



**MARSHALL CITY COUNCIL
WORK SESSION AGENDA
Monday October 4, 2021
6:00 PM
City Hall Training Room**

A. Power Supply Options

Pam Sullivan, MSCPA Interim General Manager & AMP Vice President - COO will present the City's future electric needs and options.

B. Other items

C. Future Work Sessions

Social District	6:00 PM	November 1 st
FY 2023 Budget parameters	6:00 PM	November 15 th
Water & Wastewater Rates	6:00 PM	December 6 th
Event Cost reimbursement	6:00 PM	January 18 th
DPW & Parks Staff analysis	6:00 PM	February 7 th
FERC Hydroelectric relicensing	6:00 PM	February 22 nd

D. Future topics

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

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MARSHALL CITY COUNCIL AGENDA

Monday – 7:00 P.M.

October 4, 2021

- 1) **CALL TO ORDER**
- 2) **ROLL CALL**
- 3) **INVOCATION** – Brandon Crawford, Grace Baptist 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. Motorpool Purchases – DPW Toolcat and Wacker Mini Loader

City Council will consider the recommendation to approve the purchase of one (1) Bobcat Toolcat 5600, including a Bobcat Brushcat rotary cutter for a total of \$63,066.23 from Carleton Equipment of Kalamazoo, MI and one (1) Wacker Neuson Wheeled Articulating Loader WL32, including a bucket and broom for a total of \$67,888.33 from Frederickson Supply.

B. Transformer Purchase for Michigan Pure Med Expansion

City Council will consider the recommendation to approve the purchase of one (1) 2000 KVA pad mount transformer from Sunbelt Solomon, located in Solomon, Kansas in the amount of \$38,660.00.

C. BorgWarner Termination of Reversion Rights

City Council will consider the recommendation to authorize the City Clerk to endorse the Termination of Reversion Rights with BorgWarner Thermal Systems of Michigan Inc.

D. Use of 116 S. Fountain by A & A Training & Testing LLC

City Council will consider the recommendation to approve the use of 116 S. Fountain Street by A & A Training and Testing LLC and authorize the City Clerk to sign the agreement.

E. City Council Minutes

Regular Session..... Monday, September 20, 2021
 Special Session Tuesday, September 21, 2021

F. City Bills

Regular Purchases \$ 248,646.66
 Weekly Purchases –9/17/21..... \$ 986,907.45
 Weekly Purchases –9/24/21..... \$ 333,104.47
Total..... \$ 1,568,658.58

Mayor:

Joe Caron

Council Members:

Ward 1 - Scott Wolfersberger

Ward 2 - Jim Schwartz

Ward 3 - Jacob Gates

Ward 4 - Jen Rice

Ward 5 - Ryan Underhill

At-Large - Ryan Traver



8) PRESENTATIONS AND RECOGNITIONS

A. Norfolk Homes Development Update

Norfolk Homes will present plans for development of the Emerald Hills project.

9) INFORMATIONAL ITEMS

10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Obsolete Property Rehabilitation (OPRA) District

City Council will consider the recommendation to approve the request for the creation of an OPRA District at 105 West Michigan Avenue.

11) OLD BUSINESS

12) REPORTS AND RECOMMENDATIONS

A. Schedule Public Hearing for Obsolete Property Rehabilitation (OPRA) Exemption

City Council will consider the recommendation to schedule a public hearing for Monday, October 18, 2021 to consider the request for a 12-year OPRA exemption for the rear portion of the second floor of the building located at 105 West Michigan Avenue.

B. Norfolk Homes v City of Marshall et. al., No.2021-002218-CH

City Council will consider the recommendation to approve the Consent Judgement in substantial form and related Stipulation to be signed by the City Attorney.

C. 316 South Linden

City Council will consider the recommendation to authorize litigation to abate any nuisance and effectuate clean-up of the fire-damaged property at 316 South Linden and take lawful measures to effectuate same.

13) APPOINTMENTS / ELECTIONS

A. South Neighborhood Improvement Authority Board

City Council will consider the recommendation to approve the reappointment of Matt Davis to the South NIA with a term expiring December 31, 2024.

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,

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

Tom Tarkiewicz
City Manager

October 4, 2021

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ADMINISTRATIVE REPORT
October 4, 2021 - CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

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

SUBJECT: Motor pool Purchases – DPW Toolcat and Wacker Mini Loader

BACKGROUND: For the 2022 fiscal year, Motor pool is scheduled to purchase two pieces of equipment vital to the success of the Department of Public Works. The first is a replacement of the 2009 Bobcat Toolcat 5600. This unit is used in all seasons for various tasks with the most prominent including brush pickup, leaf pickup, cemetery, and parking lot snow removal. The second unit scheduled for replacement is a 2002 Case 60XT skid steer. This unit's usefulness has decreased over the last several years and the Department of Public Works is proposing to replace it with a Wacker Neuson Wheeled Articulating Loader.

The Toolcat is an updated version of the unit it is replacing. To increase the utility of this unit Motor pool is proposing to purchase a 60" Brush Cat rotary cutter. The city had a PTO driven brush hog a couple years ago that was used with a tractor operated by the recreation department. Unfortunately, the tractor was not sized appropriately for the brush hog and as it aged the effectiveness of the implement waned. The tractor and implement were sold in 2020. Over the past two seasons, DPW has rented a brush hog to complete annual roadside mowing. The electric department has extended this rental another week or two to complete mowing under its responsibility. The total rental expenses for the last two seasons were approximately \$3,400 across all departments. The rotary cutter will fit the proposed Wacker Loader as well.



The Wacker Loader unit will be purchased with a narrow tire package, bucket, and industrial broom. The smaller, wheeled unit partnered with these attachments will allow it to be greatly utilized over its replacement skid steer unit and the snow removal implement for sidewalks. One of the major goals specified for this unit was snow removal on sidewalks. The John Deere 1575 (2015 with purchase price of \$38,600) unit pegged for this use has proven to be too light. Specifically, the broom sourced with John Deere has required replacement components totaling \$1,500 every two years because the arm was not as industrial as promised. Often this component breaks in the middle of snow season resulting in a week of downtime. Furthermore, the bucket purchased will be compatible with the proposed Toolcat resulting in continued versatility in the fleet.

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The sum of the proposed purchases above, including implements, is \$130,954.56. The amount budgeted for these two units in the Motor pool Capital line item is \$127,808. The DPW will offset the overage through absorption in this year's budget.

The Wacker Neuson unit is priced under the Sourcewell Cooperative Contract. Sourcewell is similar to MiDeal in that all the contracts are competitively bid and membership is limited to government, schools and select non-profits. The equipment and implement pricing have been verified to match the State of Michigan MiDeal program. The Wacker Neuson unit is priced under the Sourcewell Cooperative Contract.

RECOMMENDATION: It is recommended Council approve the purchase of (1) Bobcat Toolcat 5600, including a Bobcat Brushcat rotary cutter for a total of \$ \$63,066.23 from Carleton Equipment in Kalamazoo and (1) Wacker Neuson Wheeled Articulating Loader WL32, including a bucket and broom for a total of \$67,888.33 from Frederickson Supply in Grand Rapids.

FISCAL EFFECTS: A total amount of \$130,954.56 will be expensed from the Motor pool Capital Line Item 661-898-970.00. Upon approval of these purchases, a journal entry will be made from the Streets budget to the Motor pool Capital Line Item to account for the \$3,146.56 overage from budget.

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

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

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Marguerite Davenport
Director of Public Services

Phil Smith
DPW Superintendent

Christy Ramey
Purchasing Agent

Tom Tarkiewicz
City Manager



ADMINISTRATIVE REPORT
October 4, 2021- CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and Council Members

FROM: Christy Ramey, Purchasing Agent
 Tom Tarkiewicz, City Manager

SUBJECT: Transformer purchase for expansion of Michigan Pure Med; Marijuana Grow Facility

BACKGROUND: Michigan Pure Med, the largest marijuana grow facility in Marshall, located at 11300 17 Mile Road, is planning the expansion of their facility. The electrical requirement to support this expansion is a 2000 KVA pad mount transformer. A request for bids was issued and the following bids were received on September 28, 2021:

2000 KVA Pad Mount Transformer				
Company	Bid Amount	Lead Time	Warranty	Conforms to Specs
Border States; Howard Transformer	\$63,552.94	10-12 weeks	12 Months	Yes
Power Line Supply; Howard Transformer	\$62,085.00	10-12 weeks	12 Months	Yes
Paradoxe Corp; Rymel Transformer	\$52,972.00	15-17 weeks	12 Months	Yes
Resco Supply; Ermco Transformer	\$52,805.00	42-44 weeks	24 Months	No
Graybar Electric; Schneider Electric	\$51,639.00	20 weeks	18 months	Yes
Jerry's Electric; Remanufactured	\$46,310.00	5-6 weeks	36 months	Yes
Sunbelt Solomon; Remanufactured	\$38,660.00	16-18 weeks	36 months	Yes
Shinseong E&T (Korea); SETI Transformer	\$33,027.00	20 weeks	18 months	Yes

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RECOMMENDATION: Staff recommends that Council approve the purchase of one (1) 2000 KVA pad mount transformer from Sunbelt Solomon, located in Solomon, Kansas in the amount of \$38,660.00.

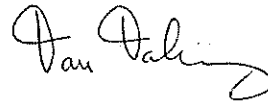
FISCAL EFFECTS: The expenditure will be funded by the Electric Department capital outlay fund, 582-900-970 which as an available budget of \$200,000 for the current fiscal year.

ALTERNATIVES: As suggested by City Council.

Respectfully Submitted,



Christy Ramey
Purchasing Agent



Tom Tarkiewicz
City Manager



ADMINISTRATIVE REPORT
October 4, 2021 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members

FROM: Tom Tarkiewicz, City Manager

SUBJECT: Termination of Reversion Rights Borg Warner Thermal Systems of Michigan Inc.

BACKGROUND: In 2000, the City sold a parcel in the Brooks Industrial Park to Borg Warner Cooling Systems of Michigan Inc. The agreement had a Reversion Rights clause which was never released. Attached is a Termination of Reversion Rights agreement. This release is needed so Borg Warner Thermal Systems of Michigan Inc. can sell the property. City Attorney Revore has reviewed the release.

RECOMMENDATION: It is recommended that the City Council authorize the City Clerk to endorse the Termination of Reversion Rights with Borg Warner Thermal Systems of Michigan Inc.

FISCAL EFFECTS: None.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

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

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

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TERMINATION OF REVERSION RIGHTS

THIS TERMINATION OF REVERSION RIGHTS is made and entered into effective as of the ____ day of _____, 2021 by the **CITY OF MARSHALL** (the “City”), a Michigan public body corporate, the address of which is 323 W. Michigan Ave., Marshall, MI 49068.

RECITALS

On November 6, 2000, pursuant to that certain Warranty Deed recorded on November 22, 2000 in Liber 2265, Page 157 in the Office of the Calhoun County Register of Deeds (the “Deed”), the City, as grantor, conveyed its right, title, and interest in and to that certain real property more particularly described on **Exhibit A** attached hereto (the “Property”), to BorgWarner Cooling Systems of Michigan, Inc., as grantee (the “Grantee”).

