unless said death shall occur within the corporate limit of the said

City of Marshall and the deceased person so dying in said City shall have no legal residence.”

2. A flush marker is permitted if the grave space is paid in full. The price of the grave will be the difference between the cost of a lot as established by the City Council and the amount paid by any other governmental agency or non-profit organization for the burial.



ADMINISTRATIVE REPORT
March 1, 2021 – CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Councilmembers

FROM: Michelle Eubank, PSB Receptionist
Justin Miller, Parks and Recreation Superintendent
Marguerite Davenport, Director of Public Services
Tom Tarkiewicz, City Manager

SUBJECT: Rental Fees for Cronin Millrace Pavilion and Stuarts Landing

BACKGROUND: Currently, the City reserves the band shell at Stuart’s Landing upon request of any person or organization. There is no charge to reserve the band shell, besides the \$35.00 electric fee, if requested. Now that the Cronin Millrace Pavilion is completed at Ketchum Park, the City has received many requests to reserve the facility. Based on the resident request and feedback staff is proposing to implement a robust reservation process including increased fees, rules, and service.

Included with this report is a proposed Park Facilities Standard Rental Application. Staff is proposing to provide rentals on a half day and full day basis. Research of other municipalities similar to Marshall proved this to be a common practice. The form outlines both resident and non-resident rates. A summary of the fees are as follows:

Rental Time	Resident Rate	Non-Resident Rate
Half day	\$50.00	\$80.00
Full day	\$80.00	\$130.00

For both spaces, the electric fee will still apply and be in addition to the rental fee. Staff had thorough discussions in regards to non-profit organization use of the spaces with a result that the current process would remain the same; non-profit organizations can ask for the rental fees to be waived through a request to City Council. For the increased rental rate, staff will ensure the park is clean and trash receptacles emptied prior to a reservation. Usually, this work can be performed during normal working hours. Should a check of the facilities be required after hours, the parks and recreation maintenance staff will be called in to check and clean the facilities. In addition to providing a good service to renters, this action will allow the City to pinpoint any damage or vandalism of the parks to particular renters, should it occur.

These fees were recommended for approval by the Parks, Recreation, and Cemetery Board at their February 23, 2021 meeting.

323 W. Michigan Ave.
Marshall, MI 49068
p 269.781.5183
f 269.781.3835
cityofmarshall.com

RECOMMENDATION: It is recommended that the Council approve the new Park Facilities Rental Application and fees as presented above.

FISCAL EFFECTS: Revenue is unknown at this time.

ALTERNATIVES: As suggested by Council

Respectfully submitted,

Michelle Eubank
PSB Receptionist
Superintendent



Justin Miller
Parks and Recreation



Marguerite Davenport
Director of Public Services



Tom Tarkiewicz
City Manager



PARK FACILITIES: Standard Rental Application

NOTE: The Standard Rental Application is for use of events with less than 100 persons. If the event is expected to have more than 100 persons in attendance, the *Special Event Application* is required.

Organization Name (if any) _____

Name of Person Responsible _____

Address _____ Daytime Phone _____

_____ Evening Phone _____

Email: _____ Approx. size of group (must be less than 100 persons) _____

Activity / Reason for rental _____

NOTE: The City may charge additional fees for other services not listed. Rental fees must be paid in full to secure a reservation. The City will not hold a park or facility based on partial payment of fees. Cancellations must be made at least 14 days before the rental date in order to receive a refund of the rental fees. By signing below, you agree to follow all rules, regulations, and laws concerning the use of City of Marshall parks and facilities; and acknowledge if you do not you will forfeit said use and may incur additional fees; and also certify the statements made and the information provided in this application for use of City of Marshall parks and facilities are true, accurate, and complete. The rental must comply with all Michigan Executive Orders. Failure to do so will result in immediate termination of the rental.

ONE TIME EVENT			
EVENT DATE: (mo/day/yr)			
Rental Rate	\$35.00 Electric (Optional)	TOTAL RENTAL FEE	
RECURRING EVENT			
EVENT DATES: Please include all event dates. (mo/day/yr)			
Rental Rate	#of Days	\$35.00 Electric/Day (Optional)	TOTAL RENTAL FEE

Signature of Renter	Date	City Staff Approval/Signature	Date
		<input type="checkbox"/> Requested Date Available	<input type="checkbox"/> Resident <input type="checkbox"/> Non-Resident
		<input type="checkbox"/> Total Rental Fee Paid (Amount/Date)	

NOTE: Please check all boxes that apply to the rental requested on the front of this form.

