

The electronic public meeting will be held as a webinar using the ZOOM virtual meeting platform.

Register in advance for this webinar:

<https://us02web.zoom.us/j/85822652157>

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: 858 2265 2157

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 15, 2021

- 1) **CALL TO ORDER**
- 2) **ROLL CALL**
- 3) **INVOCATION** – Richard Gerten, Family Bible 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. Marview #2 Subdivision Development Agreement Amendment

City Council will consider the recommendation to approve Amendment No. 1 of the Development Agreement Phase 1, in substantial form, between the City and Norfolk Homes of Alwyn Downs, LLC and authorize the Mayor and Clerk to sign the agreement.

B. Resolution Authorizing Issuance and Sale of 2021 Electric Department Fund Bonds for Perrin Dam

City Council will consider the recommendation to approve the Resolution Authorizing the Issuance and Sale of 2021 Electric Department Fund Bonds in an amount not to exceed \$2.665,000 and to grant the City Manager the authority to sell and deliver the bonds without any further Council action.

C. Resolution Authorizing Issuance and Sale of 2021 South Neighborhood Improvement Authority Bonds

City Council will consider the recommendation to approve the Resolution Authorizing the Issuance and Sale of 2021 South Neighborhood Improvement Authority Bonds in an amount not to exceed \$765,000 and to grant the City Manager the authority to sell and deliver the bonds without any further Council action.

D. City Council Minutes

Regular Session..... Monday, March 1, 2021

E. City Bills

Regular Purchases.....	\$144,820.64
Weekly Purchases –2/26/21	\$114,011.09
Weekly Purchases –3/5/21	\$1,417,199.19
Total.....	\$1,676,030.92

8) PRESENTATIONS AND RECOGNITIONS

9) INFORMATIONAL ITEMS

10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Zoning Amendment Application #RZ21.01 to rezone 410 East Drive from POSD-Professional Office Service District to R-2-Suburban Residential District

City Council will consider the recommendation from the Planning Commission to approve Rezoning Request #RZ21.01 for 410 East Drive to rezone from POSD-Professional Office Service District to R-2-Suburban Residential District.

11) OLD BUSINESS

12) REPORTS AND RECOMMENDATIONS

A. Oaklawn Hospital Development Agreement

City Council will consider the recommendation to authorize the City Clerk to sign the Development Agreement with Oaklawn Hospital.

B. Bid Award – Audit Services

City Council will consider the recommendation to accept the proposal from Manor Costerisan of Lansing for the amount of \$28,500 for FY2021 and accept the contract for a term of six (6) years for the audit periods ending June 30, 2021 through June 30, 2026.

C. Hydro Electric Dam Remediation Project

City Council will consider the recommendation to approve awarding the construction contract for the FERC required remediation of the City of Marshall's Perrin Dam to the low and qualified bidder, Mead Brothers Excavating, Inc. of Springport, MI in the amount of \$1,509,938.00 with a \$226,500 (15%) contingency and authorize the City Clerk to sign the contract.

D. FiberNet Deficit Elimination Plan

City Council will consider the recommendation to approve the deficit elimination plan for the FiberNet Fund and to direct the Finance Department to file the plan with the Michigan Department of Treasury.

E. Electric Deficit Elimination Plan

City Council will consider the recommendation to approve the deficit elimination plan for the Electric Fund and to direct the Finance Department to file the plan with the Michigan Department of Treasury.

F. 2021 Street Improvements #1 Construction bids

City Council will consider the recommendation to accept the bid from Michigan Paving & Materials of Jackson for the 2021 Street Improvements #1 in the amount of \$951,143.00 with an additional contingency of \$98,857 for a total funded amount of \$1,050,000.

13) APPOINTMENTS / ELECTIONS

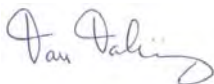
14) PUBLIC COMMENT ON NON-AGENDA ITEMS

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



ADMINISTRATIVE REPORT

March 15, 2021 – CITY COUNCIL MEETING

TO: Honorable Mayor and Council Members

FROM: Tom Tarkiewicz, City Manager

SUBJECT: Marview #2 Subdivision Development Agreement Amendment

BACKGROUND: At the January 19, 2021 meeting, the Council approved a Development Agreement with Norfolk Homes to develop the Marview #2 Subdivision, also known as Rebecca Street. Norfolk Homes has requested the attached Amendment to the Development Agreement which will allow the construction of single-family homes as well as the approved two-family homes. The City Attorney drafted this Amendment document. A redline/strikeout version is attached.

RECOMMENDATION: It is recommended that the Council approve Amendment No. 1 of the Development Agreement Phase 1, in substantial form, between the City and Norfolk Homes of Alwyn Downs, LLC and authorize the Mayor and Clerk to sign the agreement.

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 the Council.

Respectfully submitted,

A handwritten signature in blue ink that reads "Tom Tarkiewicz".

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

**FIRST AMENDMENT TO
DEVELOPMENT AGREEMENT PHASE 1
NORFOLK HOMES OF ALWYN DOWNS, LLC**

THIS FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT PHASE 1 (“Agreement”) is entered into as of the date appearing below, by and between the City of Marshall whose address is 323 W. Michigan Avenue, Marshall, Michigan 49068 (“City”), the City of Marshall South Neighborhood Improvement Authority, a Michigan governmental authority, whose address is 323 W. Michigan Avenue, Marshall, Michigan 49068 (“Authority”), and Norfolk Homes of Alwyn Downs, LLC, a Michigan limited liability company, whose address is 8178 Jackson Road, Suite D, Ann Arbor, Michigan 48103, (“Norfolk” or “Developer”).

WITNESSETH:

WHEREAS, the Parties recognize the need for single family residential structures within the City of Marshall and desire to amend the DEVELOPMENT AGREEMENT PHASE 1 to so accommodate; and

WHEREAS, the Developer requests to amend DEVELOPMENT AGREEMENT PHASE 1 to construct single family residential structures on the lots within the Development Property – Phase 1 as described with the DEVELOPMENT AGREEMENT PHASE 1, such property description as may be amended permitted by applicable law; and

WHEREAS, the Developer agrees to comply with all ordinances, resolutions, policies, procedures and other conditions of the City of Marshall relative to the construction of residential homes; and

WHEREAS, the DEVELOPMENT AGREEMENT PHASE 1 remains in force except for as identified in this FIRST AMENDMENT through ~~Strike through for deleted language~~ and **bold for amending language**, as follows:

NOW THEREFORE, in consideration of the above recitals, the parties agree as follows:

1. RECITALS. The foregoing recitals are incorporated in and form a part of this Agreement.

2. SCOPE OF PROJECT. The Project is more accurately described in Exhibit A - The Site Plan, approved by the Planning Commission on January 20, 1960 (the “Site Plan”) and Exhibit A – The Building Summary, **as may be amended by law and ordinance**. Developer agrees to and will construct at its sole cost nineteen residential structures (each containing **one or two** residential homes – referred to herein as “structures”) on the Development Property – Phase 1. The structures shall be constructed in compliance with the requirements of the existing Mar-View Plat No. 2, **as may be amended by law and ordinance**, applicable state law, and City ordinances, including the City of Marshall Zoning Ordinance. Developer will submit proposed plans to the City of Marshall for review ~~but the parties agree that so long as~~ and Developer **agrees to comply** with City ordinances and the existing City of Marshall Zoning Ordinance, **building codes, and for any** ~~no~~ additional **necessary** administrative approvals, **including site plans, and** ~~except~~ standard building permits ~~are~~ **that are** necessary relative to the construction of the structures as set forth herein for Phase 1.

Permits and Fees. Developer acknowledges and agrees that City shall charge and receive from the Developer all building permit fees and inspection fees for all construction activities conducted by the Developer in effect at the time this Agreement is executed. Developer agrees to

pay for all water connection fees and sewer capacity charges incurred in connection with the development of the Project, pro rata, at the time of construction of each structure.

Staging Areas. The Developer will place all dumpsters and materials on property owned by Developer and not in the road right of way. Developer will not park or allow to be parked vehicles and construction vehicles within the road right-of-way except for as necessary for deliveries and temporary construction and installation of improvements.

3. COMMENCEMENT OF CONSTRUCTION BY DEVELOPER. Developer will commence construction of the first structure to be located in the Development Property – Phase 1 on or before June 1, 2021. Developer will complete ~~the first~~ **one to three** structure(s) pursuant to this Agreement on or before December 31, 2021.

4. SCHEDULE FOR DEVELOPER. In addition to the ~~first model~~ structure(s) as set forth in Paragraph 3, Developer will complete construction of an additional three (3) structures on the Development Property - Phase 1 on or before December 31, 2022. Developer will complete construction of additional structures as follows:

- a. 01/01/2023 – 12/31/2023: four (4) structures;
- b. 01/01/2024 – 12/31/2024: four (4) structures;
- c. 01/01/2025 – 12/31/2025: four (4) structures; and
- d. 01/01/2026 – 12/31/2026: three (3) structures.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date
first set forth above.

WITNESSES:

CITY OF MARSHALL

By _____
Joe Caron, Mayor

By _____
Trisha Nelson, City Clerk

CITY OF MARSHALL SOUTH
NEIGHBORHOOD IMPROVEMENT
AUTHORITY

By _____
_____, Chairperson

NORFOLK HOMES OF ALWYN DOWNS, LLC

By _____
Jim Franke, Member

APPROVED AS TO FORM:

By _____
David M. Revore, City Attorney



ADMINISTRATIVE REPORT
March 15, 2021 – City Council Meeting

TO: Honorable Mayor and City Council Members

FROM: Tom Tarkiewicz, City Manager

SUBJECT: Resolution Authorizing Issuance and Sale of 2021 Electric Department Fund Bonds in an amount not to exceed \$2,665,000.

BACKGROUND: City staff has determined that it is in the best interest for the Electric Department (Fund) to sell bonds in order to complete and pay for the rehabilitation of the Perrin Dams and earthen embankment

Notice of Intent to Issue these bonds was passed by Council on February 1, 2021 and the next step in the process to complete the projects is to issue and sell revenue bonds.

The final estimated rehabilitation construction cost is \$1,509,938, with a contingency of \$226,500, and the previous soft costs & construction engineering, putting the total estimated costs at \$2,565,000.

The total amount of the bonds will include approximately \$100,000 to sufficiently pay for the costs of issuance, that includes items such as; costs of printing the bonds, rating agency fees, preliminary and final official statements, publication of notices, municipal advisor fees, transfer agent fees, escrow trustee fees, bond counsel fees, and any other cost necessary to sell and deliver the bonds.

RECOMMENDATION: It is recommended that the Council approve the attached Resolution Authorizing the Issuance and Sale of 2021 Electric Department Fund Bonds in an amount not to exceed \$2,665,000 and to grant the City Manager the authority to sell and deliver the bonds without any further Council action.

FISCAL EFFECTS: The Electric Fund will make the annual required principal and interest payments for the bonds being issued. Without the sale of these bonds, the Electric Fund would not have the resources to complete this project.

ALTERNATIVES:

- 1) Cancel the Project
- 2) Delay the Project
- 3) Suggestions by City Council

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com



**CITY GOAL CLASSIFICATION: GOAL AREA IV –
INFRASTRUCTURE**

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

Respectfully submitted,

A handwritten signature in blue ink that reads "Tom Tarkiewicz". The signature is fluid and cursive, with the first name "Tom" and last name "Tarkiewicz" clearly legible.

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-

**City of Marshall
County of Calhoun, State of Michigan**

**RESOLUTION AUTHORIZING ISSUANCE AND SALE OF
GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2021A
FOR IMPROVEMENTS TO PERRIN DAM**

A RESOLUTION TO APPROVE:

- Issuance of up to \$2,665,000 of bonds to construct improvements to the Perrin Dam;
- City Manager to sell Bonds without further council action;
- Other matters necessary to sell and deliver the Bonds.

WHEREAS, the City of Marshall, County of Calhoun, State of Michigan (the “City”) determines it to be necessary for the public health, safety and welfare of the City and its residents to construct improvements to the Perrin Dam including but not limited to clearing and grubbing the dam crest and upstream and downstream embankment slopes, placement of embankment fill on the upstream and downstream slopes, installation of a geomembrane liner on the upstream slope, placement of heavy riprap on the upstream slope, installation of a toe drain system with manholes at the downstream toe of slope, cast-in-place concrete abutment wall extensions, installation of geogrid and welded wire forms near the abutment walls, and concrete repair of spillway walls, together with related improvements (collectively, the “Capital Improvements”); and

WHEREAS, under the provisions of Section 517 of Act 34, Public Acts of Michigan, 2001, as amended (“Act 34”) a City may issue bonds to pay the cost of any capital improvement items within the limitations provided by law; and

WHEREAS, as required by Act 34 and by Section 5(g) of the Home Rule Cities Act, Act 279, Public Acts of Michigan, 1909, on February 6, 2021, the City published a Notice to Electors of Intent to issue bonds and right of referendum thereon (the “Notice of Intent”) which described issuance of bonds for the purposes of financing costs of acquisition and construction of the Capital Improvements; and

WHEREAS, the registered electors of the City have a 45-day period from the date of publication of the Notice of Intent, during which they can petition for referendum; and

WHEREAS, the City Council wishes to authorize the City Manager to sell and deliver and receive payment for the bonds without the necessity of the City Council taking further action prior to sale and delivery of the bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Bond Details. If no valid petition for referendum as described above is filed with the City Clerk, then bonds of the City shall be issued in the aggregate principal amount of not-to-exceed Two Million Six Hundred Sixty-Five Thousand Dollars (\$2,665,000) (the “Bonds”) for the purpose of paying the costs of the Capital Improvements including payment of legal, engineering, financial and other expenses incident thereto. The Bonds shall be designated as the GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2021A with any additional or revised designations as determined by the City Manager. The Bonds shall be dated as of the date of delivery thereof or such other date as may be determined at the time of sale of the Bonds, and shall mature as serial bonds or term bonds on the dates and in the amounts as shall be determined by the City Manager at the time of sale of the Bonds, provided that date of the final maturity of the Bonds shall not be later than 2041. The Bonds shall bear interest at a rate or rates to be determined by the City Manager at the time of sale of the Bonds, payable on October 1, 2021 or such other initial interest payment date as shall be determined at the time of sale of the Bonds, and semiannually thereafter. The Bonds shall be subject to optional and/or mandatory redemption prior to maturity as determined by the City Manager at the time of sale of the Bonds.