Pursuant to the terms and provisions of the Deed, in the event that Grantee failed to meet certain restrictions or conditions contained in the Deed, the City retained a right of reverter, whereby the conveyance of the Property to Grantee shall be deemed null and void, and title to the Property shall revert to Grantor.

BorgWarner Thermal Systems of Michigan Inc., a Delaware corporation formerly known as BorgWarner Cooling Systems of Michigan, Inc. (i.e. the Grantee), has requested, and the City has agreed, to execute this Termination of Reversion Rights and to terminate any right of reverter the City may retain under the Deed.

ACCORDINGLY, the City acknowledges and agrees as follows:

Termination of Reversion Rights. The City hereby acknowledges that the Grantee has fully complied with all restrictions and conditions contained in the Deed, and that the right of reverter as described above, and any and all other rights of reversion or re-entry, are hereby terminated and of no further effect.

[REMAINDER OF PAGE INTENTIONALLY BLANK; SIGNATURE TO FOLLOW]

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

Land in the City of Marshall, Calhoun County, Michigan, described as follows:

Lot 3 of L. ALTA BROOKS INDUSTRIAL PARK according to the plat thereof recorded in Liber 18 of Plats, Page 11 of Calhoun County Records.

Tax Parcel ID No. 13-53-003-454-00

Commonly known as: 1507 S Kalamazoo Avenue, Marshall, MI 49068

State of Michigan
County of Calhoun

NOV 9 2000

I hereby certify that there are no tax liens on titles held by the State on the lands described in this instrument, and that there are no tax liens or titles held by individuals on said lands for the five years preceding the date of this instrument, as appears in my office. This certificate does not apply on taxes, if any, now in process of collection.

Ann Rosebaum Petredean
ANN ROSEBAUM PETREDEAN, Calhoun County Treasurer

STATE OF MICHIGAN
REAL ESTATE
TRANSFER TAX
Calhoun 22 NOV 2000 25361
\$ 35.20-CO
\$ 240.00-ST
#100025841

STATE OF MICHIGAN
CALHOUN COUNTY
RECORDED

22 NOV 2000 2:09:03 PM

ANNE P. NORLANDER
CLERK - REGISTER OF DEEDS

LIBER 2265 PAGE 157

WARRANTY DEED

The Grantor, the CITY OF MARSHALL, a Michigan municipal corporation, whose address is 323 West Michigan Avenue, Marshall, MI 49068, conveys and warrants to the Grantee, BorgWarner Cooling Systems of Michigan, Inc., whose address is 19218 B Drive South, Marshall, Michigan 49068, the following described premises situated in the City of Marshall, County of Calhoun and State of Michigan:

Land situated in the City of Marshall, County of Calhoun, State of Michigan described as follows:

Lot 3, L. Alta Brooks Industrial Park, Liber 18 of Plats, Page 11, Calhoun County Records.

Reserving unto grantor the following easements for public utilities (including, but not limited to the utilities listed below):

Electric Easement

The west 30 feet of Lot 3, L. Alta Brooks Industrial Park, Liber 18 of Plats, Page 11, Calhoun County Records.

Water and Sewer Easement

The east 25 feet of Lot 3, L. Alta Brooks Industrial Park, Liber 18 of Plats, Page 11, Calhoun County Records.

#13-53-003-454-00

The consideration for this conveyance is Six Thousand and 00/100 (\$6,000.00) Dollars per acre, with the total consideration being Thirty-One Thousand Eight Hundred Sixty and No/100 Dollars (\$31,860.00).

This property hereby conveyed is subject to the restrictions set forth in an instrument recorded in Liber 1637, Page 640, Calhoun County Records, notwithstanding the fact that the instrument applies the restrictions to other properties within the L. Alta Brooks Industrial Park #1 in L. Alta Brooks Industrial Park #2. Conveyance is also made subject to the following conditions: not later than February 5, 2001, Grantee shall obtain all necessary building permits and commence construction in accordance with the approved plans and specifications and shall complete construction not later than June 1, 2002 (as may be extended due to the force majeure as provided for in paragraph VIII of the Purchase and Sale Agreement).

Time is of the essence of the above restrictions and conditions and is part of the consideration for this conveyance. Failure to meet any one of the said restrictions or conditions shall be deemed a violation of the restrictions and conditions and a failure of consideration and shall permit the Grantor to record the attached notice of Reversion, whereupon this conveyance shall be void and of no effect and title to said above-described property and all improvements thereon shall revert to Grantor. The failure to record the Notice of Reversion following any default shall not be deemed a waiver of such default and Grantor shall be entitled to record the Notice of Reversion at any time. No agreement pertaining to such restrictions shall be enforceable unless in writing signed by the Grantor.

This conveyance is subject to conditions, restrictions, easements and limitations of record.

The Grantor reserves unto itself the right to make the maximum allowable number of divisions under Section 108 of the Land Division Act, Act 288 of the Public Acts of 1967.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other

1475 4- 665 2 287.20

associated conditions may be used and are protected by the Michigan right to farm act.

Dated this 6th day of November, 2000.

Signed in presence of:

Signed by:

CITY OF MARSHALL, a Michigan
Municipal Corporation

Nancy Evans
Nancy Evans

Gail M. Budrow Bradstreet
By: Gail M. Budrow-Bradstreet
Its: City Clerk

Pamala Milliron
Pamala Milliron

STATE OF MICHIGAN)
)ss:
COUNTY OF Calhoun)

The foregoing instrument was acknowledged before me this 6th day of November, 2000, by Gail M. Budrow-Bradstreet, the City Clerk of the City of Marshall, on behalf of said City, by authority of the City Council.

Cassandra K. Heitzold
Cassandra K. Heitzold, Notary Public
Calhoun County, Michigan
My Commission Expires: 10-6-2001

Parcel's Tax I.D. Number: 13-53-003-454-00
Parcel's Site Address: 1507 South Kalamazoo Avenue
Mailing Address of Buyer: 19248 B Drive South, Marshall, Michigan 49068

Drafted By:
Thomas G. King
KREIS, ENDERLE,
CALLANDER & HUDGINS, P.C.
One Moorsbridge, P.O. Box 4010
Kalamazoo, MI 49003-4010

When Recorded Return To:
Thomas Tarkiewicz
Director of Infrastructure & Utilities
CITY OF MARSHALL
323 West Michigan Ave.
Marshall, MI 49068

NOTICE OF REVERSION

Notice is hereby given that the City of Marshall, whose address is 323 West Michigan Avenue, Marshall, Michigan 49068, hereby claims, by right of reverter, to be the owner in fee of the following described premises in the City of Marshall, County of Calhoun and State of Michigan, to wit:

Land situated in the City of Marshall, County of Calhoun, State of Michigan described as follows:

Lot 3, L. Alta Brooks Industrial Park, Liber 18 of Plats, Page 11, Calhoun County Records.

This claim arises out of the provisions of Warranty Deed dated _____ and recorded in Liber _____, Page _____ on _____, 2000, Calhoun County Records given by the City of Marshall to BorgWarner Cooling Systems of Michigan, Inc., whose address is 19218 B Drive South, Marshall, Michigan 49068. Specifically, the Deed provides that, if Grantee, on or before February 5, 2001, shall not have commenced construction with regard to an industrial building on the above-described premises or shall not have completed construction of said industrial building on or before June 1, 2002, upon filing of the Notice of Reversion, the title to the premises shall revert to Grantor. This notice is being recorded for the purposes set forth in said Deed dated this ____ day of _____, 2000.

Signed in presence of:

Signed by:

CITY OF MARSHALL, a Michigan
Municipal Corporation

By: _____
Its: Clerk

STATE OF MICHIGAN)
)ss:

COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2000, by _____, the Clerk of the City of Marshall, on behalf of said City, by authority of the City Council.

LIBER 2265 PAGE 160

_____, Notary Public

_____, County, Michigan

My Commission Expires: _____

Drafted By:
Thomas G. King
KREIS, ENDERLE,
CALLANDER & HUDGINS, P.C.
One Moorsbridge, P.O. Box 4010
Kalamazoo, MI 49003-4010

When Recorded Return To:

Clerk
CITY OF MARSHALL
323 West Michigan Ave.
Marshall, MI 49068



ADMINISTRATIVE REPORT
October 4, 2021 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members

FROM: Marguerite Davenport, Dir of Public Services
Tom Tarkiewicz, City Manager

SUBJECT: A&A Training and Testing LLC use of 116 S Fountain Street

BACKGROUND: The City of Marshall has been approached by A&A Training of Testing LLC out of Michigan Center, Michigan for the use of city-owned property located at 116 South Fountain Street. The company is owned by Ms. Sandra McCormick who is certified in motor vehicle operation and testing. A&A works with the City of Marshall for CDL Testing in the Departments of Public Works, Dial-A-Ride Transit, and Electric. The company will use this site to conduct tests throughout the week based on local demand.

Legal counsel has reviewed and approved the attached agreement.

RECOMMENDATION: Staff recommend approval of the use of 116 S Fountain Street by A&A Training and Testing LLC and authorization for the clerk to sign the attached agreement.

FISCAL EFFECTS: None.

ALTERNATIVES: As suggested by Council

Respectfully submitted,

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

Tom Tarkiewicz
City Manager

A handwritten signature in blue ink, appearing to read "Marguerite Davenport".

Marguerite Davenport
Director of Public Services

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Marshall, MI 49068

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A & A Training and Testing LLC
Sandra A. McCormick (owner)
590 Round Lake Dr.
Michigan Center Mi. 49254
Office #517.783.2165
Cell# 517.206.6344

Marguerite Davenport (City of Marshall)
Property located on 116 S. Fountain St.
Marshall Mi. 49068

September 22, 2021

Marguerite Davenport authorizes A & A Training and Testing to utilize the parking lot at 116 S. Fountain St. Marshall, Michigan 49068 to perform Auto, CDL and Motorcycle testing under the following conditions:

1. This Agreement between A & A Training and Testing LLC and Sandra A. McCormick (owner) and the City of Marshall is continuous until terminated by either party with a 30 day written notice, unless a shorter time period is required by the City for emergency operations.
2. A & A Training and Testing assumes their own Liability Insurance and will provide evidence of insurance. A & A Training and Testing shall provide that the City of Marshall as an additional insured within the insurance policy of A & A Training and Testing LLC.
3. A & A Training and Testing will not discriminate against any applicant seeking a driver license skills test because of his or her race, religion, color, national origin, age (40 or older), sex, (including pregnancy, sexual orientation, or gender identity), disability, age, or genetic information (including family medical history) height, weight, marital status, mental disability that is unrelated to the individual's ability to operate a motor vehicle.
4. A & A Training and Testing LLC and Sandra A. McCormick (owner) agree and state that their employees, agents, volunteers, guests and those under the supervision and control of A & A Training and Testing LLC are not employees nor agents of the City of Marshall and further agrees that the City of Marshall does not nor will not confer any employee-type, compensation nor any insurance benefit of any kind upon A & A Training and Testing LLC nor its employees, agents, volunteers, guests and those under their supervision and control.
5. A & A Training and Testing LLC and Sandra A. McCormick (owner) agree to the GENERAL WAIVER OF LIABILITY, form attached.

