

**CALL TO ORDER**

IN REGULAR SESSION, Wednesday, August 4, 2021 at 7:00 P.M., in the Council Chambers of Town Hall, 323 West Michigan Avenue, MI 49068. City Council was called to order by Mayor Caron.

**ROLL CALL**

Roll was called:

Present: Council Members: Mayor Caron, Gates, Rice, Schwartz, Traver, Underhill, and Wolfersberger.

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: None.

**INVOCATION/PLEDGE OF ALLEGIANCE**

Mayor Caron led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

**Moved** Wolfersberger, supported Gates, to approve the agenda with the addition of item 12E. Consent Judgement and the removal of two event reports. On a voice vote – **MOTION CARRIED.**

**PUBLIC COMMENT ON AGENDA ITEMS**

Pattie Baughman of Twinn Pines Carriage Company commented regarding carriage fines are very steep, the location of reflectors, and headlights. She urged for reconsideration of having alcohol on carriages.

Amber Vandenburg commented on the ARPA funds for part-time employees and inquired why the division between full-time and part-time. She feels there should be equal premium pay for all full-time and part-time employees.

Kathy Miller commented that her sister is employed by DART part-time but fill in and works full-time hours and she feels they deserve the premium pay.

**CONSENT AGENDA**

**Moved** Gates, supported Underhill, to approve the Consent Agenda:

- A. Schedule a public hearing for Monday, August 16, 2021 to hear public comment regarding the Zoning Ordinance amendment and Code of Ordinance amendment to change Marihuana Facilities from a Principal Permitted Use to a Special Land Use, allow for reduced site distances, and reasonable odor mitigation;
- B. Approve the purchase of a new Dial-A-Ride bus from Hoekstra Transportation in an amount not to exceed \$89,300;
- C. Approve the Code of Ethics and Conflict of Interest Policy as presented;
- D. Approve the Title VI Non-Discrimination Plan as presented;

- E. Minutes of the City Council Work Session and Regular Session held on Monday, July 19, 2021;
- F. Approve city bills in the amount of \$285,284.06.

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

#### **PRESENTATIONS AND RECOGNITION**

None.

#### **INFORMATIONAL ITEMS**

None.

#### **PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**

None.

#### **OLD BUSINESS**

None.

#### **REPORTS AND RECOMMENDATIONS**

##### **A. Marshall House Purchase Agreement:**

**Moved** Traver, supported Gates, to approve the purchase agreement for the sale of Marshall House Apartments to Integra Property Group with the addition of an explanation of renovations and the Service Coordinator position. On a roll call vote – ayes: Schwartz, Traver, Underhill, Wolfersberger, Mayor Caron, Gates, and Rice; nays: none. **MOTION CARRIED.**

##### **B. Municipal Civil Infractions Fines Resolution:**

**Moved** Underhill, supported Schwartz, to approve the resolution establishing fines for Municipal Civil Infractions. On a roll call vote – ayes: Traver, Underhill, Wolfersberger, Mayor Caron, Gates, and Schwartz; nays: Rice. **MOTION CARRIED.**

#### **CITY OF MARSHALL, MICHIGAN RESOLUTION #2021-30**

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

At a regular meeting of the City Council of the City of Marshall, Michigan, held in the Council Chambers, Town Hall located at 323 W. Michigan Avenue, Marshall, Michigan, on the 4<sup>th</sup> day of August, 2021 at 7 p.m.

PRESENT: Mayor Caron, Gates, Rice, Schwartz, Traver, Underhill, and Wolfersberger.

ABSENT: None.

MOTION BY: Council Member Underhill

SUPPORTED BY: Council Member Schwartz

**WHEREAS**, Section 10.99(H) of Marshall City Code identifies certain code violations as Municipal Civil Infractions; and