The Huntington National Bank is hereby designated as registrar and transfer agent for the Bonds (the “Transfer Agent”) provided that by agreement with the initial purchaser of the Bonds, the City Treasurer may act as the Transfer Agent. The City Manager is authorized to execute an agreement with the Transfer Agent on behalf of the City. The City reserves the right to replace the Transfer Agent by notice mailed to the registered owner of each of the Bonds at such time outstanding not less than sixty (60) days prior to an interest payment date.

The Bonds shall be registered as to principal and interest and shall be in the denomination of \$5,000 or integral multiples of \$5,000 not exceeding for each maturity the maximum principal amount of such maturity or, if acceptable to the purchaser of the Bonds, may be issued in the form of a single fully-registered, nonconvertible bond of the denomination of the principal sum issued. The Bonds may be issued in book-entry-only form through The Depository Trust Company in New York, New York (“DTC”), and the City Manager is authorized to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of the Bonds in book-entry-only form and to make such changes in the form of the Bonds within the parameters of this Resolution as may be required to accomplish the foregoing.

If the Bonds are issued in the form of a single bond of the denomination of the principal sum issued, then principal of and interest on the Bonds shall be payable by check drawn by Transfer Agent and mailed to the registered owner or by wire transfer or other method of payment determined by agreement with the purchaser of the Bonds. Otherwise, the principal of the Bonds shall be payable upon presentation and surrender at the designated office of the Transfer Agent, and interest on the Bonds shall be payable by check drawn on the Transfer Agent mailed to the registered owner at the registered address, as shown on the registration books of the City maintained by the Transfer Agent, or other method of payment to the registered owner which conforms with market practice at the time of payment. Interest shall be payable to the person who is the registered owner of record as of the fifteenth day of the month prior to the payment date for each interest payment. The date of determination of the registered owner for purposes of payment of interest as provided in this paragraph may be changed by the

City to conform to market practice in the future. Notwithstanding the foregoing, if the Bonds are held in book-entry form by DTC or acquired by a financial institution for its own account, payment shall be made in the manner prescribed by DTC or the purchaser of the Bonds.

If in the future the City calls Bonds for redemption prior to maturity then official notice of redemption shall be given by the Transfer Agent on behalf of the City, unless waived by any registered owner of bonds to be redeemed, and shall conform to the requirements set forth in the Bond. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; certificate (or CUSIP) numbers (and in the case of partial redemption) the called amounts of each certificate; the redemption date; the redemption price or premium; the place where bonds called for redemption are to be surrendered for payment; and that interest on bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date. In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

The Bonds shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and the City Clerk, and the corporate seal of the City shall be manually impressed or a facsimile thereof shall be printed on the Bonds. No Bond authorized under this resolution shall be valid until authenticated by an authorized representative of the Transfer Agent, unless the purchaser thereof does not require the Bonds to be authenticated. If the Bonds are not authenticated, then at least one signature on the Bonds shall be a manual signature. The Bonds shall be delivered to the Transfer Agent for authentication, if required, and be delivered by the Transfer Agent to the purchaser or other person in accordance with instructions from the City Manager upon payment of the purchase price for the Bonds.

2. Limited Tax Full Faith and Credit Pledge. The City expressly and irrevocably pledges its full faith and credit for the prompt and timely payment of the principal of and interest on the Bonds. The Bonds shall be payable, as a first budget obligation, from the general fund of the City, and the City shall levy annually ad valorem taxes on all the taxable property in the City which, taking into consideration estimated delinquencies in tax collections, shall be fully sufficient to pay the principal and interest on the Bonds, provided, however, that if at the time of making any such tax levy there shall be other legally available funds for the payment of principal of and interest on the Bonds, including but not limited to electric system revenues, then credit therefor may be taken against the levy for payment of the Bonds. The levy shall be subject to constitutional, statutory and charter tax rate limitations.

3. Bond Form. The Bonds shall be substantially in the following form with such changes as may be necessary to conform the Bonds to the final terms of sale:

[FORM OF BOND TO BE COMPLETED AFTER BOND SALE]

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF CALHOUN
CITY OF MARSHALL
GENERAL OBLIGATION LIMITED TAX BOND, SERIES 2021A

Interest Rate Date of Maturity Date of Original Issue CUSIP

Registered Owner:

Principal Amount:

The CITY OF MARSHALL, County of Calhoun, State of Michigan (the “City”), acknowledges itself to owe and for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Date of Maturity specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on [date] and semiannually thereafter. Principal of this bond is payable upon presentation and surrender hereof at the designated corporate trust office of [transfer agent], [city], Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner of record not less than sixty (60) days prior to any interest payment date (the “Transfer Agent”). Interest on this bond is payable by check or draft mailed by the Transfer Agent to the person or entity who or which is as of the fifteenth (15th) day of the month prior to each interest payment date, the registered owner of record, at the registered address.

This bond is one of a series of bonds of even Date of Original Issue, aggregating the principal sum of [\$amount] for the purpose paying a portion of the costs to construct improvements to the Perrin Dam. This bond was issued under and in pursuance of the provisions of Act 34, Public Acts of Michigan, 2001, as amended, and a resolution adopted by the City Council of the City on [date].

The limited tax full faith, credit and resources of the City are pledged for the payment of the bonds of this issue, and the City has pledged that it shall pay the principal of and interest on the bonds of this issue as they mature as a first budget obligation from its general fund and, after taking into account funds which the City may have legally available for payment of principal of and interest on the bonds of this issue, shall levy annually ad valorem taxes on all taxable property in the City sufficient to pay the principal of and interest on the bonds of this issue subject to applicable constitutional, statutory and charter tax rate limitations.

Bonds of this issue maturing on or prior to [date] are not subject to redemption prior to maturity.

Bonds or portions of bonds in multiples of \$5,000 of this issue maturing on or after [date] shall be subject to redemption prior to maturity without a premium, at the option of the City, in such order as the City shall determine and within any maturity by lot, on any date on or after [date], at par plus accrued interest to the date fixed for redemption.

[INSERT MANDATORY REDEMPTION PROVISIONS
IF TERM BONDS ARE SOLD]

In case less than the full amount of an outstanding bond is called for redemption, the Transfer Agent upon presentation of the bond called in part for redemption shall register, authenticate and deliver to the registered owner of record a new bond of the same maturity and in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given by the Transfer Agent to each registered owner of bonds or portions thereof to be redeemed by mailing such notice not less than thirty (30) days prior to the date fixed for redemption to the registered owner at the address of the registered owner of record as shown on the registration books of the City kept by the Transfer Agent. Bonds shall be called for redemption in multiples of \$5,000, and bonds of denominations of more than \$5,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the bonds by \$5,000, and such bonds may be redeemed in part. The notice of redemption for bonds redeemed in part shall state that, upon surrender of the bond to be redeemed, a new bond or bonds in the same aggregate principal amount equal to the unredeemed portion of the bonds surrendered shall be issued to the registered owner thereof with the same interest rate and maturity. No further interest on bonds or portions of bonds called for redemption shall accrue after the date fixed for redemption, whether the bonds have been presented for redemption or not, provided funds are on hand with the Transfer Agent to redeem the bonds or portion thereof.

Any bond may be transferred by the person in whose name it is registered, in person or by the Registered Owner's duly authorized attorney or legal representative, upon surrender of the bond to the Transfer Agent for cancellation, together with a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any bond is surrendered for transfer, the Transfer Agent shall authenticate and deliver a new bond or bonds, in like aggregate principal amount, interest rate and maturity. The Transfer Agent shall require the bondholder requesting the transfer to pay any tax or other governmental charge required to be paid with respect to the transfer. The Transfer Agent shall not be required to issue, register the transfer of, or exchange any bond during a period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of bonds selected for redemption and ending at the close of business on the day of that mailing.

It is hereby certified and recited that all acts, conditions and things required by law to be done, exist and happen, precedent to and in the issuance of this bond and the series of bonds of which this is one, in order to make them valid and binding obligations of the City have been done, exist and have happened in regular and due form and time as provided by law, and that the

total indebtedness of the City, including this bond and the series of bonds of which this is one, does not exceed any constitutional, statutory, or charter debt limitation.

This bond is not valid or obligatory for any purpose until the Transfer Agent's Certificate of Authentication on this bond has been executed by the Transfer Agent.

IN WITNESS WHEREOF, the City, by its Council, has caused this bond to be signed in the name of the City by [the facsimile signatures of] its Mayor and Clerk, and a facsimile of its corporate seal to be [manually impressed/printed] hereon, all as of the Date of Original Issue.

CITY OF MARSHALL
County of Calhoun, State of Michigan

By [Mayor to sign definitive bond]
Mayor

(Seal)

Countersigned:

By [Clerk to sign definitive bond]
City Clerk

[STANDARD FORMS OF
TRANSFER AGENT'S CERTIFICATE OF AUTHENTICATION
AND ASSIGNMENT TO APPEAR IN COMPLETED BOND]

4. Debt Retirement Fund. The Treasurer of the City is directed to open a separate depository or trust account with a bank or trust company to be designated as the GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2021A DEBT RETIREMENT FUND (the “Debt Retirement Fund”) with any additional or revised designations as determined by the City Manager. The Debt Retirement Fund may be pooled or combined with other debt retirement funds for issues of bonds of like character as provided by Act 34 or other state law. An amount sufficient to assure timely payment of the principal of and interest on the Bonds shall be transferred each year into the Debt Retirement Fund from the general fund of the City or other funds legally available therefor, including electric system revenues. The moneys deposited in the fund shall be used solely for the purpose of paying the principal of and interest on the Bonds and, as may be necessary, to rebate arbitrage earnings, if any, to the United States Department of Treasury as required by the Internal Revenue Code of 1986, as amended (the “Internal Revenue Code”).

In the event a deposit of trust is made of cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional or mandatory redemption, the principal of, premium, if any, and interest on the Bonds, this Resolution shall be defeased and the owners of the Bonds shall have no further rights under this Resolution except to receive payment of the principal of, premium, if any, and interest of the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.

5. Project Fund. Upon sale of the Bonds, the City Treasurer shall create a fund designated as the GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2021A PROJECT FUND (the “Project Fund”) with any additional or revised designations as determined by the City Manager. The proceeds of sale of the Bonds shall be deposited to the Project Fund. Except for investment pending disbursement, the moneys in the Project Fund shall be used solely and only to pay costs of the Capital Improvements including any legal, financing or other expenses incidental thereto or to the issuance of the bonds. Any balance remaining in the Project Fund after completion of the Capital Improvements may be used (a) for any other capital improvements of the City if bond counsel advises the City that such use is permitted by state law and will not cause the interest on the bonds to be included in gross income for federal income tax purposes within the meaning of the Internal Revenue Code, or (b) shall be paid into the Debt Retirement Fund and used to pay principal of or interest on the Bonds.

6. Tax Covenant. The City shall not invest, reinvest or accumulate any moneys deemed to be proceeds of the Bonds pursuant to the Internal Revenue Code in such a manner as to cause the Bonds to be “arbitrage bonds” within the meaning of the Internal Revenue Code. The City hereby covenants that, to the extent permitted by law, it will take all actions within its control and that it shall not fail to take any action as may be necessary to maintain the exclusion of interest on the Bonds from gross income for federal income tax purposes, including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds, all as more fully set

forth in the Non-Arbitrage and Tax Compliance Certificate to be delivered by the City on the date of delivery of the Bonds.

7. Bank Qualification. The City designates the Bonds as “qualified tax-exempt obligations” for purposes of deduction of interest expense by financial institutions under the Internal Revenue Code.

8. Sale of Bonds to be Negotiated. Based upon the advice of Bendzinski & Co., Registered Municipal Advisors with the Municipal Securities Rulemaking Board (the “Municipal Advisor”), the City Council hereby determines to sell the Bonds at a negotiated sale instead of a competitive sale for the reason that a negotiated sale will be the most efficient and expeditious means of selling the Bonds, will result in the lowest cost to the City, will provide the City with greater flexibility in structuring the terms of the Bonds and in determining the timing of the sale of the Bonds. The City Manager is authorized to approve circulation of a sales memorandum, term sheet, request for proposals or other document describing the City, the Bonds, and the security for payment of the Bonds.

9. Sale of Bonds - Parameters. The City Manager is hereby authorized, on behalf of the City, subject to the provisions and limitations of this resolution, to negotiate sale of the Bonds, to accept an offer to purchase the Bonds, and to sign a sale order, purchase agreement, or acceptance of an offer to purchase the Bonds on behalf of the City, without further resolution of this City Council. This authorization includes, but is not limited to, determination of original principal amount of the Bonds; the prices at which the Bonds are sold; the date of the Bonds; the schedule of principal maturities and whether the Bonds shall mature serially or as term bonds; the provisions for early redemption including mandatory redemption of term bonds, if any; and interest rates and payment dates of the Bonds. Approval of the matters delegated to the City Manager under this resolution may be evidenced by execution of a sale order or other acceptance of an offer to purchase the Bonds.

