

**CALL TO ORDER**

IN REGULAR SESSION, Monday, December 5, 2022 at 7:00 P.M., in the Council Chambers of City Hall, 323 West Michigan Avenue, Marshall, MI 49068. City Council was called to order by Mayor Caron.

**ROLL CALL**

Roll was called:

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

Also Present: City Manager Perry and Clerk Eubank

Absent: Rice and Schwartz

**Moved** Underhill, supported Gates, to excuse members Rice and Schwartz. On a voice vote- **MOTION CARRIED.**

**PLEDGE OF ALLEGIANCE**

Mayor Caron led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

**Moved** Wolfersberger, supported Underhill, to approve the agenda as presented. On a voice vote – **MOTION CARRIED.**

**PUBLIC COMMENT ON AGENDA ITEMS**

None.

**CONSENT AGENDA**

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

- A. Minutes of the City Council Regular Session held on Monday, November 21;
- B. Approve city bills in the amount of \$909,312.97
- C. Approve the 2023 City Council meeting schedule by resolution 2022-30
- D. Approve the 2023 Boards and Commissions openings posting

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

**PRESENTATIONS AND RECOGNITION**

Aaron Stevens of Maner Costerisan presented the Fiscal Year 2022 Annual Financial Audit Report.

**INFORMATIONAL ITEMS**

None.

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

### **A. 15998 W Michigan Rezoning**

Director Zuzga provided background regarding the rezoning of 15998 W Michigan after a recent PA425 land transfer.

Mayor Caron opened the public hearing

Hearing no comment, the hearing was closed.

**Moved** Traver, supported Gates, to approve Ordinance 2022-09 to rezone 15998 W Michigan to Regional Commercial (B-4) On a roll call vote – ayes: Underhill, Wolfersberger Mayor Caron, Gates and Traver; nays: none. **MOTION CARRIED.**

### **CITY OF MARSHALL ORDINANCE #2022-09**

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CHANGE THE ZONING OF A PARCEL OF REAL PROPERTY AT 15998 WEST MICHIGAN AVENUE, PARCEL #16-273-024-01, FROM TOWNSHIP ZONING HIGHWAY SERVICE COMMERCIAL DISTRICT (HS) TO REGIONAL COMMERCIAL DISTRICT (B-4).

THE CITY OF MARSHALL, MICHIGAN ORDAINS:

Section 1. Pursuant to the authority granted in Section 7.1 of the Marshall City Code, the Zoning Map of the City of Marshall is hereby amended so as to change the zoning district for the below described properties from Township Zoning to Regional Commercial (B-4).

#### TAX PARCEL #16-273-024-01 (15998 West Michigan Avenue.) Legal Description

MARSHALL TWP SEC 27 T2S R6W BEG INT SLY LI MICH AVE WITH W LI WEST DR S 213.32 FT E 15.78 FT S 185.45 FT S 80 DEG 26' 30" W 238.02 FT N 15 DEG 10' 24" W 158.58 FT N 74 DEG 49' 36" E 90 FT N 15 DEG 10' 24" W 208.26 FT N 74 DEG 49' 36" E 230.85 FT TO POB 2 AC +/-

Section 2. This Ordinance or a summary thereof shall be published in the Marshall Chronicle, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices, within ten (10) days after its adoption. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signature of the Mayor and the City Clerk.

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

Adopted and signed this 5<sup>th</sup> day of December, 2022.

Joe Caron, Mayor

Michelle Eubank, City Clerk

## **B. 902 S Kalamazoo Rezoning**

Director Zuzga provided background regarding the rezoning of 902 S Kalamazoo, also known as 550 W Hughes, after a recent PA425 land transfer.

Mayor Caron opened the public hearing

Hearing no comment, the hearing was closed.

**Moved** Gates, supported Underhill to approve Ordinance 2022-10 to rezone 550 W Hughes, also known as 902 S Kalamazoo, to Multi-Family Residential (MFRD). On a roll call vote – ayes: Wolfersberger Mayor Caron, Gates, Traver and Underhill; nays: none.  
**MOTION CARRIED.**

### **CITY OF MARSHALL ORDINANCE #2022-10**

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CHANGE THE ZONING OF A PARCEL OF REAL PROPERTY AT 550 WEST HUGHES, PARCEL #16-260-003-00, FROM TOWNSHIP ZONING AGRICULTURE DISTRICT (AR) TO MULTI-FAMILY RESIDENTIAL DISTRICT (MFRD).

THE CITY OF MARSHALL, MICHIGAN ORDAINS:

Section 1. Pursuant to the authority granted in Section 7.1 of the Marshall City Code, the Zoning Map of the City of Marshall is hereby amended so as to change the zoning district for the below described properties from Township Zoning Agriculture to Multi-Family Residential District (MFRD).