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

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

| <u>Section Amount</u> | <u>Violation</u>  | <u>Fine</u> |
|-----------------------|---|-------------|
| <b>Chapter 50</b>     | <b>Garbage and Rubbish</b>  |             |
| 50.02                 | Garbage – Improper storage, placement   | \$50        |
| 50.02                 | Garbage – Improper burning  | \$100       |
| 50.03                 | Industrial waste – Improper storage/accumulation, Placement                           | \$500       |
| 50.04                 | Garbage – Improper placement on public property, misuse of city or private containers | \$50        |
| 50.06                 | Garbage – Improper storage of containers  | \$50        |
| 50.08                 | Garbage – Improper placement in river, stream, and other waters                       | \$500       |
| 50.12                 | Garbage – brush leaves – improper accumulation, placement, disposal                   | \$50        |
| <b>Chapter 70</b>     | <b>Vehicle and Traffic Code</b>   |             |
| 70.009                | Dismantled, unlicensed or inoperable motor vehicles – improper storage                | \$100       |
| 70.011                | Motor vehicle – Parking in front yard   | \$50        |

**Section 70.13      Bicycles, electric bicycles**

|            |  |      |
|------------|--|------|
| 70.13(B)   | Bicycles, electric bicycles – prohibited devices   | \$50 |
| 70.13(C)2) | Bicycles, electric bicycles – operation, hands off handlebars                                  | \$50 |
| 70.13(C)3) | Bicycles, electric bicycles – operation, careless  | \$50 |
| 70.13(C)4) | Bicycles, electric bicycles – operation, too fast for conditions                               | \$50 |
| 70.13(D)1) | Bicycles, electric bicycles – prohibited areas - posted  | \$50 |
| 70.13(D)2) | Bicycles, electric bicycles – prohibited areas – downtown sidewalks                            | \$50 |
| 70.13(D)3) | Bicycles, electric bicycles – prohibited areas -parks  | \$50 |
| 70.13(D)4) | Bicycles, electric bicycles – prohibited areas – Under age 12 – designated roads               | \$50 |
| 70.13(D)5) | Bicycles, electric bicycles – prohibited areas – Under age 12 – cemetery – no supervision      | \$50 |
| 70.13(D)6) | Bicycles, electric bicycles – prohibited areas – operating on road where bike path is provided | \$50 |

**Section 70.14      Skateboards, in-line skates, roller skates or other similar wheeled devices**

|            |   |      |
|------------|---|------|
| 70.14(B)2) | Skateboards, et al – operation, riding more than one person                                       | \$50 |
| 70.14(B)3) | Skateboards, et al – operation, attaching to vehicle or other wheeled device                      | \$50 |
| 70.14(B)4) | Skateboards, et al – operation, careless  | \$50 |
| 70.14(B)5) | Skateboards, et al -operation, too fast for conditions  | \$50 |
| 70.14(B)6) | Skateboards, et al – operation, prohibited ½ hour before sunset and ½ after sunrise               | \$50 |
| 70.14(C)1) | Skateboards, et al - prohibited areas – posted  | \$50 |
| 70.14(C)2) | Skateboards, et al – prohibited areas – operating on road where sidewalk is present               | \$50 |
| 70.14(C)2) | Skateboard, et al -prohibited areas – sidewalk not present – failure to operate left side of road | \$50 |
| 70.14(C)3) | Skateboards, et al – prohibited areas – operating on Road or sidewalk where bike path is provided | \$50 |
| 70.14(C)4) | skateboards, et al – prohibited areas – downtown sidewalks  | \$50 |
| 70.14(C)5) | Skateboards, et al – prohibited areas- parks  | \$50 |
| 70.14(C)6) | Skateboards, et al – prohibited areas – designated Roads  | \$50 |
| 70.14(C)7) | Skateboards, et al -prohibited areas – city owned Parking lots                                    | \$50 |

**Section 70.15 Electric Skateboards and Electric Assistive Mobility Devices**

|            |   |      |
|------------|---|------|
| 70.15(B)   | Electric skateboards<br>failure to meet standards of 70.15(A)1  | \$50 |
| 70.15(B)   | Electric assistive mobility devices<br>Failure to meet standards of 70.15(A)2                           | \$50 |
| 70.15(C)2) | Electric skateboards, electric assistive mobility<br>devices – careless operation                       | \$50 |
| 70.15(C)3) | Electric skateboards, electric assistive mobility<br>devices – operating too fast for conditions        | \$50 |
| 70.15(D)1) | Electric skateboards, electric assistive mobility<br>devices - operating in posted prohibited areas     | \$50 |
| 70.15(D)2) | Electric skateboards, electric assistive mobility<br>devices – operating on sidewalks                   | \$50 |
| 70.15(D)3) | Electric skateboards, electric assistive mobility<br>devices – operating in parks                       | \$50 |
| 70.15(D)4) | Electric skateboards, electric assistive mobility<br>devices – operating on designated prohibited roads | \$50 |
| 70.15(D)5) | Electric skateboards, electric assistive mobility<br>devices – operating on city owned parking lots     | \$50 |