Rental Times		Resident Rate		Non-Resident Rate		\$35.00 Electric (Optional)
Ketchum Cronin Mill Race Pavilion						
Half Day - AM	7:00 AM – 2:00 PM	<input type="checkbox"/>	\$50.00	<input type="checkbox"/>	\$80.00	<input type="checkbox"/>
Half Day - PM	3:00 PM – 10:00 PM	<input type="checkbox"/>	\$50.00	<input type="checkbox"/>	\$80.00	<input type="checkbox"/>
Full Day	7:00 AM – 10:00PM	<input type="checkbox"/>	\$80.00	<input type="checkbox"/>	\$130.00	<input type="checkbox"/>
Stuart's Landing Band Shell						
Half Day - AM	7:00 AM – 2:00 PM	<input type="checkbox"/>	\$50.00	<input type="checkbox"/>	\$80.00	<input type="checkbox"/>
Half Day - PM	3:00 PM – 10:00 PM	<input type="checkbox"/>	\$50.00	<input type="checkbox"/>	\$80.00	<input type="checkbox"/>
Full Day	7:00 AM – 10:00PM	<input type="checkbox"/>	\$80.00	<input type="checkbox"/>	\$130.00	<input type="checkbox"/>

The City of Marshall prides itself on maintaining a clean and usable parks system. The City cannot control natural debris blown into the park and rental areas. The City commits to providing a facility free of trash and garbage.

- The renter agrees to clean the rental area (pick up and dispose of trash, etc.) upon the completion of event. If area is deemed to need excessive cleaning after the event, additional fees may be assessed.
- No motorized vehicles are allowed on the grass.
- Consumption of alcoholic beverages is not permitted on park property.
- The City reserves the right to cancel this agreement under extenuating circumstances.
- It is recommended that renters carry their confirmation of reservation with them at time of occupancy.
- Rentals only guarantee the use of the specified location in the park.
- Persons making reservations must be at least 18 years of age.
- 501(c)3 Organizations may apply to City Council to have their fees waived. Please contact the parks department for more information.



Administrative Report
March 1, 2021 – City Council Meeting

REPORT TO: Honorable Mayor and City Council Members

FROM: Eric Zuzga, Director of Special Projects
Tom Tarkiewicz, City Manager

SUBJECT: Social Media Policy

BACKGROUND: City staff have been working to upgrade our communication efforts over the past year. As part of those efforts, Social Media and Comment Policies have been developed to help guide our efforts on our various social media sites. The policy is directed at the use of social media for City related business by employees, Council members, and volunteers.

Approval of the Social Media and Comment Policies is a step forward on solidifying our communication efforts and will be reported as part of our Redevelopment Ready Communities Recertification.

RECOMMENDATION: Approve the policies as presented.

FISCAL EFFECTS: None anticipated at this time.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric Zuzga".

Eric Zuzga
Director of Special Projects

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

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

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F 269.781.3835

cityofmarshall.com



SOCIAL MEDIA POLICY

I. PURPOSE

This Social Media Policy (“Policy”) establishes guidelines for the establishment and use by the City of Marshall (“City”) of social media sites as a means of conveying and gathering information to/from members of the public.

The intended purpose of City social media sites is to disseminate official information from the City about the City’s mission, meetings, activities, and current issues to members of the public.

The City has an overriding interest and expectation in protecting the integrity of the information posted on its social media sites and the content that is attributed to the City and its officials.

This policy is intended for all employees, council members, or volunteers. For convenience, the term employees will represent all members of that group within this policy.

I. DEFINITIONS

“Social media sites” means platforms used by individuals to create publicly viewable content, using accessible, expandable, and upgradable publishing technologies, through and on the Internet. Examples of social media sites include, but are not limited to, Facebook, Twitter, YouTube, Flickr, LinkedIn, Nextdoor, Snapchat, Pinterest, and Instagram.

“City social media sites” means recognized social media sites, approved by the City, which the City establishes and posts information on. City social media sites shall supplement, and not replace, the City’s required notices and standard methods of communication.

“Posts” or “postings” mean information, articles, pictures, videos, or any other form of communication posted on a City social media site.

II. POLICY

The City’s website, www.cityofmarshall.com, is recognized as the City’s primary source for online communication and information.

The City reserves the right to terminate any City social media site at any time without notice.