#### TAX PARCEL #16-260-0003-00 (550 West Hughes.) Legal Description

MSH. TWP. SEC. 26 E 275.22 FT. OF W 1/2 OF SE 1/4 S OF KALAMAZOO RIVER E 1/2 OF SE 1/4 S OF RIVER EXC. E 198 FT. EXC. BEG. 424 FT. N & 198 FT. W OF SE SEC. COR - W 350 FT. S TO N LI HUGHES ST. - E 350 FT. - N TO BEG. ALSO: COM AT THE NE COR OF SEC 35 TH N89DEG 35'40"W 1026.68FT TO POB TH 163.48FT ALONG ARC OF CURVE TO LEFT, DELTA ANGLE 6DEG 49'39", RAD OF 1371.86FT AND CHORL OF 163.38FT BEARING S 79DEG 08'26"W, TH 431.06FT ALONG ARC OF CURVE TO LEFT, WITH A DELTA ANGLE OF 0DEG 19'26", RAD OF 76283.26FT , CHORD OF 431.06FT BEARING S 76DEG 13'01"W TH N 0DEG 24'20"E 137.58FT TO N LI OF SEC TH S 89DEG 35'40"E 578.14FT TO POB

Section 2. This Ordinance or a summary thereof shall be published in the Marshall Chronicle, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices, within ten (10) days after its adoption. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signature of the Mayor and the City Clerk.

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Adopted and signed this 5<sup>th</sup> day of December, 2022.

Joe Caron, Mayor

Michelle Eubank, City Clerk

### **C. I-3 Zoning District**

Director Zuzga provided on the background for the request for a creation of an I-3 zoning district. He stated that the MEDC originally approved the language of the zoning district but has since come back with requested revisions. Council expressed concern over the Planning Commission not having an opportunity to review the changes that were proposed by the MEDC.

Mayor Caron opened the public hearing

Hearing no comment, the hearing was closed.

**Moved** Traver, supported Wolfersberger, to refer Ordinance 2022-11, the Creation of an I-3 Zoning District, back to Planning Commission for further review. On a roll call vote – ayes: Underhill, Wolfersberger Mayor Caron, Gates and Traver; nays: none. **MOTION CARRIED.**

### **OLD BUSINESS**

None.

### **REPORTS AND RECOMMENDATIONS**

#### **A. Spark Grant Submission**

**Moved** Gates, supported Traver to Resolution 2022-33 for the submission of a Spark Grant to the Michigan DNR in an amount of \$1 million. On a roll call vote – ayes: Traver, Underhill Wolfersberger Mayor Caron, and Gates; nays: none. **MOTION CARRIED.**

### **Resolution 2022-33**

**Resolution to approve a Spark Grant Application**

WHEREAS, Marshall City Council supports the submission of an application titled, "Eaton Park Development" to the Spark grant program for the redevelopment of a former parking lot to add pickleball courts, new parking lot, splash pad, and pavilion/restroom facilities at Eaton Park (116 South Fountain Street) and,

WHEREAS, City of Marshall is hereby making a financial commitment to the project in the amount of \$1,000,000 in matching funds, in cash and/or force account; and,

WHEREAS, if the grant is awarded the applicant commits its local match and donated amounts from the following sources:

Cronin Foundation	\$600,000
Marshall Community Foundation	\$ 50,000
Community Donations	\$350,000
Total	\$1,000,000 (sum of donations)

NOW THEREFORE, BE IT RESOLVED that Marshall City Council hereby authorizes submission of a Spark Grant Application for \$1 million, and further resolves to make available a local match through financial commitment and donation(s) of \$1,000,000 (50%) of a total \$2,000,000 project cost, during the 2022-2023 and 2023-2024 fiscal years.

AYES: Traver, Underhill, Wolfersberger, Caron, Gates

NAYES: None

ABSENT: Rice and Schwartz

MOTION APPROVED.

I HEREBY CERTIFY, that the foregoing is a Resolution duly made and passed by City Council of the City of Marshall at their regular meeting held on December 5, 2022, at 7:00 p.m. in Marshall, Michigan, with a quorum present.

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Michelle Eubank, City Clerk

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Date

**B. Cronin Foundation Grant Submission**

**Moved** Underhill, supported Gates, to approve the submission of a Cronin Foundation Grant in the amount of \$200,000, with City match of \$46,000 for the reconstruction of the Marshall Riverwalk section from Stuart's Landing to Marshall Avenue. On a voice vote – **MOTION CARRIED.**

**C. Pension and OPEB Report**

**Moved** Wolfersberger, supported Underhill to accept the 2022 Local Government Retirement System Annual Report. On a voice vote – **MOTION CARRIED.**

**D. Electric Fund Deficit Elimination Plan**

**Moved** Wolfersberger, supported Gates to approve Resolution 2022-32 for the Electric Fund deficit elimination plan and to direct the Finance Department to file the plan with the Michigan Department of Treasury. On a voice vote – **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN**