**Section 70.16 Commercial Quadricycles and Pedal-Cabs**

|               |  |       |
|---------------|--|-------|
| 70.16(B)      | Commercial quadricycles, pedal-cab<br>operating without city license   | \$500 |
| 70.16(C)      | Commercial quadricycles, pedal-cab<br>operating without insurance  | \$500 |
| 70.16(D)1)    | Commercial quadricycles, pedal-cab<br>operator under age 18  | \$100 |
| 70.16(D)2)    | Commercial quadricycles, pedal-cab<br>Operating without valid motor vehicle<br>License                         | \$100 |
| 70.16(D)3),4) | Commercial quadricycles, pedal-cab<br>operator ineligible due to specified<br>prior conviction                 | \$500 |
| 70.16(D)5)    | Commercial quadricycles, pedal-cab<br>operator ineligible due to prior<br>suspension or revocation             | \$100 |
| 70.16(E)      | Commercial quadricycles<br>failure to meet minimum standards<br>of 70.16(A)3)                                  | \$100 |
| 70.16(E)      | Commercial pedal-cab<br>failure to meet minimum standards<br>of 70.16(A)4)                                     | \$100 |
| 70.16(E)1)    | Commercial quadricycles, pedal-cab<br>failure to equip with safety devices<br>required by state or federal law | \$100 |

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|             |   |       |
|-------------|---|-------|
| 70.16(E)2)  | Commercial quadricycles, pedal-cab unsafe structure   | \$500 |
| 70.16(E)3)  | Commercial quadricycles, pedal-cab non-compliant headlights or tail lights                                | \$100 |
| 70.16(E)4)  | Commercial quadricycles, pedal-cab non-compliant reflectors   | \$100 |
| 70.16(E)5)  | Commercial quadricycles, pedal-cab failure to display SMV triangle  | \$100 |
| 70.16(E)6)  | Commercial quadricycles, pedal-cab non-compliant braking system   | \$100 |
| 70.16(E)7)  | Commercial quadricycles, pedal-cab no refuse container on vehicle   | \$50  |
| 70.16(E)8)  | Commercial quadricycles, pedal-cab non-compliant seating  | \$100 |
| 70.16(E)9)  | Commercial quadricycles, pedal-cab non-compliant vehicle width  | \$100 |
| 70.16(E)10) | Commercial quadricycles, pedal-cab safety inspection violation  | \$100 |
| 70.16(F)2)  | Commercial quadricycles, pedal-cab careless operation   | \$250 |
| 70.16(F)3)  | Commercial quadricycles, pedal-cab operating too fast for conditions                                      | \$250 |
| 70.16(F)4)  | Commercial quadricycles, pedal-cab permitting improper boarding, exiting                                  | \$100 |
| 70.16(F)5)  | Commercial quadricycles, pedal-cab permitting passengers to stand while in operation                      | \$100 |
| 70.16(F)6)  | Pedal-cab – operating while passenger in possession open alcohol  | \$100 |
| 70.16(F)7)  | Commercial quadricycles, pedal-cab operating while wearing headphones                                     | \$100 |
| 70.16(G)1)  | Commercial quadricycles, pedal-cab operating where prohibited by posting                                  | \$100 |
| 70.16(G)2)  | Commercial quadricycles, pedal-cab operating on roads with speed limit > 30 mph                           | \$100 |
| 70.16(G)3)  | Commercial quadricycles, pedal-cab crossing intersection not controlled by lighted traffic control device | \$100 |
| 70.16(G)4)  | Commercial quadricycles, pedal-cab operating on sidewalks   | \$100 |
| 70.16(G)5)  | Commercial quadricycles, pedal-cab operating in park  | \$100 |
| 70.16(G)6)  | Commercial quadricycles, pedal-cab operating in parking lot   | \$100 |
| 70.16(I)    | Commercial quadricycles, pedal-cab refusing or interfering with inspection                                | \$500 |
| 70.16(J)    | Commercial quadricycles, pedal-cab failure to maintain staging area in                                    | \$100 |