The City does not control the privacy and use policies of the social media platforms. Users of social media platforms are subject to the terms and conditions they have agreed to when registering for the social media services. City social media sites are subject to the usage rules and regulations required by the site provider, including privacy policies. It is recognized that social media platform providers will, from time to time, modify their terms, conditions, and usage

policies with little to no notification.

The City's Social Media Policy shall be displayed to users or made available by hyperlink on all City social media sites.

All City social media sites shall adhere to applicable federal, state, and local laws, regulations, and policies. Should any sites be found in violation of these laws and be found responsible of the violations without seeking to resolve the matter with the appropriate authorities, the City will terminate its use of the social media platform.

The City shall have full permission or rights to any content posted by the City on its social media sites, including photographs and videos.

City social media site profiles must be created using a City-owned email address only. Establishment of a City social media site or account for City business requires approval of the City Manager. The City's social media sites shall be consistent with the City branding and messaging.

Department-level City social media sites may be created to serve a certain demographic (e.g. Recreation Services, Police Department, etc.) but must be approved by the City Manager prior to implementation. Department-level City social media sites are to be managed by a department designee agreed upon by the City Manager and/or their designee(s). Said sites shall be managed and moderated in accordance with the City Social Media Policy. Department designees shall, on a regular basis, report to the City Manager or their designee(s) about activity on Department-level City social media sites.

In the absence of the City Manager or designee(s), other staff, as selected by the City Manager, can fill the role of managing the various City social media sites. The City Manager or designee(s) have the authority to terminate individuals' administrative access to City social media sites at any time without notice. The City Manager or designee(s) shall report quarterly on who has administrative access to City social media sites. Anyone with access who is not currently a City employee or a designated social media manager by the City Manager shall immediately have their access rights revoked.

City social media sites shall be managed and moderated by the City Manager and/or designee(s) (Social Media Administrators). All department postings are subject to review at the discretion of the City Manager or designee(s). Content violating the City Social Media Policy shall be reported to the City Manager or designee(s) immediately for consultation and consensus on action. All comments and postings to the City's social media sites will be monitored.

The City reserves the right to remove comments or content including, but not limited to, those that contain:

1. Profane language or content;
2. Pornographic content;
3. Content that promotes, fosters, or perpetuates discrimination;

4. Sexual harassment content;
5. Solicitations of commerce or advertisements including promotion or endorsement, unless already part of a City-sponsored event;
6. Content that, in the sole discretion of the City Manager or designee(s), is offensive, hostile, inappropriate, or irrelevant to a fair and open discussion of issues within the subject matter jurisdiction of the City;
7. Promotion or endorsement of political issues, groups, or individuals;
8. Conduct or encouragement of illegal activity;
9. Information that may tend to compromise the safety or security of the public or public systems;
10. Content in support of, or opposition to, political campaigns, candidates, or ballot measures;
11. Content intended to defame any person, group, or organization;
12. Content that violates a legal ownership interest of any other party, such as trademark or copyright infringement;
13. Making or publishing of false, vicious, or malicious statements concerning any employee, the City, or its operations (more than mere criticism);
14. Violent or threatening content;
15. Disclosure of confidential, sensitive, or proprietary information;
16. Content pertaining to confidential or privileged information or pending litigation involving the City.
17. Comments that target or disparage anyone based on race, color, sex, religion, national origin, age, height, weight, marital status, veteran status, disability, sexual orientation, gender identity, or any other criteria prohibited by City, State or Federal law.

The City reserves the right to respond to any posting in its social media sites in a manner consistent with the Social Media Response Decision Tree (see below).

The City reserves the right to ban users from using City social media sites if they post information that may tend to compromise the safety or security of the public or public systems (spam or malicious code) or engage in behavior that frequently violates the City Social Media Policy comment moderation guidelines.

City social media sites shall link back to the City's official website for forms, documents, online services, and other information necessary to conduct business with the City.

The City may post links, on a limited case-by-case basis, to external sites that are germane to the community (e.g. Calhoun County Sheriff's Department, State of Michigan, Marshall Public School District, etc.).

The City may provide educational information regarding ballot measures via City social media sites in compliance with federal and state law, regulations, and policies.

The City shall control posting rights to City social media sites and only allow comments on City-initiated postings and not direct postings by outside entities on City social media sites where possible.