Trisha Nelson Signature: _____

Print Name: _____

A&A Training and Testing Owner Signature: _____

Print Name: Sandra A McCormick

GENERAL WAIVER OF LIABILITY

RELEASER NAME
RELEASER DATE OF BIRTH
RELEASER PHONE
RELEASER ADDRESS
RELEASER ACTIVITIES PERFORMED:

WAIVER OF PHYSICAL DAMAGE OR PERSONAL INJURY

IN CONSIDERATION OF ACCEPTING THIS ACTIVITY THE RELEASER, INTENDED TO BE LEGALLY BOUND FOR THEMSELVES AND THEIR AGENTS, EMPLOYEES, VOLUNTEERS, GUESTS, LICENSEES, HEIRS, EXECUTORS AND ADMINISTRATORS, WAIVE AND RELEASE ANY AND ALL RIGHTS AND CLAIMS FOR ANY INJURIES AND DAMAGES THEY MAY HAVE AGAINST THE AAA Training and Testing ITS OFFICIALS, AND THE REPRESENTATIVES SUCCESSORS AND ASSIGNS FOR ANY AND ALL INJURIES OR DAMAGES SUFFERED IN THE CONNECTION WITH THE ACTIVITY OF

Auto Motorcycle and CDL Testing

I, THE UNDERSIGNED, HAVE READ THIS WAIVER OF LIABILITY, FULLY UNDERSTAND ITS TERMS, UNDERSTAND THAT I HAVE GIVEN UP SUBSTANTIAL RIGHTS BY SIGNING IT, AND HAVE SIGNED IT FREELY AND VOLUNTARILY WITHOUT ANY INDUCEMENT, ASSURANCE, OR GUARANTEE BEING MADE TO ME AND INTEND MY SIGNATURE TO BE A COMPLETE AND UNCONDITIONAL RELEASE OF ALL LIABILITY TO THE GREATEST EXTENT ALLOWED BY LAW.

RELEASER SIGNATURE DATE
Sandra A. McCas 9-27-2021

WITNESS SIGNATURE DATE
Susan Sloan 9.27.2021

CALL TO ORDER

IN REGULAR SESSION, Monday, September 20, 2021 at 7:00 P.M., in the Council Chambers of City Hall, 323 West Michigan Avenue, Marshall, MI 49068. City Council was called to order by Mayor Caron.

ROLL CALL

Roll was called:

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

Also Present: Director of Community Services Eric Zuzga and Clerk Nelson.

Absent: Council Member Schwartz.

Moved Wolfersberger, supported Gates, to excuse the absence of Council Member Schwartz. On a voice vote – **MOTION CARRIED.**

INVOCATION/PLEDGE OF ALLEGIANCE

Kris Tarkiewicz of Family Bible Church gave the invocation and Mayor Caron led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Wolfersberger, supported Traver, to approve the agenda with moving item 7D - METRO Act Permit Application from the Consent Agenda to item 12C for further discussion. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

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

- A. Schedule a public hearing for Monday, October 4, 2021 to consider adoption of the resolution which would create an OPRA District for the property located at 105 West Michigan Avenue;
- B. Approve the purchase of a new DART bus from Hoekstra Transportation in an amount not to exceed \$87,867.00;
- C. Approve the purchase of one (1) Ford Explorer-Interceptor for a total of \$40,777 from Gorno Ford, Woodhaven, MI, who is the MiDeal awarded dealership;
- D. Minutes of the City Regular Session held on Monday, August 16, 2021 and Special Session held on Monday, August 30, 2021;
- E. Approve city bills in the amount of \$3,291,185.65.

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

PRESENTATIONS AND RECOGNITION

Public Safety Director Scott McDonald, Fire Chief Erskine, and Police Chief Lanker recognized various Marshall Fire Fighters and Police Officers.

INFORMATIONAL ITEMS

A. Event Report – Skeleton Fest:

Moved Underhill, supported Gates, to approve the closing of the parking lot at the SW corner of Hamilton Street and Michigan Avenue on Saturday, September 25, 2021 from 1:00 p.m. to 10:00 p.m. On a voice vote – **MOTION CARRIED.**

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

None.

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Special Land Use #SLU21.02 for 205 W. Oliver Drive:

Moved Wolfersberger, supported Traver, to approve Special Land Use Application #SLU21.02 for Gen Two Solutions, LLC for 205 W. Oliver Drive. On a voice vote – **MOTION CARRIED.**

B. Michigan Gas Utility Easement:

Moved Traver, supported Gates, to approve the additional easements for parcel 15-311-015-00, in substantial form, and authorize the City Clerk to sign the documents. On a voice vote – **MOTION CARRIED.**

C. METRO Act Permit Application – ACD.net:

Moved Gates, supported Underhill, to approve the METRO Act Unilateral Permit, in substantial form, for ACD.net for a period of five years. On a voice vote – ayes: 5; nays: 1. **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

A. Downtown Development Authority/Local Development Finance Authority:

Moved Traver, supported Wolfersberger, to approve the reappointment of Mike Beck and Jason LaForge to the DDA/LDFA with terms expiring September 15, 2025. On a

voice vote: **MOTION CARRIED.**

B. South Neighborhood Improvement Authority Board:

Moved Gates, supported Underhill, to approve the reappointment of Lucy Blair to the South NIA with a term expiring December 31, 2024. On a voice vote – **MOTION CARRIED.**

C. Northeast Neighborhood Improvement Authority:

Moved Wolfersberger, supported Rice, to approve the reappointment of Lucy Blair and David DeGraw to the Northeast NIA with terms expiring December 31, 2024. On a voice vote – **MOTION CARRIED.**

D. Airport Board:

Moved Gates, supported Underhill, to approve the reappointment of Steve Buller to the Airport Board with a term expiring October 1, 2024. On a voice vote – **MOTION CARRIED.**

E. Parks and Recreation Board:

Moved Underhill, supported Wolfersberger, to approve the reappointment of Gerald Underhill to the Parks and Recreation Board with a term expiring July 1, 2024. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON NON-AGENDA ITEMS

Barry Wayne Adams of 622 W. Green commented regarding his experience paying property taxes. The finance department would not allow him to sign over a check to the city that was made out to him. He feels this was not right and was made to jump through hoops.

Justin Dahlenburger of Grand River Brewery apologized for October Fest and the lack of coordination. His staff has been property trained and assured the city this would not happen again.

Steve Meyer, Lead lineman for the City, publicly stated how lucky the city is for the electric line crew and how he feels they deserve more.

CLOSED SESSION

Closed Session #1:

Moved Wolfersberger, supported Traver, to enter in to closed session under section 8(e) of the Open Meetings Act, to consult with the City Attorney regarding trial or settlement strategy in connection with specific pending litigation, being: Norfolk

Homes v City of Marshall et. al., No. 21-2218-CH, as open session would have a detrimental financial effect on the litigating or settlement position of the public body. On a roll call vote – ayes: Gates, Rice, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

Enter in to Closed Session 8:07 p.m.

Return to Open Session 8:23 p.m.

Closed Session #2:

Moved Traver, supported Wolfersberger, to enter in to closed session under section 8(h) of the Open Meetings Act, to consider material exempt from disclosure by state statute, section 13(1)(g) of the Freedom of Information Act, being confidential attorney-client privileged written communication from its attorney dated September 20, 2021, regarding Marshall House, for the reason that the written communications are exempt from disclosure under State law due to the attorney-client privilege.” On a roll call vote – ayes: Rice, Traver, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: none. **MOTION CARRIED.**

Enter in to Closed Session 8:24 p.m.

Return to Open Session 8:59 p.m.

ADJOURNMENT

The meeting was adjourned at 8:59 p.m.

Joe Caron, Mayor

Trisha Nelson, City Clerk

Marshall City Council, Special Session
Tuesday, September 21, 2021
Unofficial

CALL TO ORDER

IN SPECIAL SESSION held on Tuesday, September 21, 2021 at 6:00 P.M. in the Conference Room of City Hall, 323 West Michigan Avenue, Marshall, MI 49068, the Marshall City Council was called to order by Mayor Caron.

ROLL CALL

Roll was called:

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

Absent: Council Member Schwartz.

City Council met with the Michigan Municipal League to discuss the City Manager executive search process.