|                        |   |       |
|------------------------|---|-------|
| 70.16(K)               | clean and sanitary condition  |       |
| 70.16(K)               | quadracycles, pedal-cab not for hire<br>operating where prohibited by posting                                     | \$50  |
| 70.16(K)               | quadracycles, pedal-cab not for hire<br>operating on roads with speed limit > 30 mph                              | \$50  |
| 70.16(K)               | quadracycles, pedal-cab not for hire<br>crossing intersection not controlled by lighted traffic<br>control device | \$50  |
| 70.16(K)               | quadracycles, pedal-cab not for hire<br>operating on sidewalks  | \$50  |
| 70.16(K)               | quadracycles, pedal-cab not for hire<br>operating in park   | \$50  |
| 70.16(K)               | quadracycles, pedal-cab not for hire<br>operating in parking lot  | \$50  |
| 70.16(K)<br>70.16(K)1) | quadracycles, pedal-cab not for hire<br>operating without valid motor vehicle license                             | \$50  |
| 70.16(K)2)             | quadracycles, pedal-cab not for hire<br>failure to equip with safety devices<br>required by state or federal law  | \$50  |
| 70.16(K)2)             | quadracycles, pedal-cab not for hire<br>unsafe structure  | \$100 |
| 70.16(K)2)             | quadracycles, pedal-cab not for hire<br>non-compliant headlights or tail lights                                   | \$50  |
| 70.16(K)2)             | quadracycles, pedal-cab not for hire<br>non-compliant reflectors  | \$50  |
| 70.16(K)2)             | quadracycles, pedal-cab not for hire<br>failure to display SMV triangle   | \$50  |
| 70.16(K)2)             | quadracycles, pedal-cab not for hire<br>non-compliant braking system  | \$50  |
| 70.16(K)2)             | quadracycles, pedal-cab not for hire<br>no refuse container on vehicle  | \$50  |
| 70.16(K)2)             | quadracycles, pedal-cab not for hire<br>non-compliant seating   | \$50  |
| 70.16(K)2)             | quadracycles, pedal-cab not for hire<br>non-compliant vehicle width   | \$50  |
| 70.16(K)3)             | quadracycles, pedal-cab not for hire<br>careless operation  | \$50  |
| 70.16(K)3)             | quadracycles, pedal-cab not for hire<br>operating too fast for conditions   | \$50  |
| 70.16(K)3)             | quadracycles, pedal-cab not for hire<br>permitting improper boarding, exiting                                     | \$50  |
| 70.16(K)3)             | quadracycles, pedal-cab not for hire<br>permitting passengers to stand while in operation                         | \$50  |
| 70.16(K)3)             | quadracycles, pedal-cab not for hire<br>operating while passenger<br>in possession open alcohol                   | \$100 |