The City is to use social media sites to convey information to constituents that relate to public health and safety, general public information, community information, and/or respond to inquiries regarding City services or activities. All postings are to be done to convey openness and transparency in government. Postings shall reflect the officially stated position of the City, and such positions may be determined by the City Manager or their designee(s).

City personnel should be aware that they may be subject to civil litigation for, but not limited to:

- a. publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
- b. publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
- c. using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
- d. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

City personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.

City personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the City at any time without prior notice.

Reporting violations: Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.

City Social Media Engagement on Non-City Social Media Sites

City staff communicating as representing the City and City social media platforms shall not comment or engage in debate on platforms other than the City social media sites. City staff shall not engage, comment or post using their personal accounts and claim or otherwise indicate they are communicating officially on behalf of the City or representing the City with their comments. Where appropriate and consistent with the City Social Media Response Decision Tree, the City may reply to call outs or engagement where the City social media site does not enable hosting of the conversation (for example, Twitter).

Councilmember, Commissions and/or Boards' Social Media Use

Members of the City Council, Commissions and/or Boards may not engage on City social media sites to "Like," "Share," "Retweet" or otherwise respond to any published postings on the City social media sites that might indicate their viewpoint or preference on a specific matter that is

under consideration by the City Council and prior to its full consideration and related public hearing on the matter. Members of the City Council, Commissions and/or Boards may not use the City social media sites to blog or engage in serial meetings, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the respective legislative body. Violations of this policy will be reported to the proper authorities.

Members of the City Council, Commissions and/or Boards may, as a matter of free speech, establish their own social media accounts but are requested to make clear that the content posted on said sites is not the official position of the City.

City Staff Social Media Use

City staff may not represent themselves as formally speaking for the City unless identified previously by the City Manager as official spokespeople. Identified City spokespeople shall conduct themselves on social media only within the scope defined herein and in compliance with all City policies, practices, and user agreements and guidelines.

While an employee's personal use and comments made at social media sites may be subject to First Amendment protections, as applicable, as well as permissible restrictions, any personal use made of social media sites outside of work must not be attributable to the City or the employee's job function at the City. For example: Employees may not a) use his/her work email address to register for social media and other sites unless the purpose is directly related to the job requirement; b) provide the City's or another's confidential or other proprietary information; c) state nor imply that you speak for the City, for a City department, or for City officials.

Employees are personally responsible for the content they publish on social media sites. The City is not responsible for the personal content of employees' social media sites. Employees should consider:

- Published content may be public for a long time.
- Regardless of position, residents of the City are aware of your association with the City in online social networks.
- If an employee chooses to identify themselves as a City employee, they should ensure their profile and related content is consistent with how they wish to present themselves with colleagues and citizens.
- Regardless of publication type, employees should make it clear that what they say is representative of their views and opinions and not necessarily the views and opinions of the City.
- Unless an employee is specifically authorized to speak on behalf of the City, they should consider including the following disclaimer on personal blogs or social media in which they identify themselves as a City employee: "The postings on this site are my own and don't necessarily represent the City of Marshall's positions, strategies or opinions."

Social media activities that are not protected by First Amendment rights and that violate this or any other City policy will be subject to investigation and appropriate action, including disciplinary measures, as determined by the City of Marshall.

Use of personal social media platforms from City owned computers are subject to all City of Marshall Computer Use policies. User have no expectation of privacy on City owned devices. Devices may be monitored, and/or searched at the discretion of the City.

Social Media Administrators (SMA)