**RESOLUTION # 2022-32**

**WHEREAS**, the City of Marshall's **Electric Fund** has an unrestricted net position deficit of \$1,212,179 on June 30, 2022; and

**WHEREAS**, Public Act 140, of 1971, as amended, requires that a Deficit Elimination Plan be formulated and approved by the City of Marshall, and filed with the Michigan Department of Treasury; and

**WHEREAS**, fiscal year 2022 completes the fourth year of a five year deficit elimination plan with the

Michigan Department of Treasury; and

**WHEREAS**, the deficit elimination plan reflects the fiscal year 2023 revenues and expenditures which reflect the cost of service study by Courtney & Associates including a rate increase and other trends;

**NOW THEREFORE BE IT RESOLVED**, that the plan includes an 11% rate increase effective July 1, 2022 as well as expenditure reductions to improve its financial position;

**BE IT FURTHER RESOLVED** that a plan for repayment of Fibernet Fund Advance of \$1,700,000 from the Electric Fund was approved by Council and is in the second year of the six-year repayment plan;

**BE IT FURTHER RESOLVED** that the City of Marshall Council adopts the following as the City of Marshall Electric Fund Deficit Elimination Plan:

<b>ELECTRIC</b>	
	5th year of Deficit Elimination Plan
	FY2023
<b>Unrestricted Net Position (Deficit) July 1</b>	<b>(1,212,179)</b>
<b>Revenue</b>	
Charges for Services	60,000
Residential Sales	4,168,190
Commercial Sales	5,347,275
Commercial Sales Marihuana	3,866,871
Industrial Sales	5,633,991
Street & Highway Lighting	57,539
Security & Resort Lighting	54,000
Penalties Income	64,105
Interest	20,000
Rents	6,401
Miscellaneous Revenue	104,381
<b>Total Revenue</b>	<b>19,382,753</b>
<b>Expenditures</b>	
Salaries and Fringes	2,850,494
Material and Supplies	107,142
Purchased Power	10,960,814
Contracted Services	391,248
Insurance	57,680
Other Services and Charges	648,917
Bond Interest	174,525
Depreciation	575,932
Transfers Out	612,896
<b>Total Expenditures</b>	<b>16,379,648</b>
<b>Add Back Depreciation</b>	<b>575,932</b>
<b>Unrestricted Net Position (Deficit) June 30</b>	<b>\$2,366,858</b>
	5th year of Deficit Elimination Plan
	FY2023
<b>Current Assets - Current Liab. (Deficit)-not including accrued interest-July 1</b>	<b>(\$1,809,507)</b>
<b>Revenues</b>	<b>19,382,753</b>
<b>Expenditures</b>	<b>(16,379,648)</b>
<b>Add Back Depreciation</b>	<b>575,932</b>
<b>Current Assets - Current Liab. (Deficit)-not including accrued interest-June 30</b>	<b>\$1,769,530</b>



**BE IT FURTHER RESOLVED** that the City of Marshall's Finance Director is directed to submit the Deficit Elimination Plan to the Michigan Department of Treasury for certification.

**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 5th day of December 2022.

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Michelle Eubank, City Clerk

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Date

**E. Maria's Uncorked MLCC**

**Moved** Underhill, supported Traver to approve Resolution 2022-31, authorizing the MLCC application for a Joint Tasting Room License for Maria's Uncorked, LLC and Warner Vineyards, Inc at 116 E Michigan Ave contingent upon approval of the small wine maker license. On a roll call vote – ayes: Gates, Traver, Underhill, Wolfersberger and Mayor Caron; nays: none. **MOTION CARRIED.**

**F. Personnel Manual Modification**

**Moved** Gates, supported Wolfersberger, to approve the addition of section 6.20-Employee Recognition Activities and Awards, to the City of Marshall Personnel Policy Manual as presented. On a voice vote – **MOTION CARRIED.**

**G. Triterra Service Agreement**

**Moved** Gates, supported Traver, to authorize the City Manager to execute the proposal from Triterra for the impacted soil removal, sub-slab depressurization system design and installation, and response activity plan in the amount not to exceed \$293,000. On a roll call vote – ayes: Traver, Underhill Wolfersberger Mayor Caron, and Gates; nays: none. **MOTION CARRIED.**

**APPOINTMENTS/ELECTIONS**

**A. Planning Commission Appointment**

**Moved** Wolfersberger, supported Traver, to approve the reappointment of Jim Zuck to the Planning Commission with a term expiration of November 1, 2025. On a voice vote – **MOTION CARRIED.**

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

None

**COUNCIL AND MANAGER COMMUNICATIONS**

Underhill and Wolfersberger appreciated all the work of the City Staff on the Annual Christmas Parade.

**ADJOURNMENT**

The meeting was adjourned at 8:09 p.m.

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Joe Caron, Mayor

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Michelle Eubank, City Clerk