Joe Caron, Mayor

Trisha Nelson, Clerk

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
44637	ALEXANDER CHEMICAL CORP	CHLORINE GAS FOR WTP	2022.074	630.00
91587	ALL-TRONICS INC	SEMI ANNUAL MONITORING 10/01/21-03/31/20		120.00
91611	ALL-TRONICS INC	PSB FOBS		160.00
1PRX-4VFR-MVWN	AMAZON CAPITAL SERVICE:ACCT	ALP4GM99HG1E02 - CHAIR MATS		47.88
1F4R-NYGL-3696	AMAZON CAPITAL SERVICE:ACCT	ALP4GM99HG1E02 - PARTITION HANGER		7.80
2416	ARCTECH PRECISION WELD FABRICATE	3 SMALL/3 LARGE VALVE TOOLS		492.00
02250483008	AUTO VALUE MARSHALL	CREDIT MEMO		(11.89)
02250483009	AUTO VALUE MARSHALL	TRAILER BALL		24.89
02250482993	AUTO VALUE MARSHALL	OIL FILTER/HITCH BALL		18.84
02250483138	AUTO VALUE MARSHALL	WING BOLTS/JE WELD		23.38
INV4354	AZTECA SYSTEMS HOLDING	TRIMBLE MOBILE FOR CITYWORKS		292.00
1000240017	BALTIC NETWORKS USA	NODE ROUTER		2,691.37
P43738849	BATTERIES PLUS BULBS	BACK-UPS		143.90
P43521304	BATTERIES PLUS BULBS	BATTERY FOR ALARM		22.95
P43738852	BATTERIES PLUS BULBS	BULBS		176.00
I-21-0830-B	BIOCLEAN TEAM INC	PACKAGE/REMOVAL/DISPOSAL INFESTED SOFA		300.00
149884	BOSHEARS FORD SALES INC	HVAC MOTOR		1,852.27
150255	BOSHEARS FORD SALES INC	SERVICE - EXPLORER		1,439.67
9123	BUD'S TOWING & AUTOMOT	TIRES/OIL CHANGE/INSPECTION		1,107.12
9113	BUD'S TOWING & AUTOMOT	DART 7 - OIL CHANGE/INSPECTION		104.14
9109	BUD'S TOWING & AUTOMOT	DART 9 - AIR FILTER/OIL FILTER/INSPECTION		113.93
121418	CARR BROTHERS & SONS	15 YDS WASHED SAND		254.55
107904	CLEANCUT	TUB CONVERTIBLE		345.00
5814580	CRYSTAL FLASH MARSHALL REC	GAS DELIVERY		694.25
228461	CUSTER WORKPLACE INTER	OFFICE FURNITURE FOR MARSHALL DIAL A RID	2022.068	9,995.00
589889	DARLING ACE HARDWARE	FLAMESTOPPER		11.99
590092	DARLING ACE HARDWARE	NUTS & BOLTS/ CLAMP/BULBS/HOSE MENDER		38.24
589733	DARLING ACE HARDWARE	HORNET SPRAY/WD40/MASKING TAPE		17.57
589899	DARLING ACE HARDWARE	CAULK/WASP SPRAY/RAKE		34.97
589541	DARLING ACE HARDWARE	KEY		2.39
589040	DARLING ACE HARDWARE	HAMMER		25.99
589734	DARLING ACE HARDWARE	CEILING FAN ORB		99.99
589809	DARLING ACE HARDWARE	SCREEN/GORILLA TAPE		34.73
MIBAT309932	FASTENAL COMPANY	RUBBERBANDS		84.38
0138834	FERGUSON WATERWORKS #3	6" MACRO		932.00
1279470	FIRST ADVANTAGE RESIDE	RESIDENT PRESCREENING		79.00
9045506186	GRAINGER	BY-PASS PUMP FITTINGS		140.73
9323307505	GRAYBAR ELECTRIC	PULLING TAPE		65.19
2127382	GRIFFIN PEST SOLUTIONS	PEST CONTROL		42.00
20210596	GRP ENGINEERING INC	2021 SYSTEM LOAD STUDY		2,766.20
20210597	GRP ENGINEERING INC	BROOKS SUBSTATION		2,000.00
20210594	GRP ENGINEERING INC	MISCELLANEOUS ENGINEERING		1,193.68
12630845	HACH COMPANY	LAB SUPPLIES		1,172.49
09012021	HERITAGE CLEANERS	LAUNDRY		191.50
16816	HOEKSTRA ROOFING COMP	REPAIRS TO LEAKS/SIDING		973.04
260	HOME PRIDE CLEANING	CLEANING - UNITS 403 & 408		246.00
3091497541	IDEXX DISTRIBUTION CORP	LAB SUPPLIES		2,503.18
C167118	IMPACT SOLUTIONS	DOOR HANGERS		246.50
09152021	ISAAC & SONS	UNIT 306 - DISENFECTENT		125.00
3774	JIMMY'S JOHNS	F. MARKET PORTAPOTTY - AUGUST		156.25
201936.10-2210852	LAWSON-FISHER ASSOCIATI	ENGINEERING FOR THE HYDRO ELECTRIC DAM R	2020.169	48,784.30
201936.20-2210563-2	LAWSON-FISHER ASSOCIATI	ENGINEERING FOR THE HYDRO ELECTRIC DAM R	2020.169	651.75
043005	LOU'S GLOVES INC	LATEX GLOVES		418.00
091701	MARSHALL HAULING	PICK UP/HAUL AWAY DEBRIS		450.00
54929864	MSC INDUSTRIAL SUPPLY	MARKING PAINT		244.32
459566	NORTH CENTRAL LABORATO	BLANKET PO FOR LABORATORY SUPPLIES	2022.031	663.50
116598	OAKLAND COMMUNITY COLL	LEVD. TECH SCHOOL		695.00
0735	OERTHERS	FOOD FOR BINGO		125.78
0737	OERTHERS	HYDRATED LIME		13.89
0734	OERTHERS	RIVER OATS/PLANTS - KPAC PROJECT		24.67
005048	OERTHERS	SP GRASS SEED		64.89
2060216	OFFICE 360	PAPER		35.99
2056539	OFFICE 360	CHAIR		398.00
2056898	OFFICE 360	PAPER		35.99
2063631	OFFICE 360	PROTECTOR SHEETS/PAPER		25.06
6618	PARRISH EXCAVATING	NEW 2" SERVICE TO 420 W. SPRUCE ST.	2022.073	9,694.45
0199279	POLLARDWATER	HYDRANT FLUSHING TOOLS	2022.059	806.64
56596130	POWER LINE SUPPLY	JUMPER SLEEVE		89.30
56596129	POWER LINE SUPPLY	DUSK TO DAWN FIXTURE		713.40
56596128	POWER LINE SUPPLY	600 AMP DISCONNECT CUTOUT		567.23
56597858	POWER LINE SUPPLY	ELECTRIC CONNECTORS		581.12
56597410	POWER LINE SUPPLY	HOODIE		215.90
56597412	POWER LINE SUPPLY	FR HOODIE		191.73
56597859	POWER LINE SUPPLY	30 AMP FUSE LINK		127.75
56596570	POWER LINE SUPPLY	WINSTON PARK LIGHT FIXTURES	2022.075	4,771.16
56593715	POWER LINE SUPPLY	2/0 AL TRIPLEX WIRE		720.00
21-1266	QUALITY EXCAVATORS, INC	DEMOLITION OF 532 CLINTON STREET	2022.077	8,100.00
159320	RIVERSIDE INTEGRATED S	EMERGENCY SYSTEM SERVICE		743.93
70813734 10/4/21 cc pack	REK PEST SOLUTIONS	BEDBUG TREATMENT		24,120.00

APPROVAL LIST FOR CITY OF MARSHALL
 EXP CHECK RUN DATES 10/07/2021 - 10/07/2021
 UNJOURNALIZED
 OPEN AND PARTIALLY PAID

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
70813344	ROSE PEST SOLUTIONS	BEDBUG TREATMENT		100.00
70808866	ROSE PEST SOLUTIONS	BEDBUG TREATMENT		1,250.00
0099519	ROWE PROFESSIONAL SERV	LOCAL STREET DESIGN AND BID DOCUMENTS	FO2021.320	1,485.00
8878-8	SHERWIN-WILLIAMS	APT 408 - FLOORING		2,542.56
6768-2	SHERWIN-WILLIAMS	APT 111 - FLOORING		2,919.30
12443	ST CROIX SENSORY INC	NASAL RANGER FIELD OLFACOMETER- AS QUOT	2022.057	4,488.89
1835935	STANTEC CONSULTING MIC	CITYWORKS IMPLEMENTATION	2021.263	4,126.61
1835934	STANTEC CONSULTING MIC	WATER AMI CONSTRUCTION ENGINEERING	2021.097	1,606.00
1835937	STANTEC CONSULTING MIC	AWIA ACT EMERGENCY RESPONSE PLAN	2022.038	416.50
1835926	STANTEC CONSULTING MIC	IPP - MAHL REVISION ASSISTANCE	2021.238	348.00
1835924	STANTEC CONSULTING MIC	CLARIFIER CONSTRUCTION SERVICES	2021.350	2,435.00
1835929	STANTEC CONSULTING MIC	CONCEPTUAL DESIGN STUDY WATER TREATMENT	2021.202	1,435.50
77311	THE INSPECTION GROUP	UPCS INSPECTION		1,650.00
5527707	TOSHIBA AMERICA BUSINE	MRLEC COPIER		51.89
INV2102784	UCL SWIFT AMERICAS	SWIFT FK4A ALL IN ONE ACIVE CLADDING ALI	2022.063	4,523.72
1620011395	UNIFIRST CORPORATION	DPW GARAGE UNIFORMS		59.71
1620011945	UNIFIRST CORPORATION	ELECTRIC UNIFORMS		159.07
1620011943	UNIFIRST CORPORATION	DPW GARAGE UNIFORMS		59.71
1620011941	UNIFIRST CORPORATION	WASTE WATER UNIFORMS		31.43
1620011947	UNIFIRST CORPORATION	WATER UNIFORMS		35.14
1620011946	UNIFIRST CORPORATION	MARSHALL HOUSE UNIFORMS		39.87
1620011944	UNIFIRST CORPORATION	POWER HOUSE UNIFORMS		52.87
1620011398	UNIFIRST CORPORATION	MARSHALL HOUSE UNIFORMS		39.87
1620011393	UNIFIRST CORPORATION	WASTE WATER UNIFORMS		31.43
1620011399	UNIFIRST CORPORATION	WATER UNIFORMS		35.14
1620011396	UNIFIRST CORPORATION	POWER HOUSE UNIFORMS		52.87
1620011397	UNIFIRST CORPORATION	ELECTRIC UNIFORMS		157.77
29252	WEST SHORE SERVICES	ANNUAL INSPECTION/MAINTENANCE OF OUTDOOR		2,025.00
82357	WESTECH ENGINEERING,	ICLARIFIER REHABILITATION EQUIPMENT	2021.253	101,106.00
GRAND TOTAL:				248,646.66