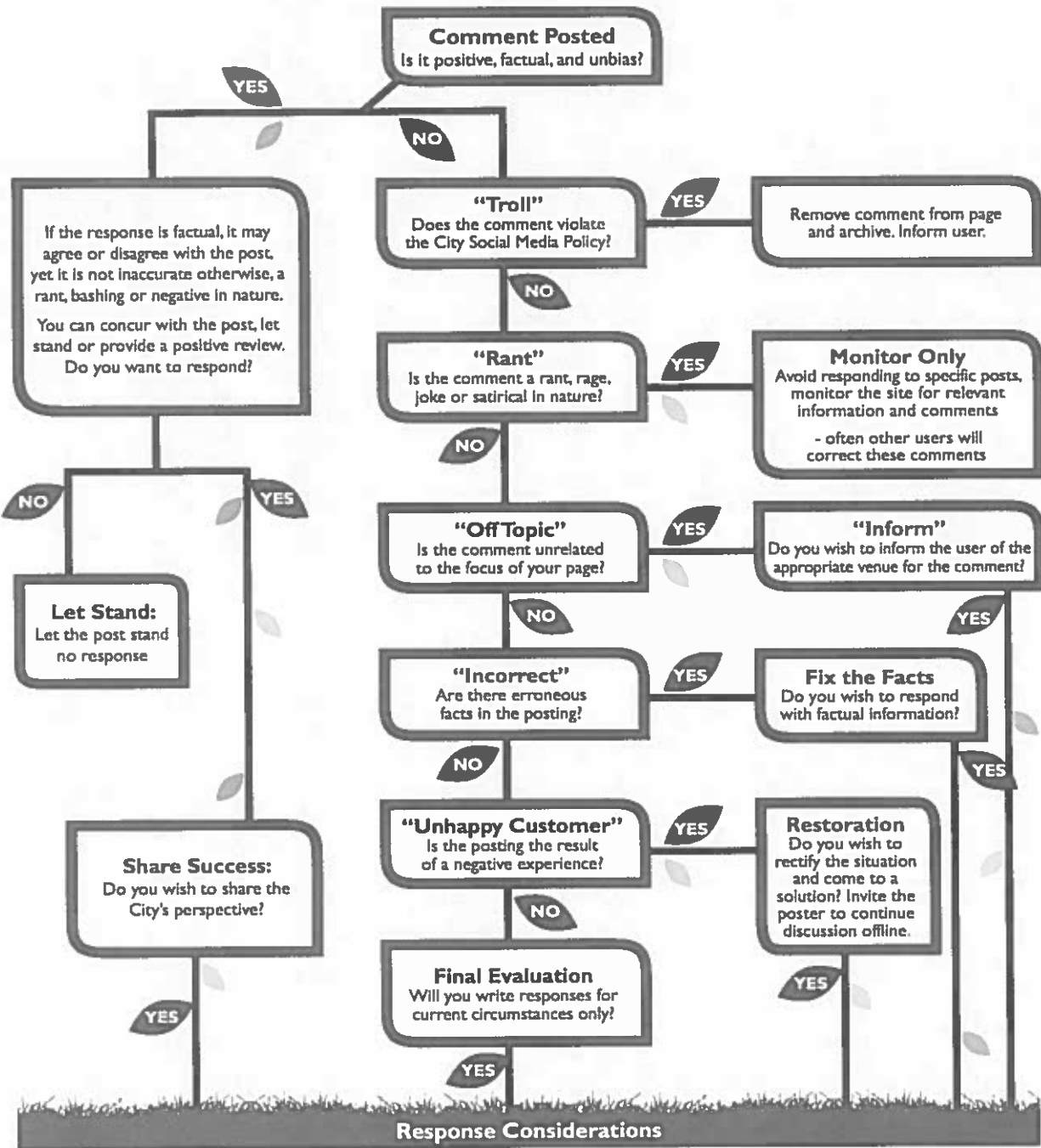
Considering it is difficult to know all of the details on subjects that often cross multiple city departments, the City of Marshall rely upon Social Media Administrators. SMAs are those that have been granted the authority to represent the City of Marshall or some subsequent department of the city on certain social media platforms. The City Manager or Directors can delegate social media administration roles to whom they see fit, as long as they are city employees. Only authorized SMAs will post or represent the City of Marshall views or opinions on social media platforms. Should an SMA receive a request for an interview with a member of the press, that request must be granted by the City Manager and/or will be subject to that employee's internal department media policies.

Guidelines for SMA Posts/Activity

As an SMA of the City, you are held accountable for how you speak about city products, services and/or operations on any and all social media platforms. When a person is given the responsibility of representing the City of Marshall on social media pages, they must consider many things including but not limited to:

- *Is this relevant for this audience?* It should be understood that an SMA will possess the background knowledge of what is typically expected to be found on the page or platform. Along with the ability to discern what is and what is not appropriate for the page or platform.
- *What are the pros and cons of posting this?* It is expected that an SMA knows both.
- *Is this post complete?* Make sure that all vital information is included.
- *Should I check with anybody before posting?* Quite often city departments work with different planned timelines. It is important to communicate any relevant information to assure that no city department is caught off guard by any social media activity before the posting.
- *Does this put the City of Marshall in the best light?* Anything posted should not say anything that could be perceived as disparaging towards any city departments, employees, or activities.
- *Is this politically neutral?* It is not appropriate to make comments that show a political opinion preference of one position over another in political questions. All city social media activity must be politics-free.
- *Is this confidential information?* Many times, employees know information that the general public does not know. If an SMA is unaware if information is confidential or not, they are expected to ask the City Manager before releasing any potentially confidential information.