The date of the final maturity of the Bonds shall not be later than 2041. The maximum interest rate on the Bonds shall not exceed 4.00%. The difference between the highest and lowest interest rate on the Bonds shall not exceed 1.00% per annum. The purchase price for the Bonds, exclusive of any original issue discount or premium, shall not be greater than 100.00% or less than 99.00% of the principal amount of the Bonds. In making such determinations the City Manager is authorized to rely upon data and computer runs provided by the Municipal Advisor.

10. Actions by Officers of the City. The officers, administrators, agents and attorneys of the City are authorized and directed to take all other actions necessary and convenient to facilitate issuance and sale of the Bonds, and to execute and deliver all other agreements, documents and certificates and to take all other actions necessary or convenient in accordance with this resolution, and to pay costs of issuance including but not limited to municipal advisor fees, transfer agent fees, publication of notices, bond counsel fees, printing costs, and any other costs necessary to accomplish sale and delivery of the Bonds. In the event that the City Manager is not available to undertake responsibilities delegated to him under this resolution, then another person designated by the City Manager is authorized to take such actions.

11. Conflicting Resolutions. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of City of Marshall, State of Michigan, at a Regular Meeting on March 15, 2021, at 7:00 p.m. Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, that the minutes of said meeting were kept and will be or have been made available as required by said Act 267.

I further certify that the following Members were present at said meeting: _____
_____ and that the following Members were absent:
_____.

I further certify that Member _____ moved for adoption of said resolution and that Member _____ supported said motion.

I further certify that the following Members voted for adoption of said resolution: _____
_____ and that the following Members voted against adoption of said resolution: _____.

City Clerk



ADMINISTRATIVE REPORT
March 15, 2021 – City Council Meeting

TO: Honorable Mayor and City Council Members

FROM: Tom Tarkiewicz, City Manager

SUBJECT: Resolution Authorizing Issuance and Sale of 2021 South Neighborhood Improvement Authority Bonds in an amount not to exceed \$765,000.

BACKGROUND: City staff has determined that it is in the best interest for the South Neighborhood Improvement Authority to sell bonds in order to complete and pay for the following project:

- Rebecca Street storm & sanitary sewer installation
- Oak Street watermain installation
- Rebecca and Oak Street road construction
- Circle Drive, Jones St, & South Kalamazoo Ave sidewalk installation
- Rebecca and Oak Street sanitary & water service laterals
- Installation of electric & FiberNet systems

Notice of Intent to Issue these bonds was passed by Council on January 19, 2021 and the next step in the process to complete the projects is to issue and sell revenue bonds.

The final estimated construction cost schedule is complete showing the costs of the projects at \$626,300, with a contingency of \$64,700 to be added, putting the total estimated costs at \$690,000.

The total amount of the bonds will include approximately \$75,000 to sufficiently pay for the costs of issuance, that includes items such as; costs of printing the bonds, rating agency fees, preliminary and final official statements, publication of notices, municipal advisor fees, transfer agent fees, escrow trustee fees, bond counsel fees, and any other cost necessary to sell and deliver the bonds.

RECOMMENDATION: It is recommended that the Council approve the attached Resolution Authorizing the Issuance and Sale of 2021 South Neighborhood Improvement Authority Bonds in an amount not to exceed \$765,000 and to grant the City Manager the authority to sell and deliver the bonds without any further Council action.

FISCAL EFFECTS: The South Neighborhood Improvement Authority will be capturing new tax dollars to make the annual required principal and interest payments for the bonds being issued. Without the sale of

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com



these bonds, the South Neighborhood Improvement Authority would not have the resources to complete these projects.

- ALTERNATIVES:**
- 1) Cancel the Projects
 - 2) Delay the Projects
 - 3) Suggestions by City Council

**CITY GOAL CLASSIFICATION: GOAL AREA IV –
INFRASTRUCTURE**

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

Respectfully submitted,

A handwritten signature in blue ink, which appears to read "Tom Tarkiewicz".

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-

**City of Marshall
County of Calhoun, State of Michigan**

**RESOLUTION AUTHORIZING ISSUANCE AND SALE OF
GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2021B
FOR SOUTH NEIGHBORHOOD DEVELOPMENT AUTHORITY IMPROVEMENTS**

A RESOLUTION TO APPROVE:

- Issuance of up to \$765,000 of bonds to construct infrastructure improvements in the South Neighborhood Development Authority development area;
- City Manager to sell Bonds without further council action;
- Other matters necessary to sell and deliver the Bonds.

WHEREAS, the City of Marshall, County of Calhoun, State of Michigan (the “City”) determines it to be necessary for the best interests of the public and the welfare of the City and its residents to increase the supply of affordable housing in the City; and

WHEREAS, under the provisions of Act No. 61, Public Acts of Michigan, 2007, as repealed and replaced by the Recodified Tax Increment Financing Act, Act No. 57, Public Acts of Michigan, 2018, a city may create a neighborhood improvement authority to promote residential and economic growth, and under these statutory provisions the City created the South Neighborhood Improvement Authority (the “Authority”) in order to develop infrastructure necessary to attract housing developers to the Authority’s development area; and

WHEREAS, the Authority plans to acquire and construct infrastructure for housing in the Authority’s development area, including roads and underground infrastructure, sidewalks, and electric and fiber optic service together with any appurtenances and attachments thereto and any related easement or site improvements (collectively, the “Capital Improvements”), and to pay for the Capital Improvements from tax increment revenues collected under the South Neighborhood Improvement Authority’s tax increment financing plan (the “Tax Increment Revenues”); and

WHEREAS, Bendzinski & Co., Registered Municipal Advisors with the Municipal Securities Rulemaking Council (the “Municipal Advisor”) has recommended that the City sell bonds to finance the Capital Improvements, and the Authority has agreed to forward the Tax Increment Revenues to the City to pay debt service on the City’s bonds; and

WHEREAS, under the provisions of Section 517 of Act 34, Public Acts of Michigan, 2001, as amended (“Act 34”) a City may issue bonds to pay the cost of any capital improvement items within the limitations provided by law; and

WHEREAS, as required by Act 34 and by Section 5(g) of the Home Rule Cities Act, Act 279, Public Acts of Michigan, 1909, the City published a Notice to Electors of Intent to issue

bonds and right of referendum thereon, and no petition for referendum on issuance of the bonds was filed with the City Clerk during the referendum period; and

WHEREAS, the City Council wishes to authorize the City Manager to sell and deliver and receive payment for the bonds without the necessity of the City Council taking further action prior to sale and delivery of the bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Bond Details. Bonds of the City shall be issued in the aggregate principal amount of not-to-exceed Seven Hundred Sixty-Five Thousand Dollars (\$765,000) (the “Bonds”) for the purpose of paying the costs of the Capital Improvements including payment of legal, engineering, financial and other expenses incident thereto. The Bonds shall be designated as the GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2021B (TAXABLE) with any additional or revised designations as determined by the City Manager. The Bonds shall be dated as of the date of delivery thereof or such other date as may be determined at the time of sale of the Bonds, and shall mature as serial bonds or term bonds on the dates and in the amounts as shall be determined by the City Manager at the time of sale of the Bonds, provided that date of the final maturity of the Bonds shall not be later than 2037. The Bonds shall bear interest at a rate or rates to be determined by the City Manager at the time of sale of the Bonds, payable on October 1, 2021 or such other initial interest payment date as shall be determined at the time of sale of the Bonds, and semiannually thereafter. The Bonds shall be subject to optional and/or mandatory redemption prior to maturity as determined by the City Manager at the time of sale of the Bonds.

The Huntington National Bank is hereby designated as registrar and transfer agent for the Bonds (the “Transfer Agent”) provided that by agreement with the initial purchaser of the Bonds, the City Treasurer may act as the Transfer Agent. The City Manager is authorized to execute an agreement with the Transfer Agent on behalf of the City. The City reserves the right to replace the Transfer Agent by notice mailed to the registered owner of each of the Bonds at such time outstanding not less than sixty (60) days prior to an interest payment date.

The Bonds shall be registered as to principal and interest and shall be in the denomination of \$5,000 or integral multiples of \$5,000 not exceeding for each maturity the maximum principal amount of such maturity or, if acceptable to the purchaser of the Bonds, may be issued in the form of a single fully-registered, nonconvertible bond of the denomination of the principal sum issued. The Bonds may be issued in book-entry-only form through The Depository Trust Company in New York, New York (“DTC”), and the City Manager is authorized to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of the Bonds in book-entry-only form and to make such changes in the form of the Bonds within the parameters of this Resolution as may be required to accomplish the foregoing.

If the Bonds are issued in the form of a single bond of the denomination of the principal sum issued, then principal of and interest on the Bonds shall be payable by check drawn by Transfer Agent and mailed to the registered owner or by wire transfer or other method of payment determined by agreement with the purchaser of the Bonds. Otherwise, the principal of the Bonds shall be payable upon presentation and surrender at the designated office of the

Transfer Agent, and interest on the Bonds shall be payable by check drawn on the Transfer Agent mailed to the registered owner at the registered address, as shown on the registration books of the City maintained by the Transfer Agent, or other method of payment to the registered owner which conforms with market practice at the time of payment. Interest shall be payable to the person who is the registered owner of record as of the fifteenth day of the month prior to the payment date for each interest payment. The date of determination of the registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. Notwithstanding the foregoing, if the Bonds are held in book-entry form by DTC or acquired by a financial institution for its own account, payment shall be made in the manner prescribed by DTC or the purchaser of the Bonds.

If in the future the City calls Bonds for redemption prior to maturity then official notice of redemption shall be given by the Transfer Agent on behalf of the City, unless waived by any registered owner of bonds to be redeemed, and shall conform to the requirements set forth in the Bond. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; certificate (or CUSIP) numbers (and in the case of partial redemption) the called amounts of each certificate; the redemption date; the redemption price or premium; the place where bonds called for redemption are to be surrendered for payment; and that interest on bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date. In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

The Bonds shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and the City Clerk, and the corporate seal of the City shall be manually impressed or a facsimile thereof shall be printed on the Bonds. No Bond authorized under this resolution shall be valid until authenticated by an authorized representative of the Transfer Agent, unless the purchaser thereof does not require the Bonds to be authenticated. If the Bonds are not authenticated, then at least one signature on the Bonds shall be a manual signature. The Bonds shall be delivered to the Transfer Agent for authentication, if required, and be delivered by the Transfer Agent to the purchaser or other person in accordance with instructions from the City Manager upon payment of the purchase price for the Bonds.

2. Limited Tax Full Faith and Credit Pledge. The City expressly and irrevocably pledges its full faith and credit for the prompt and timely payment of the principal of and interest on the Bonds. The Bonds shall be payable, as a first budget obligation, from the general fund of the City, and the City shall levy annually ad valorem taxes on all the taxable property in the City which, taking into consideration estimated delinquencies in tax collections, shall be fully sufficient to pay the principal and interest on the Bonds, provided, however, that if at the time of making any such tax levy there shall be other legally available funds for the payment of principal of and interest on the Bonds, including but not limited to the Tax Increment Revenues, then credit therefor may be taken against the levy for payment of the Bonds. The levy shall be subject to constitutional, statutory and charter tax rate limitations.

3. Bond Form. The Bonds shall be substantially in the following form with such changes as may be necessary to conform the Bonds to the final terms of sale:

[FORM OF BOND TO BE COMPLETED AFTER BOND SALE]

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF CALHOUN
CITY OF MARSHALL
GENERAL OBLIGATION LIMITED TAX BOND, SERIES 2021B
(TAXABLE)

Interest Rate Date of Maturity Date of Original Issue CUSIP

Registered Owner:

Principal Amount:

The CITY OF MARSHALL, County of Calhoun, State of Michigan (the “City”), acknowledges itself to owe and for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Date of Maturity specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on [date] and semiannually thereafter. Principal of this bond is payable upon presentation and surrender hereof at the designated corporate trust office of [transfer agent], [city], Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner of record not less than sixty (60) days prior to any interest payment date (the “Transfer Agent”). Interest on this bond is payable by check or draft mailed by the Transfer Agent to the person or entity who or which is as of the fifteenth (15th) day of the month prior to each interest payment date, the registered owner of record, at the registered address.

This bond is one of a series of bonds of even Date of Original Issue, aggregating the principal sum of [\$amount] for the purpose paying a portion of the costs to construct infrastructure improvements in the South Neighborhood Development Authority development area. This bond was issued under and in pursuance of the provisions of Act 34, Public Acts of Michigan, 2001, as amended, and a resolution adopted by the City Council of the City on [date].

The limited tax full faith, credit and resources of the City are pledged for the payment of the bonds of this issue, and the City has pledged that it shall pay the principal of and interest on the bonds of this issue as they mature as a first budget obligation from its general fund and, after taking into account funds which the City may have legally available for payment of principal of and interest on the bonds of this issue, shall levy annually ad valorem taxes on all taxable

property in the City sufficient to pay the principal of and interest on the bonds of this issue subject to applicable constitutional, statutory and charter tax rate limitations.

Bonds of this issue maturing on or prior to [date] are not subject to redemption prior to maturity.

Bonds or portions of bonds in multiples of \$5,000 of this issue maturing on or after [date] shall be subject to redemption prior to maturity without a premium, at the option of the City, in such order as the City shall determine and within any maturity by lot, on any date on or after [date], at par plus accrued interest to the date fixed for redemption.