APPROVAL LIST FOR CITY OF MARSHALL
 EXP CHECK RUN DATES 09/17/2021 - 09/17/2021
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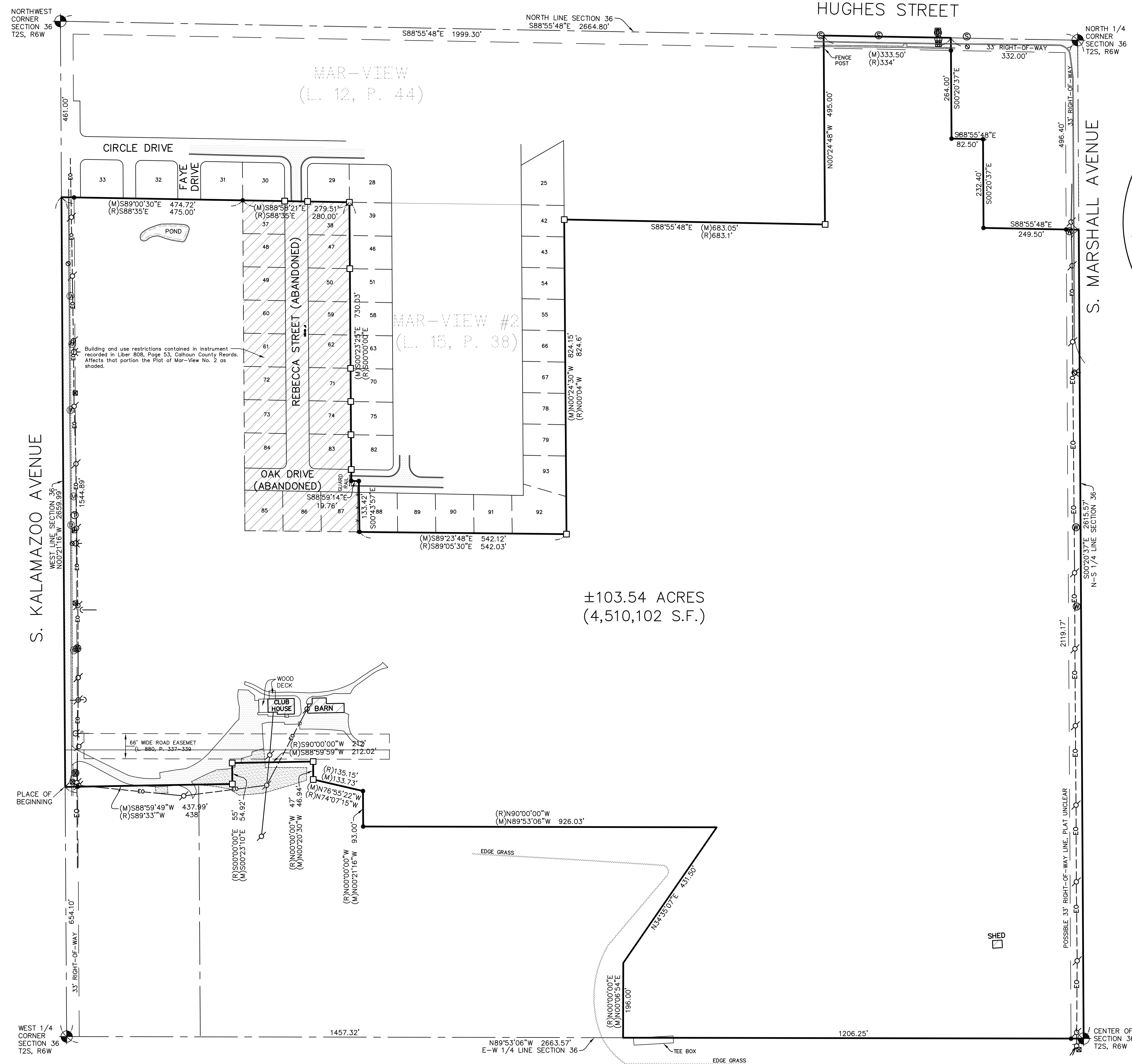
INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
383390	AD-VISOR & CHRONICLE	ADS - AUG 2021		962.80
6003	ASPEN WIRELESS	TECH SUPPORT FOR FIBERNET. \$8.75/CUSTOM	2022.012	14,341.25
269781444709-9/21	AT&T	ACCT 26978144477494		135.72
269789901109-9/21	AT&T	ACCT 26978990115991		67.03
269781907009-9/21	AT&T	ACCT 26978190705731		71.70
287290494544X91421	AT&T	ACCT 287290494544		42.54
09042021	BRONSON HEALTHCARE GRO	DRUG SCREEN/DOT PHYSICAL - DONAHUE		150.00
09132021	BUSKIRK, DIANA	RESIDENT DEPOSIT REFUND		294.00
20SUMRADVAL2	CALHOUN COUNTY TREASUR	2021 SUMMER DIST AD VALOREM 2		329,715.01
21SUMRADVAL2	CALHOUN INTERMEDIATE S	2021 SUMMER DIST AD VALOREM 2		135,786.11
315124521013546	CAPITAL ONE TRADE CRED	CREDIT ACCT 587737		115.53
09112021	CARRIS, STEVE	UNIT 211 - PAINT		450.00
09012021	CB HALL ELECTRIC COMP	AINSPCTIONS: 8/1- 8/31		900.00
09132021	CITY OF MARSHALL	PETTY CASH - WATER PUMP - DDA CART		58.29
E29094	CONSUMERS ENERGY	RETURN BOND FOR CONSUMERS #1051498766 PE		10,000.00
201896911215	CONSUMERS ENERGY	ACCT 100009163203		15.00
201540952793	CONSUMERS ENERGY	ACCT 100009163708		15.00
201540952794	CONSUMERS ENERGY	ACCT 100009163971		105.68
204477659144	CONSUMERS ENERGY	ACCT 100090336411		15.00
204655654556	CONSUMERS ENERGY	ACCT 100089211096		94.88
203765729504	CONSUMERS ENERGY	ACCT 100007594680		26.51
207057790470	CONSUMERS ENERGY	ACCT 100000335602		259.76
202163892776	CONSUMERS ENERGY	ACCT 100072243312		18.39
201540952792	CONSUMERS ENERGY	ACCT 100009163435		96.30
204388703041	CONSUMERS ENERGY	ACCT 103015800248		121.49
104109	CRT, INC	SMARTNET SWITCHES		762.00
104108	CRT, INC	SMARTNET SWITCH		142.00
09/16/2021	FERRIS, BREANNE	UB refund for account: 3200100040		19.07
09092021	HARRIS, MARY	ENERGY OPTIMIZATION - NEW AC		150.00
21SUMRADVAL2	KELLOGG COMMUNITY COLL	2021 SUMMER DIST AD VAL 2		28,837.18
09092021	LEONARD, LAWRENCE	ENERGY OPTIMIZATION - NEW AC		100.00
09172021	LERETA, LLC	PROPERTY TAX REFUND - OVER/DUPLICATE PAY		2,387.12
924704	LOWE'S	ACCT 99007320387 - FRIDGE		623.20
21SUMRADVAL2	MARSHALL DISTRICT LIBR	2021 SUMMER DIST AD VALOREM 2		29,341.36
21SUMRADVAL2	MARSHALL PUBLIC SCHOOL	2021 SUMMER DIST AD VAL 2		394,343.54
1530667	MILLER CANFIELD PADD	OC/PROFESSIONAL SERICES - AUGUST		1,054.50
E29094	MWEA	IPP SEMINAR - A. EGNATUK		150.00
19744	MWEA	DUES - M. STRAND		77.00
19746	MWEA	DUES - E. WEBERLING		77.00
19745	MWEA	DUES - K. FINNEY		77.00
09/16/2021	PUTMAN, ANTHONY & KIMB	UB refund for account: 3204700022		406.65
09032021	QUADIENT FINANCE USA,	ACCT 7900044055829307		3,000.00
08312021	RAGAN, MARGARET	RESIDENT DEPOSIT REFUND		527.00
09092021	ROBERTS, SANDRA	ENERGY OPTIMIZATION - REFRIGERATOR, TV,		65.00
09102021	SHEPHERD, GLEN	REFURND SEWER CONNECTION/INSPECTION FEE		1,540.00
1637460018	STAPLES BUSINESS CREDI	CREDIT ACCT # 302063		1,141.18
21-001083	STATE OF MICHIGAN	RADIO ACTIVATION LICENSING FEES FOR NEW 2022.066		3,500.00
1590	THE WOODHILL GROUP, LL	FINANCE & ACCTG SERVICES FY2022 2022.011		7,387.50
81	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE (3-PERSON \$106/2022.017		3,392.00
09/16/2021	TUCKER, LILY & FRED	UB refund for account: 3108060011		53.60
9887534732	VERIZON WIRELESS	ACCT 987146080-00001		1,224.34
73874569	WEX BANK	ACCT 0470-00-462076-1		11,255.24
74114369	WINDSTREAM	ACCT 205599191		52.93
09022021	WOW! INTERNET-CABLE-PH	ACCT 010040764		1,363.05
GRAND TOTAL:				986,907.45

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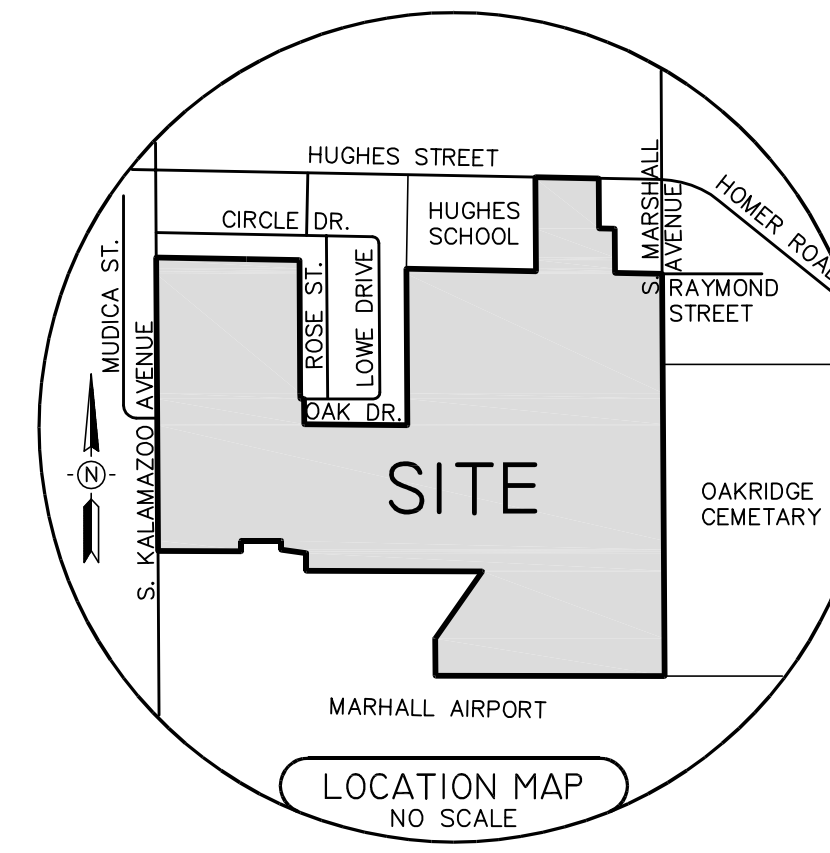
INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
9222021	AYERS BASEMENT SYSTEMS	REFUND OF PERMIT PB21-108 AND PP21-035 D		297.00
9/20/21	BONNIE'S TAILORING	PATCHES ON SLEEVES		15.00
09012021	BOSSERD FAMILY FARM	DOWNTOWN PLANTERS		671.00
09242021	CAHILL, JUSTIN	PROPERTY TAX REFUND - OVERPAYMENT - ON 5		4,646.11
315125621097237	CAPITAL ONE TRADE CRED	CREDIT ACCT # 587737 - ROOF AND GUTTER C		159.46
320525121720545	CAPITAL ONE TRADE CRED	CREDIT ACCT# 587737 - TAPCON 15CT		387.44
205367574705	CONSUMERS ENERGY	ACCT 103013521119		20.41
204032722949	CONSUMERS ENERGY	ACCT 103018520884		15.00
2-10122021	DEAN TRAILWAYS OF MICH	56 SEAT MOTORCOACH FOR MACKINAC TRIP OC2022.070		2,340.00
9162021	FOX VALLEY TECHNICAL C	STUDENT ID: 700298964 - INVESTIGATOR TRA		395.00
17470	FUG	DART TOKENS		402.15
17394	FUG	DART TOKENS		212.15
9222021	GRAND BAY ELECTRIC	REFUND PERMIT PE 21-064 DUE TO CANCELED		85.00
09202021	LUIB, EARL	BOOT ALLOWANCE REIMBURSEMENT		158.99
19260	MANER COSTERISAN	FY2021 FINANCIAL STATEMENT AND SINGLE	2022.020	19,500.00
09092021JM	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 9156 - JUSTIN MILLER		436.38
09092021COFM	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 3431 - CITY OF MARSHA		222.63
09092021SMCD	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 4217 - SCOTT MCDONALD		1,139.61
09092021EZ	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 2217 - ERIC ZUZGA		360.40
09092021TS	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 2922 - THERESA SEARS		113.44
09092021TT	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 7681 - TOM TARKIEWICZ		563.06
09092021MD	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 4353 - MARGUERITE DAV		1,179.42
09092021CR	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 4860 - CHRISTY RAMEY		1,137.23
09092021JL	MARSHALL COMMUNITY CU	CITY CREDIT CARD - 3280 - JOSHUA LANKERD		364.49
4	MEAD BROS EXCAVATING	REPAIRS TO THE PERRIN DAM	2021.391	275,737.49
3- 8/11/2021	QUALITY EXCAVATORS, IN	MARVIEW #2 SUBDIVISION STREET CONSTRUCTI	2021.306	13,113.90
9202021	SHOENMEYER, JANET	REIMBURSEMENT - BROOKS NATURE PROJECT		17.37
09212021	STATE OF MICHIGAN	REIMBURSEMENT - PMT MADE IN ERROR FOR BR		252.50
761-10629540	STATE OF MICHIGAN - E	WATER TESTING		572.00
9242021	SWOPE, KURT	REIMBURSEMENT - LIFT JACK FOR FIRE DEPT		100.00
INV30415	TARGETSOLUTIONS LEARNI	FIRE AND EMS ONLINE COURSE		2,944.25
229443	TELNET WORLDWIDE	ACCT 8948		1,305.59
82	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE (3-PERSON \$106/2022.017		3,604.00
82 - STREETS	TOP TO BOTTOM TREE SER	TREE REMOVAL - LINDEN ST		636.00
GRAND TOTAL:				333,104.47

ALTA/NSPS LAND TITLE SURVEY

FOR: NORFOLK DEVELOPMENT OF ALWYN DOWNS, LLC

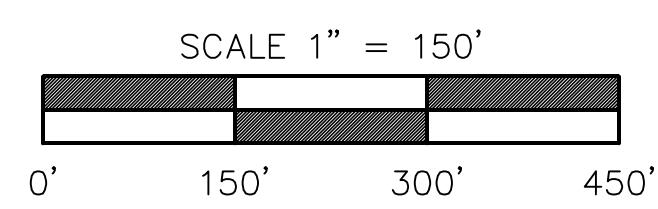
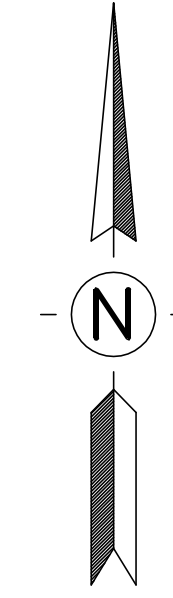


±103.54 ACRES
(4,510,102 S.F.)