CITY SOCIAL MEDIA RESPONSE DECISION TREE



Transparency – Disclose your City connection
Cite Your Source – When you a reference to a law, regulation, policy or other website, where possible provide a link or at a minimum, the cite.

Respect Your Time – Do not spend more time than the response is worth
Use a Professional Tone – Respond in a tone that reflects positively on the City



Social Media Comment Policy

The City of Marshall, in an effort to become more engaged, responsive, and transparent, has established an online presence through social media. We welcome your comments on the City of Marshall's social media accounts. The purpose of this page is to present matters of public interest to the Marshall community. We encourage you to submit your questions, comments, and concerns, but please note this is a moderated online discussion site and not a public forum.

The City of Marshall will delete any comments that contain vulgar language; offensive comments that target or disparage anyone based on race, color, sex, religion, national origin, age, height, weight, marital status, veteran status, disability, sexual orientation, gender identity or any other criteria prohibited by City, State or Federal law; contain nudity; or violations of any local, state, or federal laws and/or is otherwise unlawful. We expect ideas and information shared in a respectful manner on any social media account operated by the City of Marshall.

If the City believes a post violates the community standards of any social media site; including trolling, the City may report the violator in question to the site's administrators.

Disclaimer:

The City of Marshall does not endorse every comment that individuals post on social media sites operated by the City. Our goal is to share and exchange information with those interested in topics relating to the Marshall community and our policy is to accept the majority of comments made to our page. These posted comments and images do not necessarily represent the views of City of Marshall, its employees, or its citizens as a whole.



Administrative Report
March 1, 2021 – City Council Meeting

REPORT TO: Honorable Mayor and City Council Members

FROM: James Durian, MAEDA
Eric Zuzga, Director of Special Projects
Tom Tarkiewicz, City Manager

SUBJECT: Social District Changes and Annual Plan

BACKGROUND: MAEDA (Choose Marshall) staff, City staff, and downtown business owners have been discussing use of the Social District and opportunities to take advantage the district provides to the downtown. The following changes are requested to move this process forward (Jim Durian and Amanda Herschok will present these changes at the Council meeting):

1. Change the social district hours from noon-10:00 PM to 9:00 AM-11:00 PM.
2. Approve the expansion outlined on the attached map.

These changes, along with earlier approvals, will allow the Social District to have a bigger impact on the restaurants that have faced limitations on capacity and the ability to operate. This is anticipated to be the last changes to the time and size of the district. The committee will continue to work on other placemaking improvements which will improve the aesthetics and atmosphere in the downtown.

The following items are also in process to assist in making the Social District more effective for the participating businesses and the downtown in general:

Social District Annual Plan:

1. Add dining and social seating to areas on Michigan Avenue, Grand Street Park, Peace Park, and Carver Park.
2. Enhance ambiance of the downtown with the addition of solar lights in Grand Street Park, Peace Park, Carver Park and across Eagle and Jefferson on the north and south side.
3. Support EastEnd Studio & Gallery with their idea to create a mural event while educating other artists, on the back of businesses located in the south alley between Eagle and Jefferson.
4. Convert the downtown planters, when not in use by the garden club, into tabletops with QR codes that provide information and history about Marshall. There will be a different question or bit on each planter. These planters will also be lined with LED lights for added ambiance.

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5. The Social District has created a committee which includes permit holders, Choose Marshall employees, City employees, and City Council members. These meetings allow brainstorming future ideas and keeping everyone up-to-date on the next big holiday, event, or idea.
6. The Social District is planning a Re-Launch for Spring where we hope to have equipment and lights in place.
7. Choose Marshall will ramp up it's marketing on the Social District and is working with each permit holder to provide social media content for use on their own pages.
8. Choose Marshall will be creating a library of outdoor social gathering to use in its marketing.

Choose Marshall Placemaking

Choose Marshall is creating an annual placemaking plan which includes the items mentioned above which will increase downtown visitors, support local businesses, and invest in the growth and development of Marshall. Other projects Choose Marshall is working on are: façade programs, downtown beautification, increasing communication with business and building owners, business attraction and continuing to market and support events.

RECOMMENDATION: It is recommended that the Council approve the changes to the Social District as presented.