[INSERT MANDATORY REDEMPTION PROVISIONS
IF TERM BONDS ARE SOLD]

In case less than the full amount of an outstanding bond is called for redemption, the Transfer Agent upon presentation of the bond called in part for redemption shall register, authenticate and deliver to the registered owner of record a new bond of the same maturity and in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given by the Transfer Agent to each registered owner of bonds or portions thereof to be redeemed by mailing such notice not less than thirty (30) days prior to the date fixed for redemption to the registered owner at the address of the registered owner of record as shown on the registration books of the City kept by the Transfer Agent. Bonds shall be called for redemption in multiples of \$5,000, and bonds of denominations of more than \$5,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the bonds by \$5,000, and such bonds may be redeemed in part. The notice of redemption for bonds redeemed in part shall state that, upon surrender of the bond to be redeemed, a new bond or bonds in the same aggregate principal amount equal to the unredeemed portion of the bonds surrendered shall be issued to the registered owner thereof with the same interest rate and maturity. No further interest on bonds or portions of bonds called for redemption shall accrue after the date fixed for redemption, whether the bonds have been presented for redemption or not, provided funds are on hand with the Transfer Agent to redeem the bonds or portion thereof.

Any bond may be transferred by the person in whose name it is registered, in person or by the Registered Owner's duly authorized attorney or legal representative, upon surrender of the bond to the Transfer Agent for cancellation, together with a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any bond is surrendered for transfer, the Transfer Agent shall authenticate and deliver a new bond or bonds, in like aggregate principal amount, interest rate and maturity. The Transfer Agent shall require the bondholder requesting the transfer to pay any tax or other governmental charge required to be paid with respect to the transfer. The Transfer Agent shall not be required to issue, register the transfer of, or exchange any bond during a period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of bonds selected for redemption and ending at the close of business on the day of that mailing.

It is hereby certified and recited that all acts, conditions and things required by law to be done, exist and happen, precedent to and in the issuance of this bond and the series of bonds of

which this is one, in order to make them valid and binding obligations of the City have been done, exist and have happened in regular and due form and time as provided by law, and that the total indebtedness of the City, including this bond and the series of bonds of which this is one, does not exceed any constitutional, statutory, or charter debt limitation.

This bond is not valid or obligatory for any purpose until the Transfer Agent's Certificate of Authentication on this bond has been executed by the Transfer Agent.

IN WITNESS WHEREOF, the City, by its Council, has caused this bond to be signed in the name of the City by [the facsimile signatures of] its Mayor and Clerk, and a facsimile of its corporate seal to be [manually impressed/printed] hereon, all as of the Date of Original Issue.

CITY OF MARSHALL
County of Calhoun, State of Michigan

By [Mayor to sign definitive bond]
Mayor

(Seal)

Countersigned:

By [Clerk to sign definitive bond]
City Clerk

[STANDARD FORMS OF
TRANSFER AGENT'S CERTIFICATE OF AUTHENTICATION
AND ASSIGNMENT TO APPEAR IN COMPLETED BOND]

4. Debt Retirement Fund. The Treasurer of the City is directed to open a separate depository or trust account with a bank or trust company to be designated as the GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2021B DEBT RETIREMENT FUND (the “Debt Retirement Fund”) with any additional or revised designations as determined by the City Manager. The Debt Retirement Fund may be pooled or combined with other debt retirement funds for issues of bonds of like character as provided by Act 34 or other state law. An amount sufficient to assure timely payment of the principal of and interest on the Bonds shall be transferred each year into the Debt Retirement Fund from the general fund of the City or other funds legally available therefor, including the Tax Increment Revenues. The moneys deposited in the fund shall be used solely for the purpose of paying the principal of and interest on the Bonds.

In the event a deposit of trust is made of cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional or mandatory redemption, the principal of, premium, if any, and interest on the Bonds, this Resolution shall be defeased and the owners of the Bonds shall have no further rights under this Resolution except to receive payment of the principal of, premium, if any, and interest of the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.

5. Project Fund. Upon sale of the Bonds, the City Treasurer shall create a fund designated as the GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2021B PROJECT FUND (the “Project Fund”) with any additional or revised designations as determined by the City Manager. The proceeds of sale of the Bonds shall be deposited to the Project Fund. Except for investment pending disbursement, the moneys in the Project Fund shall be used solely and only to pay costs of the Capital Improvements including any legal, financing or other expenses incidental thereto or to the issuance of the bonds. Any balance remaining in the Project Fund after completion of the Capital Improvements may be used (a) for any other capital improvements of the City if bond counsel advises the City that such use is permitted by state law and will not cause the Bonds to lose tax-exempt status if the Bonds are issued on a tax-exempt basis, or (b) shall be paid into the Debt Retirement Fund and used to pay principal of or interest on the Bonds.

6. Sale of Bonds to be Negotiated. Based upon the advice of the Municipal Advisor, the City Council hereby determines to sell the Bonds at a negotiated sale instead of a competitive sale for the reason that a negotiated sale will be the most efficient and expeditious means of selling the Bonds, will result in the lowest cost to the City, will provide the City with greater flexibility in structuring the terms of the Bonds and in determining the timing of the sale of the Bonds. The City Manager is authorized to approve circulation of a sales memorandum, term sheet, request for proposals or other document describing the City, the Bonds, and the security for payment of the Bonds.

7. Sale of Bonds - Parameters. The City Manager is hereby authorized, on behalf of the City, subject to the provisions and limitations of this resolution, to negotiate sale of the Bonds, to accept an offer to purchase the Bonds, and to sign a sale order, purchase agreement, or acceptance of an offer to purchase the Bonds on behalf of the City, without further resolution of

this City Council. This authorization includes, but is not limited to, determination of original principal amount of the Bonds; the prices at which the Bonds are sold; the date of the Bonds; the schedule of principal maturities and whether the Bonds shall mature serially or as term bonds; the provisions for early redemption including mandatory redemption of term bonds, if any; and interest rates and payment dates of the Bonds. Approval of the matters delegated to the City Manager under this resolution may be evidenced by execution of a sale order or other acceptance of an offer to purchase the Bonds.

The date of the final maturity of the Bonds shall not be later than 2037. The maximum interest rate on the Bonds shall not exceed 4.00%. The difference between the highest and lowest interest rate on the Bonds shall not exceed 1.00% per annum. The purchase price for the Bonds, exclusive of any original issue discount or premium, shall not be greater than 100.00% or less than 99.00% of the principal amount of the Bonds. In making such determinations the City Manager is authorized to rely upon data and computer runs provided by the Municipal Advisor.

8. Tax Covenant. If Bond Counsel determines that the Bonds can be issued on a tax-exempt basis, then the City shall not invest, reinvest or accumulate any moneys deemed to be proceeds of the Bonds pursuant to the Internal Revenue Code of 1986, as amended (the “Internal Revenue Code”) in such a manner as to cause the Bonds to be “arbitrage bonds” within the meaning of the Internal Revenue Code, and the City hereby covenants that, to the extent permitted by law, it will take all actions within its control and that it shall not fail to take any action as may be necessary to maintain the exclusion of interest on the Bonds from gross income for federal income tax purposes, including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds, all as more fully set forth in the Non-Arbitrage and Tax Compliance Certificate to be delivered by the City if the Bonds are issued as tax-exempt bonds. The City Manager is authorized to designate the Bonds as “qualified tax-exempt obligations” in the Non-Arbitrage and Tax Compliance Certificate if the Bonds can be issued on a tax-exempt basis.

9. Actions by Officers of the City. The officers, administrators, agents and attorneys of the City are authorized and directed to take all other actions necessary and convenient to facilitate issuance and sale of the Bonds, and to execute and deliver all other agreements, documents and certificates and to take all other actions necessary or convenient in accordance with this resolution, and to pay costs of issuance including but not limited to municipal advisor fees, transfer agent fees, publication of notices, bond counsel fees, printing costs, and any other costs necessary to accomplish sale and delivery of the Bonds. In the event that the City Manager is not available to undertake responsibilities delegated to him under this resolution, then another person designated by the City Manager is authorized to take such actions.

10. Conflicting Resolutions. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of City of Marshall, State of Michigan, at a Regular Meeting on March 15, 2021, at 7:00 p.m. Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, that the minutes of said meeting were kept and will be or have been made available as required by said Act 267.

I further certify that the following Members were present at said meeting: _____
_____ and that the following Members were absent:
_____.

I further certify that Member _____ moved for adoption of said resolution and that Member _____ supported said motion.

I further certify that the following Members voted for adoption of said resolution: _____
_____ and that the following Members voted against adoption of said resolution: _____.

City Clerk

37342239.1/056443.00043

CALL TO ORDER

IN REGULAR SESSION, Monday, March 1, 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 (Maryland), Traver (Marshall, MI), Underhill (Marshall, MI), and Wolfersberger (Marshall, MI).

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: None.

INVOCATION/PLEDGE OF ALLEGIANCE

Devon Shephard of Woodland Church gave the invocation and Mayor Caron led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Wolfersberger, supported Underhill, to approve the agenda as presented. 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 took an oath of office and pledged allegiance to the flag.

CONSENT AGENDA

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

- A. Minutes of the City Council Regular Session held on Tuesday, February 15, 2021;
- B. Approve city bills in the amount of \$558,449.93.

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

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

None.

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. MERS Defined Benefit Corrective Action Plan:

Moved Gates, supported Schwartz, to approve the Corrective Action Plan as presented and to direct the Finance Department to file the plan with the Michigan Department of Treasury. On a roll vote – ayes: Schwartz, Traver, Underhill, Wolfersberger, Mayor Caron, Gates, and Rice; nays: none. **MOTION CARRIED.**

B. Rebecca Street and Oak Drive Dedication and Easements:

Moved Underhill, supported Schwartz, to approve the resolutions for the dedication of Rebecca Street and Oak Drive as described in the deed and associated drawings and approve the public utility easements described in Attachment A and Exhibit A. On a roll vote – ayes: Underhill Wolfersberger, Mayor Caron, Gates, Rice, Schwartz, and Traver; nays: none. **MOTION CARRIED.**

C. Green Burial Addition to Cemetery Rules and Regulations:

Moved Underhill, supported Gates, to approve the addition of Limited Green Burials to the Rules and Regulations for Oakridge Cemetery. On a roll call vote – ayes: Rice, Schwartz, Traver, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: none. **MOTION CARRIED.**

D. Rental Fees for Cronin Millrace Pavilion and Stuarts Landing:

Moved Gates, supported Underhill, to approve new Park Facilities Rental Application and Fees as presented. On a roll call vote – ayes: Schwartz, Traver, Underhill, Wolfersberger, Mayor Caron, Gates, and Rice; nays: none. **MOTION CARRIED.**

E. Social Media Policy:

Moved Wolfersberger, supported Schwartz, to approve the recommended Social Media and Comment Policies as presented. On a roll call vote – ayes: Rice, Schwartz, Traver, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: none. **MOTION CARRIED.**

F. Social District:

Moved Gates, supported Rice, to approve the change of the hours for the Social

District for Sunday-Thursday 9:00 a.m. to 10:00 p.m. and Friday-Saturday 9:00 a.m. to 11:00 p.m. and approve the expanded map for the Social District with the exclusion of the parking structure. On a roll call vote – ayes: Traver, Underhill, Wolfersberger, Mayor Caron, Gates, Rice and Schwartz; nays: none. **MOTION CARRIED.**

G. Grand River Brewery Community Saint Patrick’s Day Celebration:

Moved Traver, supported Underhill, to approve the street closure for the 100 block of S. Jefferson and the extension of social district hours to begin at 8:00 a.m. On a roll call vote – ayes: Rice, Traver, Underhill. nays: Wolfersberger, Mayor Caron, Gates, and Schwartz. **MOTION DEFEATED.**

Moved Traver, supported Rice, to approve the street closure for the 100 Block of South Jefferson on March 17, 2021 from 7:00 a.m. to 10:00 p.m. and normal Social District hours for operation. On a roll call vote – ayes: Rice, Schwartz, Traver, Underhill, and Mayor Caron. nays: Wolfersberger and Gates. **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

ADJOURNMENT

The meeting was adjourned at 8:26 p.m.