**Section 70.17**

**Animal-Drawn Vehicles**

|               |  |       |
|---------------|--|-------|
| 70.17(B)      | Animal-drawn vehicles – operating without city license   | \$500 |
| 70.17(C)      | Animal-drawn vehicles –operating without insurance   | \$500 |
| 70.17(D)1)    | Animal-drawn vehicles – operator under age 18  | \$100 |
| 70.17(D)2)    | Animal-drawn vehicles – operator<br>no valid motor vehicle operator’s license                      | \$100 |
| 70.17(D)3),4) | Animal-drawn vehicles – operator<br>ineligible due to specified prior conviction                   | \$500 |
| 70.17(D)5)    | Animal-drawn vehicles – operator<br>ineligible due to prior suspension or revocation of privileges | \$100 |
| 70.17(E)1)    | Animal-drawn vehicles – animal<br>operating without valid health certificate                       | \$500 |
| 70.17(E)3)    | Animal-drawn vehicles – animal<br>operating without required ankle cuffs                           | \$50  |
| 70.17(F)1)    | Animal-drawn vehicles unsafe structure   | \$500 |
| 70.17(F)2)    | Animal-drawn vehicles<br>failure to equip with safety devices<br>required by state or federal law  | \$100 |
| 70.17(F)3)    | Animal-drawn vehicles<br>Non-compliant headlights or tail lights                                   | \$100 |
| 70.17(F)4)    | Animal-drawn vehicles none-compliant reflectors  | \$100 |
| 70.17(F)5)    | Animal-drawn vehicles Failure to display SMV triangle  | \$100 |
| 70.17(F)6)    | Animal-drawn vehicles non-compliant seating  | \$100 |
| 70.17(F)7)    | Animal-drawn vehicles no refuse container on vehicle   | \$50  |
| 70.17(F)8)    | Animal-drawn vehicles<br>failure to maintain rubber surface on vehicle wheels                      | \$100 |
| 70.17(F)9)    | Animal-drawn vehicles non-compliant vehicle width  | \$100 |
| 70.17(F)10)   | Animal-drawn vehicles safety inspection violation  | \$100 |
| 70.17(G)2)    | Animal-drawn vehicles careless operation   | \$250 |
| 70.17(G)3)    | Animal-drawn vehicles operating too fast for conditions  | \$250 |
| 70.17(G)4)    | Animal-drawn vehicles<br>permitting improper boarding, exiting                                     | \$100 |
| 70.17(G)5)    | Animal-drawn vehicles permitting passengers to stand<br>While in operation                         | \$100 |
| 70.17(G)6)    | Animal-drawn vehicles operating while passenger in<br>possession of open alcohol                   | \$100 |
| 70.17(G)7)    | Animal-drawn vehicles<br>operator not in control of animal   | \$250 |
| 70.17(G)8)    | Animal-drawn vehicles<br>operating while wearing headphones  | \$100 |
| 70.17(H)1)    | Animal-drawn vehicles<br>failure to equip animal with manure retention device                      | \$100 |
| 70.17(H)2)    | Animal-drawn vehicles failure to remove or treat<br>animal waste deposited on road/public area     | \$100 |
| 70.17(I)1)    | Animal-drawn vehicles<br>operating where prohibited by posting                                     | \$100 |
| 70.17(I)2)    | Animal-drawn vehicles  | \$100 |



|            |   |       |
|------------|---|-------|
| 70.17(I)3) | operating on roads with speed limit > 30 mph<br>Animal-drawn vehicles<br>crossing at intersection not controlled by<br>lighted traffic control device | \$100 |
| 70.17(I)4) | Animal-drawn vehicles operating on sidewalk   | \$100 |
| 70.17(I)5) | Animal-drawn vehicles operating in park   | \$100 |
| 70.17(I)6) | Animal-drawn vehicles operating in parking lot  | \$100 |
| 70.17(K)   | Animal-drawn vehicles<br>refusing or interfering with inspection  | \$500 |
| 70.17(L)1) | Animal-drawn vehicles failure to keep food and grain<br>in sealed container   | \$100 |
| 70.17(L)2) | Animal-drawn vehicles failure to maintain clean water<br>for animals  | \$100 |
| 70.17(L)3) | Animal-drawn vehicles improper storage of excrement   | \$100 |
| 70.17(L)4) | Animal-drawn vehicles failure to maintain staging area<br>in clean and sanitary condition   | \$100 |
| 70.17(M)   | Animal-drawn vehicles not for hire<br>operating where prohibited by posting   | \$50  |
| 70.17(M)   | Animal-drawn vehicles not for hire<br>operating on roads with speed limit > 30 mph  | \$50  |
| 70.17(M)   | Animal-drawn vehicles not for hire<br>crossing at intersection not controlled by<br>lighted traffic control device                                    | \$50  |
| 70.17(M)   | Animal-drawn vehicles not for hire operating on sidewalk  | \$50  |
| 70.17(M)   | Animal-drawn vehicles not for hire operating in park  | \$50  |
| 70.17(M)   | Animal-drawn vehicles not for hire operating in parking lot   | \$50  |
| 70.17(M)1) | Animal-drawn vehicles not for hire<br>operating without valid operator's license  | \$50  |
| 70.17(M)3) | Animal-drawn vehicles not for hire unsafe structure   | \$100 |
| 70.17(M)3) | Animal-drawn vehicles not for hire failure to equip with<br>safety devices required by state or federal law   | \$50  |
| 70.17(M)3) | Animal-drawn vehicles not for hire<br>non-compliant headlights or taillights  | \$50  |
| 70.17(M)3) | Animal-drawn vehicles not for hire<br>non-compliant reflectors  | \$50  |
| 70.17(M)3) | Animal-drawn vehicles not for hire<br>failure to display SMV triangle   | \$50  |
| 70.17(M)3) | Animal-drawn vehicles not for hire non-compliant seating  | \$50  |
| 70.17(M)3) | Animal-drawn vehicles not for hire<br>No refuse container on vehicle  | \$50  |
| 70.17(M)3) | Animal-drawn vehicles not for hire failure to maintain<br>rubber surface on vehicle wheels  | \$50  |
| 70.17(M)3) | Animal-drawn vehicles not for hire<br>Non-compliant vehicle width   | \$50  |
| 70.17(M)4) | Animal-drawn vehicles not for hire careless Operation   | \$50  |
| 70.17(M)4) | Animal-drawn vehicles not for hire<br>operating too fast for conditions   | \$50  |
| 70.17(M)4) | Animal-drawn vehicles not for hire  | \$50  |