FISCAL EFFECTS: None anticipated at this time.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

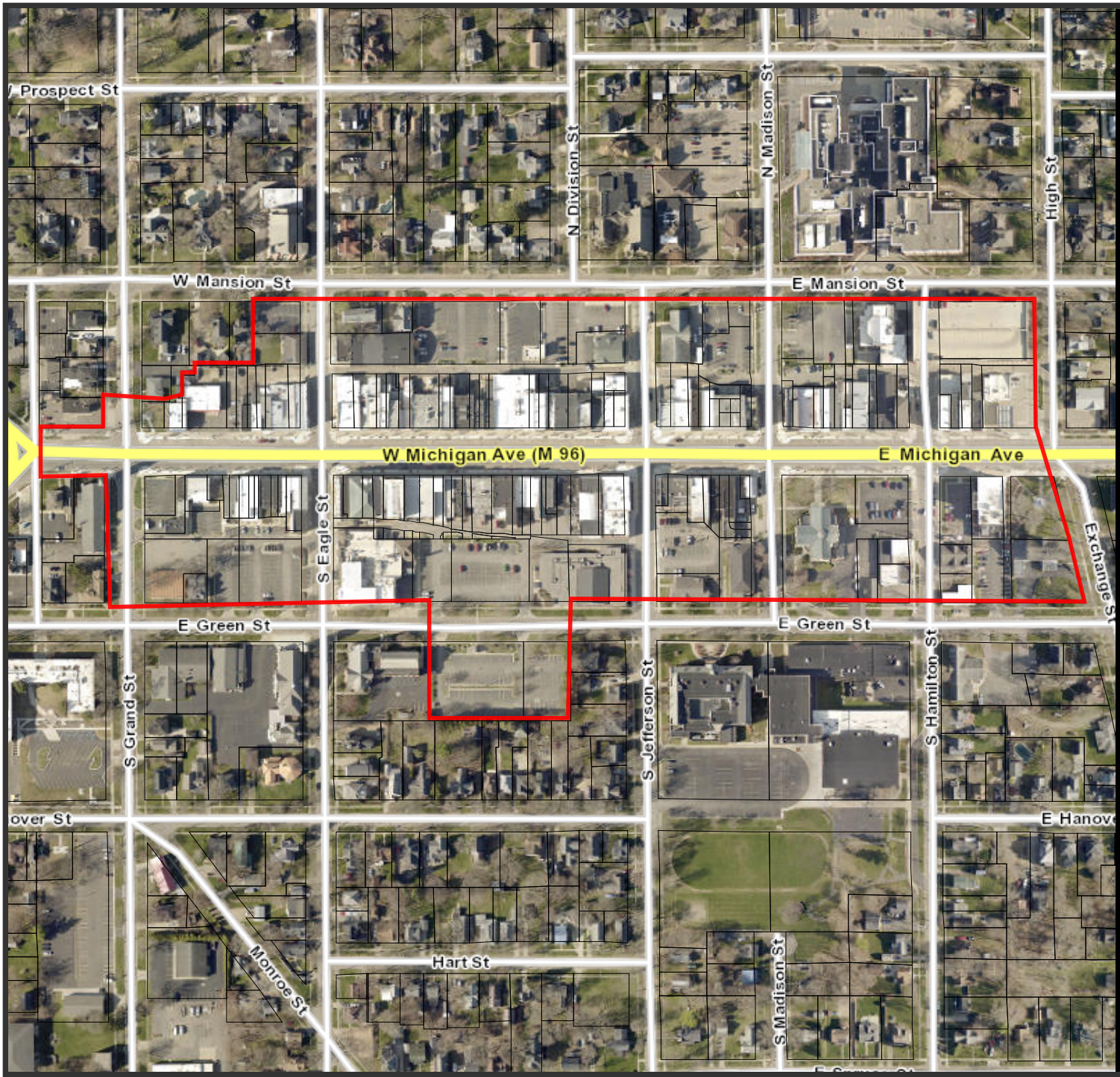


Eric Zuzga
Director of Special Projects



Tom Tarkiewicz
City Manager

James Durian
MAEDA CEO



Social District
Expansion
March 1, 2021





ADMINISTRATIVE REPORT
March 1, 2021 - CITY COUNCIL MEETING

TO: Honorable Caron and Councilmembers

FROM: Scott E. McDonald, Director of Public Safety
Thomas Tarkiewicz, City Manager

SUBJECT: Grand River Brewery Community Saint Patrick's Day Celebration

BACKGROUND: Since Grand River's opening, the City Council has approved numerous street closure requests for the 100 Block of South Jefferson Street bordering Grand River Brewing, to allow for an expanded service area, and for the holding of special events. Basically, the street area between Michigan Avenue, and the south alley is enclosed with traffic barricades and the area can be used for activities and food/alcohol service. Historically, the events for most part been problem free.