Joe Caron, Mayor

Trisha Nelson, City Clerk

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
1JYX-HJ4P-C19W	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - FLASH DRIVES		49.95
02250473316	AUTO VALUE MARSHALL	BRAKE CLEANER		9.75
02250473459	AUTO VALUE MARSHALL	GUIDES		35.19
02250473396	AUTO VALUE MARSHALL	PAINT		19.18
02250473778	AUTO VALUE MARSHALL	SOUND FX		90.69
02250473780	AUTO VALUE MARSHALL	CLMP/BULB		14.87
02250473794	AUTO VALUE MARSHALL	CLMP/ADAPTER		5.08
02250473725	AUTO VALUE MARSHALL	TREAD DEPTH GAUGE		5.29
02250473849	AUTO VALUE MARSHALL	BRAKES		189.87
02250473843	AUTO VALUE MARSHALL	HACKSAW FRAME		13.59
02250473706	AUTO VALUE MARSHALL	SHIFT BUSHING		10.69
02250473605	AUTO VALUE MARSHALL	UNIV. WRENCH		29.16
02250473570	AUTO VALUE MARSHALL	AIR FILTER		45.76
02250473687	AUTO VALUE MARSHALL	SHIFT BUSHING		10.69
02250473551	AUTO VALUE MARSHALL	MICRO V BELTS		(48.59)
02250473523	AUTO VALUE MARSHALL	SERPENTINE BELT/STICK ON REFLECTIVE/CONS		158.11
02250473553	AUTO VALUE MARSHALL	V BELTS		135.28
02250473499	AUTO VALUE MARSHALL	BATTERY		131.00
02250473500	AUTO VALUE MARSHALL	CORE FREFUND		(18.00)
1000222676	BALTIC NETWORKS USA	MIKROTIK RB4011 ROUTERS	2021.234	1,254.00
P36764863	BATTERIES PLUS BULBS	35W HPS		48.33
P36518456	BATTERIES PLUS BULBS	35W HPS		434.97
P36735425	BATTERIES PLUS BULBS	BATTERIES/ BULBS		358.38
P36553275	BATTERIES PLUS BULBS	BATTERIES		60.37
7433	BUD'S TOWING & AUTOMOT	BUS 9 - OIL CHANGE/INSPECTION		93.54
118161	CARR BROTHERS & SONS	CRUSHED STONE		640.00
118146	CARR BROTHERS & SONS	CRUSHED STONE		640.00
118145	CARR BROTHERS & SONS	WASHED SAND		247.86
95142	CLEANCUT	CLEAN CUT CONVERTIBLE BATHTUB	2021.279	1,475.00
162293	D & D MAINTENANCE SUPP	JANITORIAL		1,049.21
579958	DARLING ACE HARDWARE	PRIMER		94.95
580387	DARLING ACE HARDWARE	PAINT BRUSH/PAINT		25.98
580299	DARLING ACE HARDWARE	FLUSH LEVER/JIG BLADE SET/SEAL KIT		45.96
580126	DARLING ACE HARDWARE	FLUSH VALVE/WAS RING/GASKET/BOLTS/FLUSH		79.68
579997	DARLING ACE HARDWARE	GREAT STUFF/BAR CARPET		28.97
580213	DARLING ACE HARDWARE	LOPPERS/LUBE		37.98
580224	DARLING ACE HARDWARE	CHAIN		74.94
580053	DARLING ACE HARDWARE	MS271/OIL/CHAIN/GLOVES/WOODCUTTER/CHAIN		557.93
579886	DARLING ACE HARDWARE	DRILL BIT		29.99
EXECUIN35733	DH WIRELESS	POLICE VEHICLE #M-4 CHANGE OVER- MODEM-	2021.123	1,130.36
3317882	EDWARDS INDUSTRIAL SAL	FLEX COUPLING		24.40
S0014323	EMERGENCY VEHICLE PROD	BLANKET PURCHASE ORDER FOR VEHICLE REPAI	2021.136	714.09
S0014331	EMERGENCY VEHICLE PROD	BLANKET PURCHASE ORDER FOR VEHICLE REPAI	2021.136	61.10
S0014330	EMERGENCY VEHICLE PROD	BLANKET PURCHASE ORDER FOR VEHICLE REPAI	2021.136	800.00
0015381	ENG, INC	DESIGN & CONST SERVICES FOR IMPROVEMENT	2021.242	6,355.00
I110580	ERIC DALE HEATING & AI	REPLACEMENT BOILER FOR CHLORINE BUILDING	2021.284	5,950.00
I110472	ERIC DALE HEATING & AI	REPLACE HEATING UNIT IN SWITCHGEAR ROOM-	2021.277	4,850.00
I110429	ERIC DALE HEATING & AI	SERVICE CALL		710.00
I110351	ERIC DALE HEATING & AI	SERVICE CALL		118.00
S103904791.001	ETNA SUPPLY	SENSUS TRANSCIEVER		1,000.00
MIBAT300677	FASTENAL COMPANY	PAPER TOWELS		22.64
MIBAT300826	FASTENAL COMPANY	PAPER TOWELS		20.28
0121997	FERGUSON WATERWORKS	#3 W5029		69.33
0121975	FERGUSON WATERWORKS	#3 W5199		343.33
0121971	FERGUSON WATERWORKS	#3 6X12 REPAIR CLAMP		653.33
8043	FREDRICKSON SUPPLY	CHAGER PAD/DUST CAP/HOSE/COUPLINGS/EXTEN		1,098.07
4572	GOODWIN'S PLUMBING, LL	CLOSET SPUD/ VAC BREAKER/FLANGE/SERVICE		120.01
4584	GOODWIN'S PLUMBING, LL	RESTROOMS SERVICE CALLS		919.99
9319958121	GRAYBAR ELECTRIC	QUOTE# 0236089219-- COMMSCOPE AN ORTHONI	2021.080	2,033.50
18221	GUTTERS R US LLC	SNOW REMOVAL- AND SIDEWALK SALTING FOR	2021.180	3,653.60
18246	GUTTERS R US LLC	ICE MELT		35.00
18094	GUTTERS R US LLC	WORK PERFORMED AT MRLEC		37.77
18222	GUTTERS R US LLC	SNOW REMOVAL AND SIDEWALK SALTING FOR	2021.179	1,958.60
3559	HE CLEANS TOO, LLC	JANITORIAL		67.42
3556	HE CLEANS TOO, LLC	JANITORIAL		643.32
03012021	HERITAGE CLEANERS	UNIFORM CLEANING - FEBRUARY		136.75
87852	HERMANS MARSHALL HARDW	HEATERS		299.97
0061058-IN	HYDROCORP	CROSS CONNECTION CONTROL		865.00
C164077	IMPACT SOLUTIONS	BUSINESS CARDS		173.59
C164126	IMPACT SOLUTIONS	DOOR HANGERS		292.01
1558846	J.C. EHRlich	PEST CONTROL		224.67
1431705	J.C. EHRlich	PEST CONTROL		77.00
8948	JS BUXTON	CHEM INV - LIME	2021.012	1,161.86
8659339	KIMBALL MIDWEST	WHEEL/DISCS/NUTS & BOLTS		776.48
INV015425	KNIGHT WATCH, INC	MONTHLY FIRE MONITORING		224.85
37934	LAKELAND ASPHALT CORPO	BITUMINOUS AGGREGATES		417.36
120262	LARRY'S FLOOR COVERING	FLAT METAL		84.00
7651	LARRY'S FLOOR COVERING	TREATED PLY-WOOD		52.99
S4814110.001	MEDLER ELECTRIC COMPAN	35W HPS LAMPS, TERMINAL ADAPTORS		501.10

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
290982	MICHIGAN INDUSTRIAL GA	WELDING GASES - TANK RENTAL		96.95
57334833	MSC INDUSTRIAL SUPPLY	(SAFETY GLASSES		74.40
104579	O'LEARY WATER CONDITIO	FEB & MARCH COOLER RENT/WATER DELIVERED		47.50
104578	O'LEARY WATER CONDITIO	WATER DELIVERED		27.00
1890007	OFFICE 360	CLIPBOARD		3.57
1880154	OFFICE 360	PAPER/CORRECTION TAPE		219.15
6063	PARRISH EXCAVATING	REPLACE GALVINIZED SERVICE AT 421 FOREST	2021.271	2,709.00
529205	PEERLESS MIDWEST INC	MODIFY WELL HEADS 1 & 2	2021.164	9,680.00
56540929	POWER LINE SUPPLY	U - GAURD		201.81
56544046	POWER LINE SUPPLY	2" SQUARE WASHERS		63.24
56544312	POWER LINE SUPPLY	3/4" WASHERS		102.95
56545658	POWER LINE SUPPLY	1/2" WASHER		112.70
56545536	POWER LINE SUPPLY	WORK GLOVES		417.00
56546042	POWER LINE SUPPLY	SUPPORT GRIP		425.85
56546041	POWER LINE SUPPLY	4" WASHER		113.85
56546040	POWER LINE SUPPLY	XL BOLTED DEADEND		1,364.42
56542846	POWER LINE SUPPLY	600 AMP DEADBREAK ELBOWS		1,440.00
56544042	POWER LINE SUPPLY	ELECTRIC INVENTORY		968.92
56544041	POWER LINE SUPPLY	4" U-GUARD		294.90
56543181	POWER LINE SUPPLY	5/8" WASHERS		164.70
56542913	POWER LINE SUPPLY	SQUARE WASHERS		102.36
21-1043	QUALITY EXCAVATORS,	INDUSTRIAL RD WATER MAIN REPAIR ROAD REP	2021.280	910.00
13350	QUITECH	TOSHIBA - TONER CRTG		489.50
18746	RC SYSTEMS INC.	RECPRO ONLINE MODULE		270.00
8105568407	SCHINDLER ELEVATOR COR	ELEVATOR PREVENTIVE MAINTENANCE FROM 3/2021	2021.283	5,862.37
8181498724	SHRED-IT USA LLC	SHREDDER		289.80
1760618	STANTEC CONSULTING MIC	ENGINEERING FOR HANOVER ST SEWER LINING	2021.224	2,985.09
1760148	STANTEC CONSULTING MIC	DESIGN SERVICES FOR CLARIFIER REHABILITA	2021.093	2,599.00
1760149	STANTEC CONSULTING MIC	IPP - MAHL REVISION ASSISTANCE	2021.238	194.25
1760150	STANTEC CONSULTING MIC	CIPP WATER MAIN LINING DESIGN COSMOPOLIT	2021.203	779.25
1760152	STANTEC CONSULTING MIC	WATER AMI CONSTRUCTION ENGINEERING	2021.097	2,378.75
1760153	STANTEC CONSULTING MIC	GIS ENHANCEMENTS- PREPARATION FOR ASSET	2020.304	1,500.00
1760154	STANTEC CONSULTING MIC	CITYWORKS IMPLEMENTATION	2021.263	4,433.50
1760155	STANTEC CONSULTING MIC	AWIA RISK AND RESILIENCE ASSESSMENT	2021.183	3,771.50
1760615	STANTEC CONSULTING MIC	CIPP WATER MAIN LINING DESIGN COSMOPOLIT	2021.203	13,362.59
791106	STENSMA	EXMARK 48" SIDE DISCHARGE MOWERS	2021.274	25,041.00
S012242281.001	STUART C IRBY CO	S&C FUSE HOLDERS SM-5S 13.8KV; 400 AMP	2021.228	5,349.81
154 0113224	UNIFIRST CORPORATION	POWER HOUSE UNIFORMS		52.87
154 0113226	UNIFIRST CORPORATION	MARSHALL HOUSE UNIFORMS		39.87
154 0113221	UNIFIRST CORPORATION	WASTE WATER UNIFORMS		31.43
154 0113225	UNIFIRST CORPORATION	WATER UNIFORMS		29.18
154 0113782	UNIFIRST CORPORATION	WATER UNIFORMS		29.18
154 0113783	UNIFIRST CORPORATION	MARSHALL HOUSE UNIFORMS		39.87
154 0113781	UNIFIRST CORPORATION	POWER HOUSE UNIFORMS		52.87
154 0113778	UNIFIRST CORPORATION	WASTE WATER UNIFORMS		31.43
154 0112677	UNIFIRST CORPORATION	WATER UNIFORMS		35.12
154 0112678	UNIFIRST CORPORATION	MARSHALL HOUSE UNIFORMS		39.87
154 0112676	UNIFIRST CORPORATION	POWER HOUSE UNIFORMS		52.87
154 0112673	UNIFIRST CORPORATION	WASTE WATER UNIFORMS		31.43
154 0114899	UNIFIRST CORPORATION	WATER UNIFORMS		29.18
154 0114339	UNIFIRST CORPORATION	WATER UNIFORMS		29.18
154 0114340	UNIFIRST CORPORATION	MHOUSE UNIFORMS		39.87
154 0114338	UNIFIRST CORPORATION	POWER HOUSE UNIFORMS		52.87
154 0114335	UNIFIRST CORPORATION	WASTE WATER UNIFORMS		31.43
154 0114900	UNIFIRST CORPORATION	MHOUSE UNIFORMS		39.87
154 0114898	UNIFIRST CORPORATION	POWER HOUSE UNIFORMS		52.87
154 0114895	UNIFIRST CORPORATION	WASTE WATER UNIFORMS		31.43
154 0114896	UNIFIRST CORPORATION	DPW GARAGE UNIFORMS		59.71
154 0114336	UNIFIRST CORPORATION	DPW GARAGE UNIFORMS		59.71
154 0114337	UNIFIRST CORPORATION	ELECTRIC UNIFORMS		191.19
154 0114897	UNIFIRST CORPORATION	ELECTRIC UNIFORMS		185.49
154 0112674	UNIFIRST CORPORATION	DPW GARAGE UNIFORMS		59.71
154 0112675	UNIFIRST CORPORATION	ELECTRIC UNIFORMS		182.99
154 0113779	UNIFIRST CORPORATION	DPW GARAGE UNIFORMS		59.71
154 0113780	UNIFIRST CORPORATION	ELECTRIC UNIFORMS		185.49
154 0113222	UNIFIRST CORPORATION	DPW GARAGE UNIFORMS		59.71
154 0113223	UNIFIRST CORPORATION	ELECTRIC UNIFORMS		214.19
530362956	UTILITIES INSTRUMENTAT	BREAKER MAINTENANCE AT GENERATOR 3,,5,6	2021.281	6,966.00
196795	VISION METERING	VM-ML4Z1P		135.00
GRAND TOTAL:				144,820.64