LEGEND

- = SET 1/2" BAR WITH CAP
- = FOUND IRON AS NOTED
- = DEED LINE
- = DISTANCE NOT TO SCALE
- = FENCE
- ▨ = ASPHALT
- ▩ = CONCRETE
- ▧ = GRAVEL
- = OVERHEAD WIRES
- ⊙ = SANITARY MANHOLE
- ⊕ = DRAINAGE MANHOLE
- ⊗ = WATER MANHOLE
- ⊘ = TELEPHONE MANHOLE
- ⊙ = MANHOLE (UNSPECIFIED)
- ⊙ = CATCHBASIN
- ⊙ = FIRE HYDRANT
- ⊙ = VALVE
- ⊙ = UTILITY POLE
- ⊙ = LIGHT POLE
- ⊙ = GUY WIRE
- ⊙ = UTILITY PEDESTAL
- ⊙ = HANDHOLE
- ⊙ = SIGN
- ⊙ = POST



CERTIFICATION:

To Norfolk Development Corporation, A Michigan Corporation, D & M Alwyn Downs, Inc., a Michigan Corporation and Fidelity National Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 "Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys," jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 8, 11, 14, 17, 18 and 19 of Table A thereof. The fieldwork was completed on October 29, 2019.

Michael A. Groat

Michael A. Groat Date of Plat or Map: November 1, 2019
Professional Surveyor No. 39079
mgroat@kbs.com



LEGAL DESCRIPTION:

(As provided by Fidelity National Title Insurance Company, Commitment No. F-171084, Revision No. 2, dated September 4, 2019)

Land in the City of Marshall, Calhoun County, Michigan, described as

Land in the City of Marshall, Section 36, Town 2 South, Range 6 West, Calhoun County, Michigan. Commencing 654.1 feet North of the West 1/4 post of Section 36, Town 2 South, Range 6 West, thence North to a point 1320 feet South of the Northwest 1/4 corner, Section 36, thence East 1320 feet, thence North 824.6 feet, thence East 683.1 feet, thence North 495 feet, thence East 334 feet, thence South 264 feet, thence East 82.5 feet, thence South 232.4 feet the East 249.5 feet, thence South 2136.88 feet; thence West 1206.25 feet, thence North 196 feet, thence Northeast 431.5 feet to a point 1706 feet East of the Section line, thence West to a point 780 feet East of the Section line, thence North, 93 feet; thence North 74 degrees 7'15" West 135.15 feet, thence North 47 feet, thence West 212 feet, thence South 55 feet; thence South 89 degrees 7'15" West 438 feet to the place of beginning. ALSO the Northwest 1/4 of the Northwest 1/4 Section 36, Town 2 South, Range 6 West, EXCEPT the Plat of Mar-view recorded in Liber 12 of Plats, Page 44, Calhoun County Records. EXCEPT the Plat of Mar-view No. 2 recorded in Liber 15 of Plats, Page 38, Calhoun County Records.

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

SCHEDULE B, SECTION II, EXCEPTIONS:

(As provided by Fidelity National Title Insurance Company, Commitment No. F-171084, Revision NO. 2 dated September 4, 2019)

9. Building and use restrictions contained in instrument recorded in Liber 808, Page 53, Calhoun County Records. Affects that portion Plat of Mar-view No. 2 as shaded.

13. Perpetual Easement for road purposes as evidenced by instrument recorded in Liber 880, Page 337, Calhoun County Records.

SURVEYOR'S NOTES:

1. This plan was made at the direction of the parties named herein and is intended solely for their immediate use. Survey prepared from fieldwork performed in September 2019.
2. All bearings are Michigan State Plane South Zone grid bearings obtained from GPS observations using corrections obtained from the C.O.R.S.
3. All dimensions are in feet and decimals thereof.
4. No building tie dimensions are to be used for establishing the property lines.
5. There are no observable potential encroachments onto the subject property from adjoining lands, or from the subject property onto adjoining lands, except as shown herein.
6. Parcel has direct access to S. Kalamazoo Avenue, Hughes Street, Marshall Avenue, Rebecca Street, and Oak Drive, public streets.

ALTA/NSPS LAND TITLE SURVEY - TABLE "A" REQUIREMENTS:

- Item 1: Shown on the survey map.
- Item 2: Address of the surveyed property: 1225 S. Kalamazoo Avenue, Marshall, MI 49068
- Item 3: By scaled map location and graphic plotting only, this property lies entirely within Flood Zone "X", areas outside the 0.2% annual chance floodplain, according to the National Flood Insurance Program, Flood Insurance Rate Map for the City of Marshall, Calhoun County, Michigan, Community Panel No. 26025C0239C, dated 4/4/2011.
- Item 4: 103.54 Acres (4,510,102 square feet)
- Item 8: Shown on the survey map.
- Item 11: Utility information as shown was obtained from supporting field observations, where possible, and is subject to verification in the field by the appropriate authorities prior to use for construction.
- Item 14: Shown on the survey map.
- Item 17: There is no observable evidence of proposed changes in street right of way lines, or recent street or sidewalk construction or repairs.
- Item 18: There were no wetlands delineated on site at the time of this survey.
- Item 19: There are no off-site easements or restrictions of record for this parcel. No offsite easement or servitudes that benefit the subject property were provided to this surveyor or observed in the process of conducting this survey.

REVISIONS	COMMENTS	KEBS, INC. ENGINEERING AND LAND SURVEYING	
10/31/19	COR. LEGAL	13432 PRESTON DRIVE, MARSHALL, MI 49068 PH. 269-781-9800 FAX. 269-781-9805	
		2116 HASLETT ROAD, HASLETT, MI 48840 PH. 517-339-1014 FAX. 517-339-8047 WWW.KEBS.COM	
		DRAWN BY: BEB	SECTION 36, T2S, R6W
		FIELD WORK BY: MJG	JOB NUMBER:
		SHEET 1 OF 1	95527

conceptual site plan study for:
Emerald Hills - a planned residential golf course community
 City of Marshall, Michigan

note:

unless noted otherwise, numerical value on landscape
 quantities specified on plan take precedence over
 graphic representation.

scale: 0' 50' 100' 200' 300'
 1" = 100' - 0"

proposed
**Emerald Hills
 Apartments**
 (120- units three story apartment)

proposed
Clubhouse Facility

sign location

proposed 40' wide
 landscape greenbelt
 and earthberming

proposed 5' public
 sidewalk

zoned
R-2

proposed 40' wide
 landscape greenbelt
 and earthberming

proposed 60' wide
 future R.O.W.

sign location

proposed
Pergola Feature

proposed park bench
 seating

proposed meandering
 pedestrian walk

entrance feature and
 development sign
 location

existing trees and
 vegetation to remain

proposed
**The Tavern at
 Emerald Hills**
 (Restaurant / Club House)

program

TOTAL ACRES OF SITE GROSS	103.54 ±
ACRES OF SITE NET	101.16 ±
(LESS ROW, AREA ± 2.38 ± ACRES)	
ACRES OF GOLF COURSE AREA	47.1 ±
ACRES OF RESIDENTIAL AREA	54.06
TOTAL NO. OF RESIDENTIAL UNITS	350
TOTAL NO. OF SINGLE FAMILY OUTLOTS	3
TOTAL NO. OF SINGLE FAMILY LOTS	95
MIN. LOT SIZE	6,000 SQFT
TYPICAL LOT SIZE (50' X 120')	50' X 120'
MIN. LOT WIDTH	50'
CORNER LOT SIZE	65' X 120'
MIN. BUILDING SETBACKS:	
FRONT YARD SETBACK	25'
SIDE YARD SETBACK	15' (15' ea.)
REAR YARD SETBACK	35'
TOTAL NO. OF DUPLEX UNITS	132
NO. OF RANCH DUPLEX UNITS	62
NO. OF 2-STORY DUPLEX BDLG	70