In this case, the event will be held within the 'Social District' as a common area, and as such, will be open to all. Grand River will set up tables, chairs, etc, for use in the area. They will not specifically be providing food or beverage service, nor providing wait staff. This area will be open to anyone within the social district, for consumption of food and alcohol. The Grand River may provide entertainment in the common area, as well as other promotional activities for guests.

After review of the past few events at this venue, and the social district overall, the City is requesting a few parameters to any future street closings.

1. Class 3 barricades with lighting and road closed signage must be used on both ends of the event, in the road. The road closed ahead signs must be placed on Michigan Avenue for the entirety of the road closure. The signs shall be located per the MDOT standard (at Eagle Street and High Street).
2. The south alley must remain open to vehicle traffic at all times.
3. A ten-foot wide passageway from the south alley to the buildings fire department connection must be maintained, and free of anything that would impede fire department access to the FD connection.
4. The 'road closed' area must conform to all LCC requirements, as well as the City of Marshall's Social District resolution.

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5. Any signage, electrical connections, plumbing connections, mechanical connections, and open flame devices shall be approved in advance, and be in conformance with City of Marshall code.
6. That all current State of Michigan and Calhoun County Health Department restrictions and guidelines related to Covid-19 be adhered to in the event area.
7. Grand River is responsible for placing the barricades across the road at the start of the event, and to remove them from the road at the conclusion of the event. They must also turn the 'road closed ahead' signs to face the road prior to the event, and away from the road after the event.
8. Grand River is responsible for set up and removal of all tables, chairs, fixtures, etc.
9. Grand River is responsible for trash collection, and debris removal from the area, including the City Sidewalk and road.


NOTES: The current City of Marshall resolution on hours of operation within the social district are Noon until 10:00pm. There is a separate resolution to be submitted to allow for the hours to run from 9:00am until 11:00pm. This request is for operating hours of 7:00am until 10:00pm. Council will have to specifically consider approving the early start time of this event as part of this request.

As the area (and road) could directly impact operations at the Marshall Middle School, they were contacted about the request. School office staff advised this date is a 'virtual date' for the school, so traffic, buses and students will be greatly reduced. They did not feel this event would negatively impact their operations.

RECOMMENDATION: It is recommended that the road closure for the 100 Block of S. Jefferson Street for the Grand River Brewery for March 17, 2021 be considered by Council, subject the attached conditions.

FISCAL EFFECTS: The closure will incur some costs for several City Departments (Police- Administration), (City Administration- Filing) and (Streets- Barricade Placement). This is cost estimated at \$259.60.

ALTERNATIVES: As recommended by Council.



Tom Tarkiewicz
City Manager



Scott E. McDonald
Director of Public Safety

EVENT REPORT
Grand River Brewery Community Saint Patrick's Day Celebration 2021

LOCATION: 100 Blk. S. Jefferson

REQUESTOR: Grand River Brewing

REQUEST DATES: Wednesday March 17, 2021

REQUEST TIMEFRAME: 7:00am until 10:00pm

MDOT PERMIT REQUIRED: NA

MDOT PERMIT GRANTED: NA

LCC PERMIT REQUIRED: Not Specifically (Falls under Social District Resolution)

LCC PERMIT GRANTED: Social District Approved

ROAD CLOSURE DETAIL: 100 Block of S. Jefferson

ROAD CLOSURE TIMEFRAME: Wednesday: 7a to 10p

ROAD CLOSURE DETAIL: Class 3 Barricades will be erected on S. Jefferson at Michigan Ave. and on S. Jefferson just north of the alleyway. Road Closed Ahead signs will be placed on Michigan Avenue for the entirety of the road closure. The signs shall be located per the MDOT standard (at Eagle Street and High Street).

DETOUR DETAIL: Traffic will be diverted to the paralleling side streets (Eagle and Madison).

CONTACT:

Taylor Collins
Email: taylor@grandriverbrewery.com

COUNCIL NOTIFICATION DATE: March 1, 2021