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
269781444702-21	AT&T MOBILITY	ACCT 26978144477494		1,007.07
287290494544X02142	AT&T MOBILITY	ACCT 287290494544		42.54
1111	BOLLE CONTRACTING, LLC	ABATEMENT AND DEMOLITION OF 802 S MARSH	2020.313	9,870.00
1110	BOLLE CONTRACTING, LLC	ABATEMENT AND DEMOLITION OF 220 WEST GRE	2020.314	27,300.00
02242021	BURGHDORF, CODY	BOOT ALLOWANCE REIMBURSEMENT		90.08
02242021	CARRIS, STEVE	PAINT UNIT 219		850.00
201540644406	CONSUMERS ENERGY	ACCT 103013521119		17.66
202786503503	CONSUMERS ENERGY	ACCT 103018520884		1,000.82
601012519292	CONSUMERS ENERGY	ACCT 100090336411		150.48
1934195	HUB INTERNATIONAL MIDW	PROPERTY INSURANCE - GENERAL LIABILITY - 2021	022	55,268.00
PC001341159:01	JACKSON TRUCK SERVICE	ALT PAD MT		280.55
PC001341208:01	JACKSON TRUCK SERVICE	CREDIT		(280.55)
PC001341199:01	JACKSON TRUCK SERVICE	BATTERY/CORE		166.40
PC001339511:01	JACKSON TRUCK SERVICE	6 LED HEAD		444.00
02/25/2021	JERYC, WALTER	UB refund for account: 1700960023		73.30
02112021	JOHNSON, DAVE	MEAL ALLOWANCE		10.00
02072021CR	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 4860 - CHRISTY RAMEY		195.45
02072021TS	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 2922 - THERESA SEARS		75.70
02142021	NFPA	RECERTIFICATION - NASH - FIRE INSPECTOR		150.00
6125	RICE'S SHOES, INC	ACCT 20045		401.50
02/25/2021	SHAINA TURNER	UB refund for account: 1254		50.00
02122021	THOMAS NEIDLINGER MD	ACCT 127260 - DOT PHYSICALS - FULLER/NIC		150.00
52	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE (3-PERSON \$106/2021.058		2,544.00
2252021	TROY DEKRYGER	BOOT ALLOWANCE REIMBURSEMENT		115.54
132835129	TRUGREEN	CUSTOMER # 2790083525		577.71
02112021	UPRIGHT, CINDY	MEAL ALLOWANCE		10.00
1191	WOLVERINE POWER COOPER	APPRENTICE PROG. TUITION - FULLER, M./DU		12,000.00
2463194	XEROX FINANCIAL SERVIC	LEASE PAYMENT - CONTRACT 010-0069580-001		1,450.84
GRAND TOTAL:				114,011.09

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
358671	AD-VISOR & CHRONICLE	JANUARY ADS		2,338.91
1Y743Q7QW9NK	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - COMPUTER HARDWARE		138.94
02182021	AMBROSE, KRIS	REIMBURSEMENT - FUEL - TRAVEL TO UOFM FL		13.02
5704	ASPEN WIRELESS	TECH SUPPORT FOR FIBERNET. \$8.75/CUSTOM	2021.018	13,518.75
02172021	AT&T MOBILITY	ACCT 145970911		117.34
2020WNTRFINAL	CALHOUN COUNTY TREASUR	2020 WINTER AD VALOREM DIST # FINAL		106,002.67
21-78,86,88	CALHOUN COUNTY TREASUR	CHARGEBACK DBOR PRE		41.17
2020WNTRFINAL	CALHOUN INTERMEDIATE S	2020 WINTER AD VALOREM DIST # FINAL		251,361.41
03/05/2021	CORY HASTINGS	UB refund for account: 1403		50.00
10016	COURTNEY & ASSOCIATES	MONTHLY RETAINER - FEBRUARY 2021		250.00
010421COM	CRT, INC	TBRICKS	2021.264	11,000.00
103105	CRT, INC	FLOATER LAPTOPS FOR COVID WORK AT HOME	2021.166	2,846.00
21-600	ELECTION SOURCE	ANNUAL MAINTENANCE CONTRACT		708.00
03022021	ERB, JASON	WORK WEAR ALLOWANCE REIMBURSEMENT		279.82
20210091	GRP ENGINEERING INC	ENGINEERING SERVICES FOR BROOKS SUBSTATI	2021.282	2,691.10
3763151	IIX INSURANCE INFORMAT	MOTOR VEHICLE REPORTS		36.20
02262021	JINKS, DAN	REIMBURSEMENT - FR NECK GAITOR -COVID		30.23
03/05/2021	JOE MCNEAL	UB refund for account: 1714		50.00
2020WNTRFINAL	KELLOGG COMMUNITY COLL	2020 WINTER AD VALOREM DIST # FINAL		147,658.87
03/05/2021	LAKE, CAMERON	UB refund for account: 3004150029		83.41
2020WNTRFINAL	MARSHALL AREA FIRE FIG	2020 WINTER AD VALOREM DIST # FINAL		57,130.20
02072021JM	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 9156 - JUSTIN MILLER		249.61
02072021MD	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 4353 - MRAGUERITE DAV		384.00
2020WNTRFINAL	MARSHALL PUBLIC SCHOOL	2020 WINTER AD VALOREM DIST # FINAL		771,450.90
20210312419	METRO WIRELESS	BUSINESS DATA SERVICES - 10 GBPS INTERNE	2021.019	4,890.22
5-2021	MICHIGAN SHIGA SISTER	2021 SISTER CITY DUES		25.00
INV0319	MILLS DESIGN AND MANAG	740 WRIGHT LANE - JEFF MASON		13,058.00
NNS24352	NEONOVA NETWORK SERVIC	ISP TECH SUPPORT - FEBRUARY		1,000.00
03052021	OAKLAWN HOSPITAL	PARKING STRUCTURE - 2020 LEASE (MARCH)		7,077.00
20-1136	SERVICEMASTER OF KALAM	PREP FOR BED BUG TREATMENT		347.50
16287	SONAR	SONAR SOFTWARE MONTHLY SERVICE. \$1.25/C	2021.007	1,917.50
761-10610744	STATE OF MICHIGAN EGLE	WATER TESTING		290.00
02242021	SVCICC	MADCAD CODE REFERANCES MEMBERSHIP		270.00
53	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE (3-PERSON \$106/	2021.058	4,134.00
5396585	TOSHIBA AMERICA BUSINE	MRLEC COPIER		71.99
03/02/2021	V & V ASSESSING LLC	ASSESSING SERVICES		4,500.00
MPD2162021	WALDEN ARMS, LLC	OFFICER'S WEAPON PURCHASE PROGRAM	2021.246	10,295.00
03/02/2021	WOLFERSBERGER, PAM	FARMERS MARKET MANAGER		850.00
02242021	WOW! BUSINESS	ACCT 013934621		42.43
GRAND TOTAL:				1,417,199.19



ADMINISTRATIVE REPORT
March 15, 2021 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members

FROM: Trisha Nelson, Planning & Zoning Administrator
Tom Tarkiewicz, City Manager

SUBJECT: Public Hearing to consider Zoning Amendment Application #RZ21.01 to rezone 410 East Drive from POSD (Professional Office Service) to R-2 (Suburban Residential District)

BACKGROUND: The Calhoun County Land Bank Authority (CCLBA) is seeking to rezone the 8.23-acre property located at 410 East Drive, the former State Farm site, from POSD (Professional Office Service District) to R-2 (Suburban Residential District).

The CCLBA has submitted the rezoning request for the first phase in reaching the long-term goal of creating much needed residential development in the City. This request is the first in a two-part rezoning request that will result in a PUD request based on the conceptual site plan attached. The CCLBA expects to approach the PUD process in phases and plans to develop the lots along East Drive this year while creating additional building sites for the future as the funding allows.

It is important to consider the Master Plan when making rezoning decisions to ensure alignment. According to Section 4. Future Land Use of the Master Plan, 410 East Drive is listed as Special Project Area 1. The Master Plan identifies one of the potential uses of this area as single-family development and states a preference for a planned unit development to address the whole site.

The Planning Commission held a public hearing regarding the rezoning request at its regularly scheduled meeting on February 10, 2021 where they approved recommending to the Council the Zoning Amendment.

The Planning Commission worked through the Rezoning Criteria finding of fact worksheet and approved the following motion unanimously:

MOTION by Commissioner Zuzga, supported by Commissioner McNiff to recommend approval of Rezoning Request #RZ21.01 for 410 East Drive to rezone from Professional Office Service District to R-2 Suburban Residential District to City Council. On a roll call vote; ayes- Banfield,

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

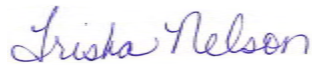
Burke-Smith, Davis, Hall, McNiff, Reed, Zuck, and Zuzga; nays- none;
MOTION CARRIED.

RECOMMENDATION: After hearing public comment, City Council will consider the recommendation from the Planning Commission to approve Rezoning Request #RZ21.01 for 410 East Drive to rezone from POSD-Professional Office Service District to R-2-Suburban Residential District.

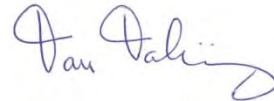
FISCAL EFFECTS: None at this time.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,



Trisha Nelson
Planning & Zoning Administrator



Tom Tarkiewicz
City Manager

**CITY OF MARSHALL
ORDINANCE #2021-**

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 410 EAST DRIVE, PARCEL #53-002-270-00, FROM THE ZONING DISTRICT OF PROFESSIONAL OFFICE SERVICE DISTRICT (POSD) TO SUBURBAN RESIDENTIAL DISTRICT (R-2).

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 Professional Office Service District (POSD) to Suburban Residential (R-2).



TAX PARCEL #53-002-270-00 (410 EAST DRIVE.) LEGAL DESCRIPTION

MARSHALL CITY, PART OF SEC 24-2-6 BEG SE COR LOT 140 EAST DR PLAT NO. 5 W ALG N LI MANN RD TO EAST DR-NLY ALG E LI EAST DR TO S LI EAST DR PLAT NO. 2- ELY ALG S LI EAST DR PLAT NO. 2 & 4 TO W LI EAST DR PLAT NO. 5 S 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.

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

Adopted and signed this ____ day of March, 2021.

Joe Caron, MAYOR

Trisha Nelson, CITY CLERK

I, Trisha Nelson, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on March 15, 2021, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.

Trisha Nelson, CITY CLERK



SITE DATA

(ALL NUMBERS ARE PRELIMINARY AND APPROXIMATE):

1. SINGLE FAMILY HOME
 16-17 Lots
 Average Lot Size: 50' x 85'

2. DUPLEX
 8 Buildings x 2 Units
 = 16 Housing Units

3. BUNGALOW HOMES
 900 SFT.
 14 Units

TOTAL HOUSING UNITS = 47



ADMINISTRATIVE REPORT
March 15, 2021 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council
FROM: Tom Tarkiewicz, City Manager
SUBJECT: Oaklawn Hospital Development Agreement

BACKGROUND: In 2013, the Council created the Hospital Campus Overlay District. As part of the adoption, a Development Agreement for the creation of a Neighborhood Historic Advisory Committee (NHAC) was contemplated and composed. The original composed agreement is attached. City Staff researched past City actions and could not find that the Development Agreement was approved.

Oaklawn Hospital is asking that the City Council approve the original Development Agreement. The NHAC is solely advisory and is comprised of neighbors and Oaklawn representatives. The City will not select members or participate on the Committee.

RECOMMENDATION: It is recommended that the Council authorize the City Clerk to sign the Development Agreement with Oaklawn Hospital.

FISCAL EFFECTS: None.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,

A handwritten signature in blue ink that reads "Tom Tarkiewicz".

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

Development Agreement

Agreement made and entered into this 9th day of March, 2021 by and between the City of Marshall, Michigan, a municipal corporation, having offices at 323 West Michigan Avenue, Marshall, Michigan 49068 ("City") and the Ella E.M. Brown Charitable Circle, d.b.a. Oaklawn Hospital of 200 North Madison Street, Marshall, Michigan 49068 ("Oaklawn").

WHEREAS, the City of Marshall is contemplating the adoption of a Hospital Campus Overlay District ("District"), a copy of which is attached hereto as Exhibit A, and

WHEREAS, Oaklawn acknowledges that it, its employees, physicians, and the citizens of the Marshall area who are the recipients of health care services received at Oaklawn will be the primary beneficiaries of the District, and

WHEREAS, Oaklawn and the City of Marshall acknowledge that there are residents of the neighborhoods in and surrounding the District, who are opposed to the District and who believe that the creation of the District will permit the destruction of buildings within the District which have historical significance in the opinion of those objecting to the District, and

WHEREAS, Oaklawn has agreed that it will, upon creation of the District, impact certain structures in the event that it acquires title to the structures, and intends to utilize the underlying real estate for purposes which are incompatible with the existing structure.

NOW THEREFORE BE IT AGREED AS FOLLOWS:

In the event the City of Marshall adopts the District in the form attached hereto, Oaklawn agrees as follows:

Definitions:

Neighborhood – property owners within 500 feet of the boundary of the Hospital Campus Overlay District Zone (HCOD)

Historic Structures – residences located within the HCOD which are designated by the National Park Service as contributing structures to Marshall's National Historic Landmark (NHL) status.

Non-residential use – use of a structure originally built as a residence for a purpose other than as a dwelling

Neighborhood Historic Advisory Committee (NHAC) – A Committee, solely advisory in nature, which comprises approximately 3-4 community representatives, who shall not be Hospital employees, and approximately 3-4 Hospital representatives. The community representatives shall include one "at large" member, preferably with expertise in historic preservation, architecture or landscaping, with the remainder of community members being neighbors as herein defined. The community and Hospital shall be represented in equal numbers.

Formation of Neighborhood Historic Advisory Committee (NHAC)

Hospital agrees to create a NHAC with equal representation from the neighborhood and the Hospital. The NHAC will have six (6) – eight (8) members. The NHAC will be an ongoing Committee which will meet at least semi-annually. Neighborhood representatives will be selected by the Hospital from those defined herein as being part of the neighborhood, who express an interest in participating in the work of the NHAC, and who exhibit a willingness to work collaboratively. The purpose of the NHAC is to provide input to the Hospital regarding relevant aspects of historic integrity when Hospital determines that its operations will directly impact a historic structure within the HCOD. The membership of the NHAC will be reviewed, and may be revised, as deemed necessary by Hospital or requested by a majority of the NHAC members.