|                      |  |       |
|----------------------|--|-------|
| 70.17(M)4)           | permitting improper boarding, exiting<br>Animal-drawn vehicles not for hire                | \$50  |
| 70.17(M)4)           | permitting passengers to stand while in operation<br>Animal-drawn vehicles not for hire    | \$100 |
| 70.17(M)4)           | operating while passenger in possession of alcohol<br>Animal-drawn vehicles not for hire   | \$250 |
| 70.17(M)5)           | operator not in control of animal<br>Animal-drawn vehicles not for hire                    | \$100 |
| 70.17(M)5)           | failure to equip animal with manure retention device<br>Animal-drawn vehicles not for hire | \$100 |
|                      | failure to remove or treat animal waste deposited<br>on road/public area                   |       |
| <b>Chapter 90</b>    | <b>Streets, Sidewalks and Other Public Places</b>  |       |
| 90.17                | Snow and Ice – Failure to remove, First Offense  | \$50  |
| 90.17                | Snow and Ice – Failure to remove, Second Offense   | \$150 |
| 90.17                | Snow and Ice – Failure to removed, Third Offense   | \$500 |
| 90.17                | Rubbish – Failure to Remove from sidewalk,<br>First Offense                                | \$50  |
| 90.17                | Rubbish – Failure to remove from sidewalk,<br>Second Offense                               | \$50  |
| 90.17                | Rubbish – Failure to remove from sidewalk,<br>Third Offense                                | \$100 |
| 90.15, 90.16         | Obstruction – Streets, sidewalks, alleys, other,<br>First Offense                          | \$50  |
| 90.15, 90.16         | Obstruction – Streets, sidewalks, alleys, other,<br>Second Offense                         | \$50  |
| 90.15, 90.16         | Obstruction – Streets, sidewalks, alleys, other,<br>Third Offense                          | \$100 |
| <b>Section 91.02</b> | <b>Park hours</b>  |       |
| 91.02                | Park hours – Present after hours   | \$50  |
| <b>Chapter 92</b>    | <b>Health and Sanitation; Nuisances</b>  |       |
| 92.01                | Free Standing Solid Fuel Burning Appliance – Prohibited                                    | \$100 |
| 92.01                | Free Standing Solid Fuel Burning Appliance - No permit                                     | \$100 |
| 92.04                | Nuisance – Garbage, harborage, litter  | \$100 |
| 92.04                | Nuisance – Prohibitive vegetation  | \$100 |
| 92.04                | Nuisance – Other   | \$100 |
| 92.09                | Litter – Vacated property – Failure to remove  | \$100 |
| 92.10                | Building materials – Improper storage, placement   | \$100 |
| <b>Section 95.03</b> | <b>Prohibited burning</b>  |       |
| 95.03(B)             | Prohibited burning, first offense  | \$100 |