study-F

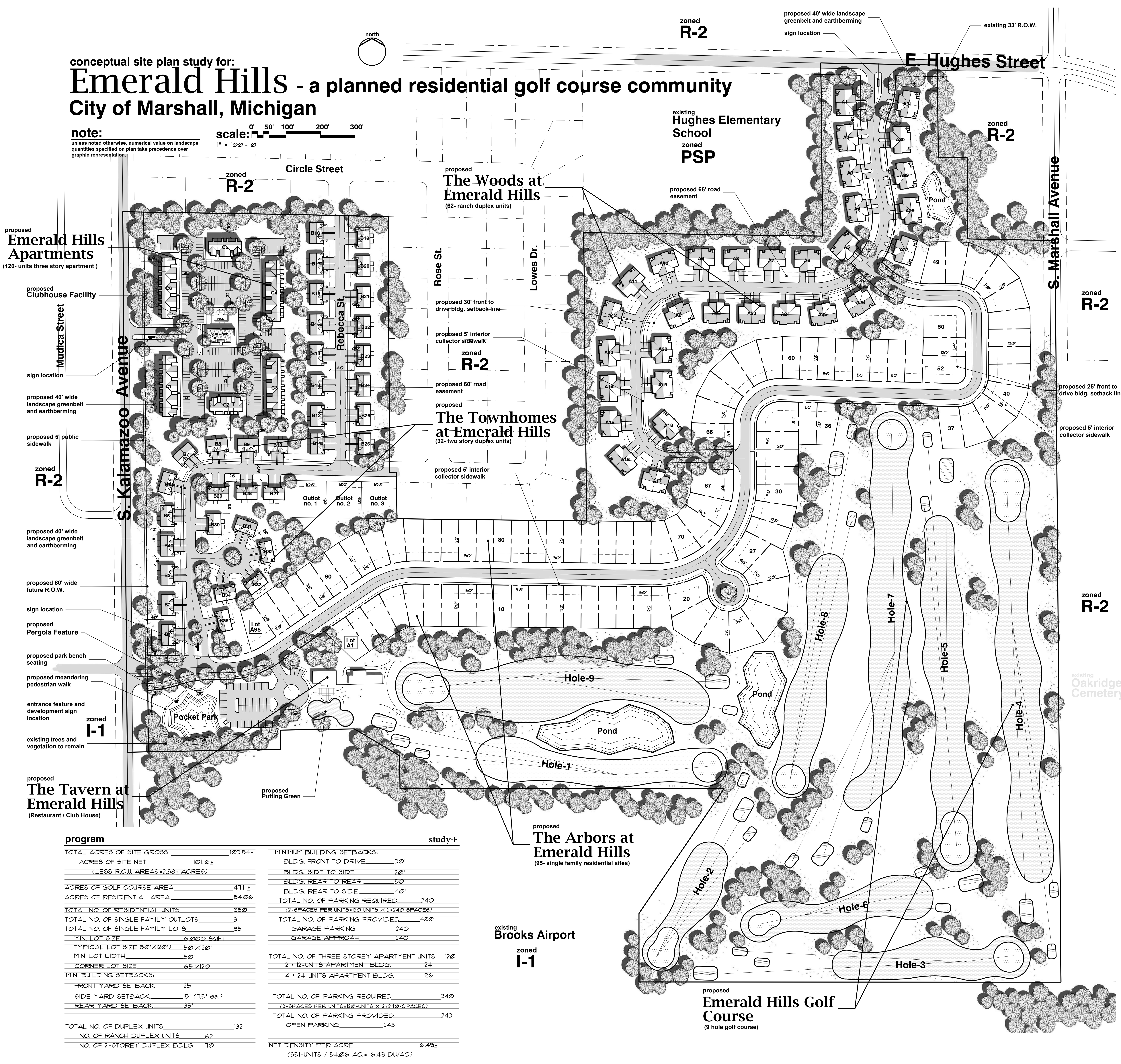
MINIMUM BUILDING SETBACKS:	
BLDG. FRONT TO DRIVE	30'
BLDG. SIDE TO SIDE	20'
BLDG. REAR TO REAR	50'
BLDG. REAR TO SIDE	40'
TOTAL NO. OF PARKING REQUIRED	240
(2-SPACES PER UNIT ± 120 UNITS X 2 ± 240-SPACES)	
TOTAL NO. OF PARKING PROVIDED	480
GARAGE PARKING	240
GARAGE APPROACH	240
TOTAL NO. OF THREE STOREY APARTMENT UNITS	120
2 ± 12-UNITS APARTMENT BLDG.	24
4 ± 24-UNITS APARTMENT BLDG.	96
TOTAL NO. OF PARKING REQUIRED	240
(2-SPACES PER UNIT ± 120-UNITS X 2 ± 240-SPACES)	
TOTAL NO. OF PARKING PROVIDED	243
OPEN PARKING	243
NET DENSITY PER ACRE	6.49 ±
(351-UNITS / 54.06 AC. = 6.49 DU/AC)	

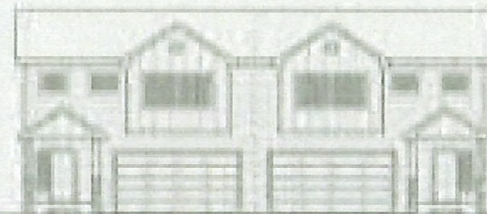
existing
Brooks Airport

zoned
I-1

proposed
**The Arbors at
 Emerald Hills**
 (95- single family residential sites)

proposed
**Emerald Hills Golf
 Course**
 (9 hole golf course)





LEFT ELEVATION



Administrative Report
October 4, 2021 – City Council Meeting

REPORT TO: Honorable Mayor and City Council Members

FROM: Eric Zuzga, Director of Community Services
Tom Tarkiewicz, City Manager
William Dopp III, Deputy Finance Director

SUBJECT: Obsolete Property Rehabilitation (OPRA) District
Public Hearing

BACKGROUND: The City has received a request from Mark Walker and Lori Zettell to consider approval of an OPRA to assist in the redevelopment of the second floor of the former Garden Theatre building, located at 105 West Michigan Avenue. The approval of the OPRA would assist in the creation of two (2) apartments.

OPRA is a tool created by the legislature in 2000, to encourage the redevelopment of blighted structures. It works by freezing the taxable value of a property for a period of up to twelve (12) years. Freezing the taxable value of a property provides an incentive for a property owner to make significant improvements to a building without incurring an increase in property taxes for the period approved by the City.

RECOMMENDATION: After hearing public comment, it is recommended that the Council approve the request for the creation of an OPRA district at 105 West Michigan Avenue.

FISCAL EFFECTS: None at this time.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Eric Zuzga
Director of Community
Services

Tom Tarkiewicz
City Manager

William Dopp
Deputy Finance
Director

323 W. Michigan Ave.
Marshall, MI 49068

p 269.781.5183

F 269.781.3835

cityofmarshall.com



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

**Resolution to create an Obsolete Property Rehabilitation (OPRA) District at 105
West Michigan Avenue**

Minutes of a regular meeting of the Council of the City of Marshall, held on
October 4, 2021, at Marshall City Hall in Marshall, MI at 7:00 PM.

PRESENT:

ABSENT:

The following preamble and resolution were offered by _____,
and supported by _____.

WHEREAS, pursuant to PA 146 of 2000, the City of Marshall has the authority
to establish "Obsolete Property Rehabilitation Districts" within the City of
Marshall; and

WHEREAS, Mark Walker and Lori Zettell have filed a written request with the
City of Marshall requesting the establishment of the Obsolete Property
Rehabilitation District for a building at 105 West Michigan Avenue located in
the City of Marshall hereinafter described; and

WHEREAS, the City Council of the City of Marshall determined that the district
meets the requirements set forth in section 3(1) of PA 146 of 2000; and

WHEREAS, written notice has been given by mail to all owners of real property
located within the proposed district and to the public by newspaper
advertisement in the Marshall Advisor and/or by public posting of the hearing on
the establishment of the proposed district; and

WHEREAS, on October 4, 2021 a public hearing was held and all residents and
taxpayers of the City of Marshall were afforded an opportunity to be heard
thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of
Marshall to establish the Obsolete Property Rehabilitation District as proposed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Marshall that the following described parcel of land situated in the City of
Marshall, Calhoun, and State of Michigan, to wit:

MARSHALL CITY, UPPER VILLAGE W 52 FT OF LOTS 5 & 6 LYING N
OF ALLEY.
Parcel #53-001-006-00

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

F 269.781.3835

cityofmarshall.com

Commonly known as 105 West Michigan Avenue

be and here is established as an Obsolete Property Rehabilitation District pursuant to the provisions of PA 146 of 2000 to be known as 105 West Michigan Avenue Obsolete Property Rehabilitation District No. 1.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

I, Trisha Nelson, being duly sworn as the City Clerk of the City of Marshall, hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of the City of Marshall, County of Calhoun, State of Michigan at a regular meeting held on October 4, 2021 and that said meeting was conducted and that the minutes of said meeting were kept and will be or have been made available.

Trisha Nelson
City Clerk

Reset Form

Application for Obsolete Property Rehabilitation Exemption Certificate

This form is issued as provided by Public Act 146 of 2000, as amended. This application should be filed after the district is established. This project will not receive tax benefits until approved by the State Tax Commission. Applications received after October 31 may not be acted upon in the current year. This application is subject to audit by the State Tax Commission.

INSTRUCTIONS: File the original and two copies of this form and the required attachments with the clerk of the local government unit. (The State Tax Commission requires two copies of the Application and attachments. The original is retained by the clerk.) Please see State Tax Commission Bulletin 9 of 2000 for more information about the Obsolete Property Rehabilitation Exemption. The following must be provided to the local government unit as attachments to this application: (a) General description of the obsolete facility (year built, original use, most recent use, number of stories, square footage); (b) General description of the proposed use of the rehabilitated facility, (c) Description of the general nature and extent of the rehabilitation to be undertaken, (d) A descriptive list of the fixed building equipment that will be a part of the rehabilitated facility, (e) A time schedule for undertaking and completing the rehabilitation of the facility, (f) A statement of the economic advantages expected from the exemption. A statement from the assessor of the local unit of government, describing the required obsolescence has been met for this building, is required with each application. Rehabilitation may commence after establishment of district.

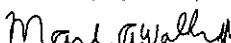
Applicant (Company) Name (applicant must be the OWNER of the facility) The Refuge Rental, LLC		
Company Mailing address (No. and street, P.O. Box, City, State, ZIP Code) 18624 I Drive North, Marshall, MI 49068		
Location of obsolete facility (No. and street, City, State, ZIP Code) 105 West Michigan Avenue, Marshall, MI 49068		
City, Township, Village (indicate which) City of Marshall		County Calhoun
Date of Commencement of Rehabilitation (mm/dd/yyyy) 11/01/2021	Planned date of Completion of Rehabilitation (mm/dd/yyyy) 03/01/2022	School District where facility is located (include school code) Marshall MI 13110
Estimated Cost of Rehabilitation \$222,710.00	Number of years exemption requested 12	Attach Legal description of Obsolete Property on separate sheet
Expected project likelihood (check all that apply):		
<input type="checkbox"/> Increase Commercial activity	<input type="checkbox"/> Retain employment	<input checked="" type="checkbox"/> Revitalize urban areas
<input checked="" type="checkbox"/> Create employment	<input type="checkbox"/> Prevent a loss of employment	<input checked="" type="checkbox"/> Increase number of residents in the community in which the facility is situated
Indicate the number of jobs to be retained or created as a result of rehabilitating the facility, including expected construction employment <u>3-4</u>		
Each year, the State Treasurer may approve 25 additional reductions of half the school operating and state education taxes for a period not to exceed six years. Check the following box if you wish to be considered for this exclusion. <input type="checkbox"/>		

APPLICANT'S CERTIFICATION

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all of the information is truly descriptive of the property for which this application is being submitted. Further, the undersigned is aware that, if any statement or information provided is untrue, the exemption provided by Public Act 146 of 2000 may be in jeopardy.

The applicant certifies that this application relates to a rehabilitation program that, when completed, constitutes a rehabilitated facility, as defined by Public Act 146 of 2000, as amended, and that the rehabilitation of the facility would not be undertaken without the applicant's receipt of the exemption certificate.

It is further certified that the undersigned is familiar with the provisions of Public Act 146 of 2000, as amended, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Obsolete Property Rehabilitation Exemption Certificate by the State Tax Commission.

Name of Company Officer (no authorized agents) Mark Walker	Telephone Number 269.969.1990	Fax Number
Mailing Address 18624 I Drive North, Marshall, MI 49068		Email Address mwalker99@me.com
Signature of Company Officer (no authorized agents) 		Title Owner

LOCAL GOVERNMENT UNIT CLERK CERTIFICATION

The Clerk must also complete Parts 1, 2 and 4 on Page 2. Part 3 is to be completed by the Assessor.