Process for addressing impact on historic structures

When Hospital, in its sole discretion, determines that its operational or strategic needs require new non-residential use of a historic structure, or that a historic structure be removed from its current location by either relocation or demolition, Hospital and City agree to the following.

Oaklawn shall:

1. Convene a meeting of the Neighborhood Historic Advisory Committee (NHAC) within the following time frames.
 - a. For adaptive reuse which
 - i. Does not require a building permit: meet at least 30 days prior to Hospital’s intended date of utilization of structure for new non-residential purposes
 - ii. Requires a building permit: meet prior to Hospital’s application for the building permit, and at least 60 days prior to Hospital beginning exterior modifications
 - b. For removal of a structure which
 - i. Hospital intends to move: meet at least 90 days prior to intended moving date
 - ii. Hospital does not intend to move: meet at least 6 months prior to intended removal date
2. Consider the recommendation of the NHAC in making final determination regarding historic structures. The NHAC may consider the following, as appropriate, in making its recommendation to Hospital:
 - a. For adaptive reuse situations (adapted from Secretary of the Interior’s Standards for the Treatment of Historic Structures):
 - i. Relative importance in history of the individual structure
 - ii. Physical condition
 - iii. Proposed use(s)
 - iv. Mandated code requirements
 - v. Applicability of rehabilitation, restoration or reconstruction
 - b. For situations involving structure removal
 - i. Structure to be moved by Hospital

Exhibit A.2

1. Appropriateness of available locations within NHLD owned by Hospital
 2. Locations outside NHLD owned by Hospital
 - ii. Structure not to be moved by Hospital
 1. Whether or not the structures are of sufficient significance to warrant relocation.
 2. Availability of interested party to purchase and move impacted structures
 3. If none, advise regarding presence of historically significant architectural elements that could be salvaged
3. Make available for sale, for the price of one (1) US dollar, any historic structure within the HCOD meeting the following criteria:
 - a. Hospital determines that structure must be removed, and Hospital determines that structure does not warrant the cost of relocation.
 - b. NHAC recommends that structure is of sufficient historic significance to consider relocation
 - c. Purchaser of said structure(s), if one is found, will conclude the sale within 90 days of structure(s) being placed on the market
 - d. Purchaser will relocate structure within 90 days of purchase. If winter conditions prohibit moving structure within 90 days of purchase, then purchaser shall move structure no later than the subsequent June 1st. In no event shall the time between purchase of structure and moving of structure exceed 9 months. Failure to move structure within time frames specified herein will cause structure to revert back to Hospital ownership, and Hospital is then free to immediately raze structure. All costs associated with relocation of structure shall be borne by Purchaser, except that Hospital agrees to contribute to Purchaser, following the successful relocation of structure, the costs Hospital would otherwise have incurred, as determined by Hospital, to raze structure.
4. Prior to razing a structure, make available for salvage to interested parties those architectural elements identified by NHAC as having historical value, as long as Hospital concurs that such elements can be safely removed. All interested parties must notify Hospital of their interest within 30 days of Hospital's communication that a salvage opportunity exists, and must meet Hospital's requirements for liability insurance coverage, and any other health, safety and legal requirements specified by Hospital, prior to beginning salvage operations. All salvage operations shall be completed within 30 days after Hospital gives permission to an interested party to perform such salvage operation.
5. When requesting a permit for building, demolition or relocation associated with a historic structure, or presenting a plan for site plan review which impacts a historic structure, provide City with a letter from the NHAC that the process described herein was properly executed prior to the Hospital making application to the City for said permit or site plan review.

Exhibit A.2

City, and its respective Committees, Boards, Agencies and Agents shall:

When Hospital presents a request for a permit for demolition, relocation or building associated with a historic structure, or presents a plan for site plan review which impacts a historic structure, accept that the affirmative statement of the Hospital as noted above is full and complete proof of Hospital's compliance with this Agreement. City agrees that the contents of the minutes of the NHAC meetings are not to be considered in making a determination for permits or site plan approval and therefore shall not be required to be submitted to City or its Committees, Boards, Agencies or Agents.

WITNESS:

CITY OF MARSHALL

By: Trisha Nelson, City Clerk

Date

WITNESS:

OAKLAWN HOSPITAL

Juanita E.M. Armstrong

Gregg Beeg

By: Gregg Beeg
President and CEO

March 9, 2021

Date



ADMINISTRATIVE REPORT
March 15, 2021 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council

FROM: Tom Tarkiewicz, City Manager

SUBJECT: Bid Award- Audit Services

BACKGROUND: The City's current Auditor has performed audits for the City of Marshall since 2015. For due diligence reasons, the City solicited bids for Audit Services, for the fiscal year ending June 30, 2021. The contract is for six years. Six firms submitted responses to the City's Request for Proposal (RFP). All vendors included price increases beyond the first year. The base first year price proposals were as follows.

		Audit	CAFR	Single Audit
Lauterbach & Amen	Naperville, IL	\$26,500		\$3,000
Manor Costerisan	Lansing	\$28,500	\$2,500	\$3,500
Gabridge & Co.	Grand Rapids	\$28,895		\$3,000
Yeo & Yeo	Kalamazoo	\$31,500	\$2,500	\$4,000
Rehmann	Jackson	\$38,000		\$5,000
Plante Moran	Portage	\$38,000	\$2,000	\$6,500

A review of the responses from these vendors was performed independently by the City Manager and the Interim Finance Director. Evaluating a combination of completeness of response, firm capability, Michigan experience, audit approach, reference checks, and pricing, both reviewers selected Manor Costerisan as the most responsive vendor for the City's audit needs. The future Finance Director will determine if time will be spent on a Certificate of Achievement for Excellence in Financial Reporting (CAFR) Program. Single Audits are required if the City receives over \$750,000 in Federal funds.

RECOMMENDATION: It is recommended that City Council accept the proposal from Manor Costerisan of Lansing for the amount of \$28,500 for FY 2021, and accept the contract for a term of six (6) years for the audit periods ending June 30, 2021 through June 30, 2026. This contract also has the option of renewal, if mutually agreeable.

FISCAL EFFECTS: The FY 2021 budget includes allocations to the various funds and departments in their respective accounts. No budget amendment is required.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com



ADMINISTRATIVE REPORT
March 15, 2021 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and Council Members

FROM: Ed Rice, Director of Electric Utilities
Tom Tarkiewicz, City Manager

SUBJECT: Hydro Electric Dam Remediation Project

BACKGROUND: The City of Marshall owns and operates a 124 year old hydroelectric facility on the Kalamazoo River. The facility is under the jurisdiction of the Federal Energy Regulatory Commission (FERC) who in 2012 changed the status of the dam from a significant hazard to a high hazard and ordered the City to perform a comprehensive dam inspection through the use of an independent consultant. The inspection identified three deficiencies in the earthen embankment portion of the dam; 1) leaks; 2) significant tree growth with root systems, and 3) a low freeboard water condition which could cause overtopping resulting in a washout of the earthen embankment during a major rain event. Also identified was the risk to pedestrians on the Riverwalk during a dam failure.

The 2012 FERC report indicated the City would be notified by the FERC of the required dam remediation to correct the deficiencies. The notification occurred, three years later, on June 30, 2015 with a request to submit a plan and schedule by August 20, 2015. The plan and schedule were submitted to the FERC on August 15, 2015 based on then available information.

From September 2015 to January 2016 additional options and alternatives were explored with the intent to reduce the \$1.0 million estimated cost of the remediation (based on an impoundment drawdown). At a February 1, 2016 work session, the City Council was updated on the FERC requirements for the dam remediation and options to satisfy the requirements. This resulted in a Council request for additional information.

On March 14, 2016 a City Council work session was convened with participation from representatives of the Michigan DNR, DEQ and the Calhoun Conservation District (CCD) to receive additional information pertaining to the dam remediation project. Resulting from the work session was a request by the City Council for more definitive cost estimates for dam remediation and dam removal. Therefore, on March 16, 2016 staff enlisted the services of a professional engineer (who is an expert on dam remediation/removal) to develop a Request for Proposal (RFP) for submission to qualified engineering and construction firms for conceptual studies and associated cost estimates for earthen embankment remediation and dam removal.

On April 19, 2016 city staff met with representatives from the MDEQ, DNR and CCD to discuss details of the RFP options. The meeting attendees agreed that impoundment sediment samples were necessary to be analyzed in preparation of either a permanent or temporary drawdown of the impoundment. Six samples were

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

analyzed by a certified laboratory on May 8, 2016 and subsequently determined to contain high levels of regulated contaminants.

On July 29, 2016 the RFP (containing the sediment analysis) was distributed to qualified dam remediation and removal construction firms to provide conceptual cost estimates, plans and schedules for the following three options: 1) Remediate the earthen embankment after a controlled six to eight feet drawdown of the impoundment; 2) Remediate the earthen embankment with no impoundment drawdown by constructing a temporary dam around the earthen embankment and de-watering the earthen embankment; and 3) Permanently breach the dam and allow the river to return to a natural course. The low bid was awarded to Stantec Consulting on September 19, 2016. Stantec submitted their final report to the City on May 9, 2017 and presented the report to the City Council at a work session on June 19, 2017. At the conclusion of the work session the Council decided to schedule a public forum to update the public and receive feedback on the Stantec report.

The public forum was convened on July 24, 2017 with approximately 40 people in attendance. The major outcome of the forum was a request for additional impoundment sediment sampling to better quantify the amount and subsequent cost of sediment management associated with the earthen embankment remediation project.

To meet this request a local environmental firm was contracted (\$200,000) to withdraw and analyze approximately 90 additional sediment samples from the impoundment and to produce cost estimates for the earthen embankment remediation which resulted in the following results:

1. The environmental firm issued their findings report in October of 2018 which indicated significant sediment contamination throughout the impoundment; and,
2. The projected cost of the earthen embankment remediation by the use of a coffer dam to be \$2.2 million and cost of dam removal by contaminated sediment removal/managed release to be \$14 - \$88 million.

Also, the findings were reviewed with the DEQ and DNR in November 2018 with the intent to receive direction from those regulatory agencies for contaminated sediment management. The DEQ subsequently issued a memo indicating that the city was currently a "non-labile owner of contaminated property" but any release of contaminated sediment caused by city actions could make the city liable for future downstream clean-up.

The above findings were presented to the City Council at a work session on March 4, 2019. Based on the cost of the different options City Staff recommended and the City Council approved the most fiscally responsible alternative for the citizens and customers was to move forward with the remediation of the earthen embankment and retain the impoundment.

The next step in the process was to retain a qualified consultant to prepare plans, acquire permits from multiple governmental agencies, prepare bid documents,

receive bids from qualified contractors for the remediation of the dam and perform construction management activities. Bids for these activities were developed and issued on June 26, 2019 to qualified dam engineering consultants with a bid opening of September 9, 2019. Two qualified firms submitted bids with Lawson-Fisher Associates P.C. submitting the low lump sum bid of \$498,600.00 which was subsequently approved by the City Council on September 16, 2019 to be selected for the project.

Lawson-Fisher subsequently developed engineering plans, acquired permits from multiple governmental agencies, prepared bid documents and issued/advertised the construction documents on December 7, 2020 with a due date of January 19, 2021. A pre-bid was held on December 17, 2020 with seven (7) construction firms attending. Six (6) construction contractors submitted bids per the requirements which were opened and catalogued by the city clerk on January 19, 2021, as follows:

City of Marshall - Perrin Dam Improvements		
Contractors	Bid Amount	Bond
Mead Brothers Excavating, Inc. Springport, MI	\$1,509,938.00	Yes
L.D. Docsa Associates, Inc. Kalamazoo, MI	\$1,638,750.00	Yes
Dunigan Brothers, Inc. Jackson, MI	\$2,021,960.00	Yes
TSP Services, Inc. Redford, MI	\$2,166,180.00	Yes
Balkema Excavating, Inc. Kalamazoo, MI	\$2,222,203.00	Yes
M-K Construction, Inc. Brownstown, MI	\$2,415,682.73	Yes
Bid Opening January 19, 2021 @ 3:00 PM		

RECOMMENDATION: Mead Brothers Excavating was thoroughly vetted by city staff and its engineering/construction management consultant (Lawson-Fisher) and determined that Mead Brothers was fully qualified to complete the dam remediation project. Therefore, it is staff's recommendation that the City Council approve awarding the construction contract for the FERC required remediation of the City of Marshall's Perrin Dam to the low and qualified bidder, Mead Brothers Excavating, Inc. of Springport, MI in the amount of \$1,509,938.00 with a \$226,500 (15%) contingency and authorize the City Clerk to sign the contract.

FISCAL EFFECTS: The Perrin Dam Remediation Project will be funded through the sale of general obligation bonds which the City Council approved by resolution at its regular meeting on February 1, 2021. The bonds will be repaid through the Electric Fund.

ALTERNATIVES: 1) As suggested by City Council

CITY GOAL CLASSIFICATION:

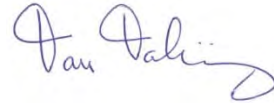
GOAL AREA 4. INFRASTRUCTURE

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

Respectfully Submitted,



Edward E. Rice, P.E.
Electric Utilities Director



Tom Tarkiewicz
City Manager



ADMINISTRATIVE REPORT
March 15, 2021 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members

FROM: Tom Tarkiewicz, City Manager

SUBJECT: FiberNet Deficit Elimination Plan

BACKGROUND: The City is in the second year of a five-year deficit elimination plan with the State of Michigan Department of Treasury. On January 4, 2021, the City received notice that the State intended to withhold State Revenue-Sharing Payments unless a deficit elimination plan was submitted to remedy the deficit at the end of the five-year period. The State will continue to send this notice annually until the deficit is resolved.