|   |  |                      |
|---|--|----------------------|
| 95.03(B)                                      | Prohibited burning, second offense   | \$300                |
| 95.03(B)                                      | Prohibited burning, third or subsequent offense                                    | \$500                |
| 95.03(C)                                      | Prohibited burning, knowingly permit, first offense                                | \$100                |
| 95.03(C)                                      | Prohibited burning, knowingly permit, second offense                               | \$300                |
| 95.03(C)                                      | Prohibited burning, knowingly permit, third and subsequent offense                 | \$500                |
| 95.03(D)                                      | Prohibited use of cooking or heat generating devices, first offense                | \$100                |
| 95.03(D)                                      | Prohibited use of cooking or heat generating devices, Second offense               | \$300                |
| 95.03(D)                                      | Prohibited use of cooking or heat generating devices, Third and subsequent offense | \$500                |
| <b>Section 97.21 Barking dogs prohibited</b>  |  |                      |
| 97.21   | Dogs – Barking, yelping, howling   | \$50                 |
| <b>Section 112.03 Peddlers and solicitors</b> |  |                      |
| 112.03  | Peddlers and Solicitors – Operating without license                                | \$200                |
| <b>Section 134.30 Fireworks</b>               |  |                      |
| 134.30(B)                                     | Ignition, use, discharge of homemade fireworks                                     | \$1,000 <sup>1</sup> |
| 134.30(C)                                     | Ignition, use, discharge of fireworks, prohibited days                             | \$1,000 <sup>2</sup> |
| 134.30(D)                                     | Ignition, use, discharge of fireworks, prohibited locations                        | \$1,000              |
| 134.30(E)                                     | Ignition, use, discharge of fireworks, under the influence                         | \$1,000              |
| 134.30(F)                                     | Ignition, use, discharge of fireworks, smoking materials                           | \$500                |
| 134.30(G)                                     | Ignition, use, discharge of fireworks, minor                                       | \$500                |
| 134.30(H)                                     | Discharge, set off, use of sky lanterns  | \$500                |
| 134.30(I)                                     | Ignition, use, discharge of fireworks, livestock                                   | \$500                |

<sup>1</sup> \$500 of \$1,000 fine to be remitted to the Marshall Police Department

<sup>2</sup> \$500 of \$1,000 fine to be remitted to the Marshall Police Department

**Section 136.03(G) Vapor/alternative nicotine products**

|           |  |       |
|-----------|--|-------|
| 136.03(G) | Vapor/Alternative nicotine products – Retail<br>Improper storage | \$500 |
|-----------|--|-------|

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

NAYES: Rice

ABSTAINED: None.

**RESOLUTION DECLARED ADOPTED.**

STATE OF MICHIGAN     )  
COUNTY OF CALHOUN   ) ss:

I, the undersigned, the fully qualified Clerk of the City of Marshall, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Marshall at a regular meeting held on the 4<sup>th</sup> day of August, 2021, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto set my official signature this 4<sup>th</sup> day of August, 2021.

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Trisha Nelson, City of Marshall City Clerk

**C. Transit Manager:**

**Moved** Rice, supported Traver, to approve the annual salary for the Transit Operations Manager position at \$45,760. On a roll call vote – ayes: Underhill, Wolfersberger, Mayor Caron, Gates, Rice, Schwartz, and Traver; nays: none. **MOTION CARRIED.**

**D. American Rescue Plan Act Funds – Premium Pay:**

**Moved** Wolfersberger, supported Traver, to approve the use of American Rescue Plan Act funds in the amount of \$17,000 to provide premium pay to our permanent part-time employees. On a roll call vote – ayes: Wolfersberger, Mayor Caron, Gates, Rice, Schwartz, Traver, and Underhill; nays: none. **MOTION CARRIED.**

**E. Consent Judgement:**

**Moved** Underhill, supported Gates, to approve the consent judgement as presented in the matter of City of Marshall v. J. Spears. On a roll call vote – ayes: Gates, Rice, Schwartz, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

**APPOINTMENTS/ELECTIONS**

None.

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

Carl Gibson stated Carewell Services is raising money for the Senior Center located at the Old Goodwill location which is 10,000 sq. ft. He encouraged people to make a donation.

Kathy Miller stated the Senior Center is important and expressed the importance of meeting the funding deadlines.

**CLOSED SESSION**

**Moved** Wolfersberger, supported Underhill, to enter into closed session under section 8 (h) of the Open Meetings Act, to consider material exempt from disclosure by state statute, section 13 (1) (g) of the Freedom of Information Act, being written communications from its dated August 2, 2021 for the reason that the written communications are exempt from disclosure under State law due to the attorney-client privilege. On a roll call vote – ayes: Gates, Rice, Schwartz, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

Enter Closed Session at 8:16 p.m.

Return to Open Session at 9:08 p.m.

**ADJOURNMENT**

The meeting was adjourned at 9:08 p.m.

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Joe Caron, Mayor

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Trisha Nelson, City Clerk