The plan outlined in the resolution shows years three through five for the FiberNet Fund with FY2021 showing the estimate for this fiscal year as well as projected budgets for the next two fiscal years. Please note this includes the rate increase that was approved by the City Council in January 2021.

RECOMMENDATION: The recommendation is for City Council to approve deficit elimination plan for the FiberNet Fund and to direct the Finance Department to file the plan with the Michigan Department of Treasury.

FISCAL EFFECTS: None

ALTERNATIVES: As suggested by Council.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Tom Tarkiewicz". The signature is written in a cursive, flowing 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 **FiberNet Fund** has an unrestricted net position deficit of \$4,575,818 on June 30, 2020; 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, this is the second year of a five-year deficit elimination plan with the Michigan Department of Treasury; and

WHEREAS, a rate increase was approved by the City Council in January of 2021 of 10% for residential customers;

NOW THEREFORE BE IT RESOLVED, that the City of Marshall Council adopts the following as the City of Marshall **FiberNet Fund** Deficit Elimination Plan:

FIBERNET			
	3rd year of Deficit Elimination Plan	4th year of Deficit Elimination Plan	5th year of Deficit Elimination Plan
	FY2021	FY2022	FY2023
Unrestricted Net Position (Deficit) July 1	(4,575,818)	(4,462,469)	(4,129,104)
Revenue			
Residential Sales	862,827	995,000	995,000
Commercial Sales	161,148	173,000	173,000
Penalties Income	18,025	35,000	35,000
Interest	0	0	0
Miscellaneous Revenue	0	0	0
Total Revenue	1,042,000	1,203,000	1,203,000
Expenditures			
Salaries and Fringes	347,539	326,020	338,752
Material and Supplies/Rent	80,570	70,288	70,369
Contracted Services	285,360	212,000	216,240
Insurance	5,000	5,100	5,202
Maintenance	51,000	52,000	53,000
Administrative	20,500	25,600	20,500
Loan Interest	84,000	84,000	80,543
Depreciation	137,750	137,750	137,750
Other Expenses	19,873	59,818	68,894
Transfers Out	34,809	34,809	34,809
Total Expenditures	1,066,401	1,007,385	1,026,059
Add Back Depreciation	137,750	137,750	137,750
Unrestricted Net Position (Deficit) June 30	(\$4,462,469)	(\$4,129,104)	(\$3,814,413)
FIBERNET			
	3rd year of Deficit Elimination Plan	4th year of Deficit Elimination Plan	5th year of Deficit Elimination Plan
	FY2021	FY2022	FY2023
Current Assets - Current Liab. (Deficit)-not including accrued interest-July 1	(\$145,433)	(\$32,084)	\$301,281
Revenues	1,042,000	1,203,000	1,203,000
Expenditures	(1,066,401)	(1,007,385)	(1,026,059)
Add Back Depreciation	137,750	137,750	137,750
Current Assets - Current Liab. (Deficit)-not including accrued interest-June 30	(\$32,084)	\$301,281	\$615,972

BE IT FURTHER RESOLVED that the City of Marshall's Interim 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 15th day of March, 2021.

Trisha Nelson, City Clerk

Date

FIBERNET

	3rd year of Deficit Elimination Plan	4th year of Deficit Elimination Plan	5th year of Deficit Elimination Plan
	FY2021	FY2022	FY2023
Unrestricted Net Position (Deficit) July 1	(4,575,818)	(4,462,469)	(4,129,104)
Revenue			
Residential Sales	862,827	995,000	995,000
Commercial Sales	161,148	173,000	173,000
Penalties Income	18,025	35,000	35,000
Interest	0	0	0
Miscellaneous Revenue	0	0	0
Total Revenue	1,042,000	1,203,000	1,203,000
Expenditures			
Salaries and Fringes	347,539	326,020	338,752
Material and Supplies/Rent	80,570	70,288	70,369
Contracted Services	285,360	212,000	216,240
Insurance	5,000	5,100	5,202
Maintenance	51,000	52,000	53,000
Administrative	20,500	25,600	20,500
Loan Interest	84,000	84,000	80,543
Depreciation	137,750	137,750	137,750
Other Expenses	19,873	59,818	68,894
Transfers Out	34,809	34,809	34,809
Total Expenditures	1,066,401	1,007,385	1,026,059
Add Back Depreciation	137,750	137,750	137,750
Unrestricted Net Position (Deficit) June 30	(\$4,462,469)	(\$4,129,104)	(\$3,814,413)

	3rd year of Deficit Elimination Plan	4th year of Deficit Elimination Plan	5th year of Deficit Elimination Plan
	FY2021	FY2022	FY2023
Current Assets - Current Liab. (Deficit)-not including accrued interest-July 1	(\$145,433)	(\$32,084)	\$301,281
Revenues	1,042,000	1,203,000	1,203,000
Expenditures	(1,066,401)	(1,007,385)	(1,026,059)
Add Back Depreciation	137,750	137,750	137,750
Current Assets - Current Liab. (Deficit)-not including accrued interest-June 30	(\$32,084)	\$301,281	\$615,972



ADMINISTRATIVE REPORT
March 15, 2021 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members

FROM: Tom Tarkiewicz, City Manager

SUBJECT: Electric Deficit Elimination Plan

BACKGROUND: The City is in the second year of a five-year deficit elimination plan with the State of Michigan Department of Treasury. On January 4, 2021, the City received notice that the State intended to withhold State Revenue-Sharing Payments unless a deficit elimination plan was submitted to remedy the deficit at the end of the five-year period. The State will continue to send this notice annually until the deficit is resolved.

The plan outlined in the resolution shows years three through five for the Electric Fund with FY2021 showing the estimate for this fiscal year as well as projected budgets for the next two fiscal years. Please note this includes a rate increase that has yet to be approved by the City Council. This rate increase will need to be addressed at a future City Council meeting but prior to the start of the new fiscal year. The State may require the rate increase to be passed prior to the acceptance of the City's deficit elimination plan.

RECOMMENDATION: The recommendation is for City Council to approve the deficit elimination plan for the Electric Fund and to direct the Finance Department to file the plan with the Michigan Department of Treasury.

FISCAL EFFECTS: None

ALTERNATIVES: As suggested by Council.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Tom Tarkiewicz".

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 **Electric Fund** has an unrestricted net position deficit of \$2,973,470 on June 30, 2020; 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, this is the second year of a five year deficit elimination plan with the Michigan Department of Treasury; and

NOW THEREFORE BE IT RESOLVED, that the plan includes 21% rate increases and 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 be executed as soon as possible;

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

ELECTRIC			
	3rd year of Deficit Elimination Plan	4th year of Deficit Elimination Plan	5th year of Deficit Elimination Plan
	FY2021	FY2022	FY2023
Unrestricted Net Position (Deficit) July 1	(2,973,470)	(4,464,040)	(1,540,454)
Revenue			
Charges for Services	60,000	60,000	60,000
Residential Sales	3,650,000	4,186,496	4,126,433
Commercial Sales	3,800,000	3,976,955	3,899,527
Commercial Sales Marihuana	1,030,000	3,063,613	3,025,319
Industrial Sales	3,400,000	4,787,104	4,700,165
Street & Highway Lighting	63,000	56,776	56,707
Security & Resort Lighting	49,614	54,000	54,000
Government Sales	578,000	699,380	699,380
Penalties Income	64,105	64,105	64,105
Interest	58,337	20,000	20,000
Rents	6,401	6,401	6,401
Miscellaneous Revenue	104,381	101,281	101,281
Total Revenue	12,863,838	17,076,111	16,813,318
Expenditures			
Salaries and Fringes	3,327,694	2,959,405	3,023,688
Material and Supplies	117,784	343,401	353,703
Purchased Power	9,000,000	9,179,159	9,130,738
Contracted Services	399,120	379,852	379,852
Insurance	42,973	56,000	57,680
Other Services and Charges	477,637	442,733	442,733
Bond Interest	164,650	189,200	189,628
Depreciation	396,536	396,536	408,432
Transfers Out	824,550	602,775	620,858
Total Expenditures	14,750,944	14,549,061	14,607,312
Add Back Depreciation	396,536	396,536	408,432
Unrestricted Net Position (Deficit) June 30	(\$4,464,040)	(\$1,540,454)	\$1,073,984
ELECTRIC			
	3rd year of Deficit Elimination Plan	4th year of Deficit Elimination Plan	5th year of Deficit Elimination Plan
	FY2021	FY2022	FY2023
Current Assets - Current Liab. (Deficit)-not including accrued interest-July 1	(\$2,571,693)	(\$4,062,263)	(\$1,138,677)
Revenues	12,863,838	17,076,111	16,813,318
Expenditures	(14,750,944)	(14,549,061)	(14,607,312)
Add Back Depreciation	396,536	396,536	408,432
Current Assets - Current Liab. (Deficit)-not including accrued interest-June 30	(\$4,062,263)	(\$1,138,677)	\$1,475,761

BE IT FURTHER RESOLVED that the City of Marshall's Interim 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 15th day of March, 2021.

Trisha Nelson, City Clerk

Date

ELECTRIC

	3rd year of Deficit Elimination Plan	4th year of Deficit Elimination Plan	5th year of Deficit Elimination Plan
	FY2021	FY2022	FY2023
Unrestricted Net Position (Deficit) July 1	(2,973,470)	(4,464,040)	(1,540,454)
Revenue			
Charges for Services	60,000	60,000	60,000
Residential Sales	3,650,000	4,186,496	4,126,433
Commercial Sales	3,800,000	3,976,955	3,899,527
Commercial Sales Marihuana	1,030,000	3,063,613	3,025,319
Industrial Sales	3,400,000	4,787,104	4,700,165
Street & Highway Lighting	63,000	56,776	56,707
Security & Resort Lighting	49,614	54,000	54,000
Government Sales	578,000	699,380	699,380
Penalties Income	64,105	64,105	64,105
Interest	58,337	20,000	20,000
Rents	6,401	6,401	6,401
Miscellaneous Revenue	104,381	101,281	101,281
Total Revenue	12,863,838	17,076,111	16,813,318
Expenditures			
Salaries and Fringes	3,327,694	2,959,405	3,023,688
Material and Supplies	117,784	343,401	353,703
Purchased Power	9,000,000	9,179,159	9,130,738
Contracted Services	399,120	379,852	379,852
Insurance	42,973	56,000	57,680
Other Services and Charges	477,637	442,733	442,733
Bond Interest	164,650	189,200	189,628
Depreciation	396,536	396,536	408,432
Transfers Out	824,550	602,775	620,858
Total Expenditures	14,750,944	14,549,061	14,607,312
Add Back Depreciation	396,536	396,536	408,432
Unrestricted Net Position (Deficit) June 30	(\$4,464,040)	(\$1,540,454)	\$1,073,984

	3rd year of Deficit Elimination Plan	4th year of Deficit Elimination Plan	5th year of Deficit Elimination Plan
	FY2021	FY2022	FY2023
Current Assets - Current Liab. (Deficit)-not including accrued interest-July 1	(\$2,571,693)	(\$4,062,263)	(\$1,138,677)
Revenues	12,863,838	17,076,111	16,813,318
Expenditures	(14,750,944)	(14,549,061)	(14,607,312)
Add Back Depreciation	396,536	396,536	408,432
Current Assets - Current Liab. (Deficit)-not including accrued interest-June 30	(\$4,062,263)	(\$1,138,677)	\$1,475,761



ADMINISTRATIVE REPORT

March 15, 2021 – CITY COUNCIL MEETING

TO: Mayor and Council Members
FROM: Marguerite Davenport, Director of Public Services
Tom Tarkiewicz, City Manager
SUBJECT: 2021 Street Improvements #1 Construction Bids

BACKGROUND: The residents of Marshall voted to approve a \$4.75 million Street Improvement Bond Proposal in November of 2020. City staff established a list of streets for improvement in summer and fall of 2020. Between now and the passing of the bond, the plan for each year of construction has been continuously reviewed and increasingly detailed. City staff propose to mill and resurface five (5) miles of street under the first of two projects to be bid this year. This contract includes improvements to sidewalk and ADA ramps, replacement of damaged curb, replacement of select manhole covers, repairs to damaged storm sewer catch basins, and adjustment to all manholes within the proposed new pavement.

Four bids were received as follows:

Contractor	City	Bid Price
Michigan Paving & Materials	Jackson	\$ 953,143.00
Lakeland Asphalt	Battle Creek	\$ 990,631.50
Reith Riley	Kalamazoo	\$ 1,074,026.20
Capital Asphalt	Lansing	\$ 1,144,886.20

Included with this report is a map of the streets to be milled and resurfaced as part street improvements #1 and a detailed bid tabulation for the four bids received. When establishing the streets to be repaired this year several factors went into the decision process including underground infrastructure needs, 3rd party utility provider planned projects, geographically balancing the work throughout town, and maintaining traffic and accessibility during construction. Michigan Paving and Materials provided several references, both municipal and state organizations, and all inquiries returned favorable comments.

RECOMMENDATION: It is recommended that the Council accept the bid of Michigan Paving & Materials of Jackson for the 2021 Street Improvements #1 in the amount of \$951,143.00 with an additional contingency of \$98,857 for a total funded amount of \$1,050,000.

FISCAL EFFECTS: This will be expensed out of the Street Millage Fund Contracted Services line item 204-441-820.00.

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 the Council.

Respectfully submitted,

Marguerite Davenport
Director of Public Services

Tom Tarkiewicz
City Manager

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