Signature	Date application received 9/8/21
-----------	--

FOR STATE TAX COMMISSION USE		
Application Number	Date Received	LUCI Code

LOCAL GOVERNMENT ACTION

This section is to be completed by the clerk of the local governing unit before submitting the application to the State Tax Commission. Include a copy of the resolution which approves the application and Instruction items (a) through (f) on page 1, and a separate statement of obsolescence from the assessor of record with the State Assessor's Board. All sections must be completed in order to process.

PART 1: ACTION TAKEN

Action Date: _____		
<input type="checkbox"/> Exemption Approved for _____ Years, ending December 30, _____ (not to exceed 12 years)		
<input type="checkbox"/> Denied		
Date District Established	LUCI Code	School Code
October 4, 2021		

PART 2: RESOLUTIONS (the following statements must be included in resolutions approving)

<p>A statement that the local unit is a Qualified Local Governmental Unit.</p> <p>A statement that the Obsolete Property Rehabilitation District was legally established including the date established and the date of hearing as provided by section 3 of Public Act 146 of 2000.</p> <p>A statement indicating whether the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 (IFT's) exceeds 5% of the total taxable value of the unit.</p> <p>A statement of the factors, criteria and objectives, if any, necessary for extending the exemption, when the certificate is for less than 12 years.</p> <p>A statement that a public hearing was held on the application as provided by section 4(2) of Public Act 146 of 2000 including the date of the hearing.</p> <p>A statement that the applicant is not delinquent in any taxes related to the facility.</p> <p>If it exceeds 5% (see above), a statement that exceeding 5% will not have the effect of substantially impeding the operation of the Qualified Local Governmental Unit or of impairing the financial soundness of an affected taxing unit.</p> <p>A statement that all of the items described under "Instructions" (a) through (f) of the Application for Obsolete Property Rehabilitation Exemption Certificate have been provided to the Qualified Local Governmental Unit by the applicant.</p>	<p>A statement that the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000.</p> <p>A statement that the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District.</p> <p>A statement that the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000 and that is situated within an Obsolete Property Rehabilitation District established in a Qualified Local Governmental Unit eligible under Public Act 146 of 2000 to establish such a district.</p> <p>A statement that completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, retain employment, prevent a loss of employment, revitalize urban areas, or increase the number of residents in the community in which the facility is situated. The statement should indicate which of these the rehabilitation is likely to result in.</p> <p>A statement that the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of Public Act 146 of 2000.</p> <p>A statement of the period of time authorized by the Qualified Local Governmental Unit for completion of the rehabilitation.</p>
--	---

PART 3: ASSESSOR RECOMMENDATIONS

Provide the Taxable Value and State Equalized Value of the Obsolete Property, as provided in Public Act 146 of 2000, as amended, for the tax year immediately preceding the effective date of the certificate (December 31st of the year approved by the STC).

	Taxable Value	State Equalized Value (SEV)	
Building(s)	\$134,000	\$134,000	
Name of Governmental Unit		Date of Action on application	Date of Statement of Obsolescence
City of Marshall			

PART 4: CLERK CERTIFICATION

The undersigned clerk certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way. Further, the undersigned is aware that if any information provided is untrue, the exemption provided by Public Act 146 of 2000 may be in jeopardy.

Name of Clerk	Clerk Signature	Date	
Trisha Nelson			
Clerk's Mailing Address	City	State	ZIP Code
323 West Michigan Avenue	Marshall	MI	49068
	Telephone Number	Fax Number	Email Address
	269-558-0304	269	

Mail completed application and attachments to: Michigan Department of Treasury
State Tax Commission
P.O. Box 30471
Lansing, Michigan 48909-7971

If you have any questions, call 517-335-7491.

For guaranteed receipt by the State Tax Commission, it is recommended that applications and attachments are sent by certified mail.



Administrative Report
October 4, 2021 – City Council Meeting

REPORT TO: Honorable Mayor and City Council Members

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

SUBJECT: Obsolete Property Rehabilitation (OPRA) Exemption
Public Hearing

BACKGROUND: A public hearing needs to be scheduled to approve a request for an OPRA exemption request for the redevelopment of the second floor of the building located at 105 West Michigan Avenue. At tonight's meeting, you will create an OPRA district which allowed for the consideration of this request. If approved, the request will assist in the redevelopment of the second floor into two (2) apartments (see attached layout). The request is for the full 12 years as allowed by the OPRA statute.

OPRA is a tool created by the legislature in 2000, to encourage the redevelopment of blighted structures. It works by freezing the taxable value of a property for a period of up to twelve (12) years. Freezing the taxable value of a property provides an incentive for a property owner to make significant improvements to a building without incurring an increase in property taxes for the period approved by Council.

RECOMMENDATION: It is recommended that the Council set a public hearing on October 18, 2021 to consider the request for a 12-year OPRA exemption for the rear portion of the second floor of the building located at 105 West Michigan Avenue.

FISCAL EFFECTS: The OPRA will freeze the property tax value of the second floor at the 2021 State Taxable Value (TV) until the 2033 tax year. This will limit the amount of taxes received by all taxing jurisdictions for that period. Starting in 2034, all jurisdictions will be able to gain the tax benefit of the improved property.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Eric Zuzga
Director of Special Projects

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-**

**RESOLUTION TO APPROVE AN OBSOLETE PROPERTY REHABILITATION
EXEMPTION CERTIFICATE APPLICATION
PA 146 OF 2000 AS AMENDED**

Minutes of a regular meeting of the Council of the City of Marshall, held on October 18, 2021 at 7:00 PM.

PRESENT:

ABSENT:

The following preamble and resolution were offered by _____, and supported by _____.

**Resolution 2021- Approving Obsolete Property Rehabilitation Exemption
Certificate Application for Garden Theatre Located at 105 West Michigan Avenue**

WHEREAS, pursuant to PA 146 of 2000, as amended, the City of Marshall is a Qualified Local Governmental Unit eligible to establish one or more Obsolete Property Rehabilitation Districts (OPRA); and

WHEREAS, the City of Marshall legally established the Obsolete Property Rehabilitation District Schuler's Building Obsolete Property Rehabilitation District No. 1 on October 4, 2021, after a public hearing held on October 4, 2021; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 (IFT's) does not exceed 5% of the total taxable value of the City of Marshall; and

WHEREAS, the application was approved at a public hearing as provided by section 4(2) of Public Act 146 of 2000, as amended, on October 4, 2021; and

WHEREAS, the property is not delinquent in any taxes related to the facility; and

WHEREAS, the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000, as amended; and

WHEREAS, the applicant has provided answers to all required questions under the application instructions to the City of Marshall; and

WHEREAS, the City of Marshall requires that rehabilitation of the facility shall be completed by December 31, 2022; and

WHEREAS, the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District; and

WHEREAS, the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000, as amended, and that is situated within an Obsolete Property Rehabilitation District established in the City of Marshall eligible under Public Act 146 of 2000, as amended, to establish such a district; and

WHEREAS, completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to create employment, revitalize urban areas, and increase the number of residents in the community in which the facility is situated; and

WHEREAS, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(1) of Public Act 146 of 2000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marshall and hereby is granted an Obsolete Property Rehabilitation Exemption for the real property which is limited to the rear portion of the second floor covered by the rehabilitation project, excluding land, located in Obsolete Property Rehabilitation District 105 West Michigan Avenue Obsolete Property Rehabilitation District No. 1 at 105 West Michigan Avenue for a period of 12 years, beginning December 31, 2021, and ending December 30, 2033, pursuant to the provisions of PA 146 of 2000, as amended.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of the City of Marshall, County of Calhoun, Michigan at a regular meeting held on October 18, 2021.

Clerk

Reset Form

Application for Obsolete Property Rehabilitation Exemption Certificate

This form is issued as provided by Public Act 146 of 2000, as amended. This application should be filed after the district is established. This project will not receive tax benefits until approved by the State Tax Commission. Applications received after October 31 may not be acted upon in the current year. This application is subject to audit by the State Tax Commission.

INSTRUCTIONS: File the original and two copies of this form and the required attachments with the clerk of the local government unit. (The State Tax Commission requires two copies of the Application and attachments. The original is retained by the clerk.) Please see State Tax Commission Bulletin 9 of 2000 for more information about the Obsolete Property Rehabilitation Exemption. The following must be provided to the local government unit as attachments to this application: (a) General description of the obsolete facility (year built, original use, most recent use, number of stories, square footage); (b) General description of the proposed use of the rehabilitated facility, (c) Description of the general nature and extent of the rehabilitation to be undertaken, (d) A descriptive list of the fixed building equipment that will be a part of the rehabilitated facility, (e) A time schedule for undertaking and completing the rehabilitation of the facility, (f) A statement of the economic advantages expected from the exemption. A statement from the assessor of the local unit of government, describing the required obsolescence has been met for this building, is required with each application. Rehabilitation may commence after establishment of district.


Applicant (Company) Name (applicant must be the OWNER of the facility) The Refuge Rental, LLC		
Company Mailing address (No. and street, P.O. Box, City, State, ZIP Code) 18624 I Drive North, Marshall, MI 49068		
Location of obsolete facility (No. and street, City, State, ZIP Code) 105 West Michigan Avenue, Marshall, MI 49068		
City, Township, Village (indicate which) City of Marshall		County Calhoun
Date of Commencement of Rehabilitation (mm/dd/yyyy) 11/01/2021	Planned date of Completion of Rehabilitation (mm/dd/yyyy) 03/01/2022	School District where facility is located (include school code) Marshall MI 13110
Estimated Cost of Rehabilitation \$222,710.00	Number of years exemption requested 12	Attach Legal description of Obsolete Property on separate sheet
Expected project likelihood (check all that apply):		
<input type="checkbox"/> Increase Commercial activity	<input type="checkbox"/> Retain employment	<input checked="" type="checkbox"/> Revitalize urban areas
<input checked="" type="checkbox"/> Create employment	<input type="checkbox"/> Prevent a loss of employment	<input checked="" type="checkbox"/> Increase number of residents in the community in which the facility is situated
Indicate the number of jobs to be retained or created as a result of rehabilitating the facility, including expected construction employment <u>3-4</u>		
Each year, the State Treasurer may approve 25 additional reductions of half the school operating and state education taxes for a period not to exceed six years. Check the following box if you wish to be considered for this exclusion. <input type="checkbox"/>		

APPLICANT'S CERTIFICATION

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all of the information is truly descriptive of the property for which this application is being submitted. Further, the undersigned is aware that, if any statement or information provided is untrue, the exemption provided by Public Act 146 of 2000 may be in jeopardy.

The applicant certifies that this application relates to a rehabilitation program that, when completed, constitutes a rehabilitated facility, as defined by Public Act 146 of 2000, as amended, and that the rehabilitation of the facility would not be undertaken without the applicant's receipt of the exemption certificate.

It is further certified that the undersigned is familiar with the provisions of Public Act 146 of 2000, as amended, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Obsolete Property Rehabilitation Exemption Certificate by the State Tax Commission.

Name of Company Officer (no authorized agents) Mark Walker	Telephone Number 269.969.1990	Fax Number
Mailing Address 18624 I Drive North, Marshall, MI 49068		Email Address mwalker99@me.com
Signature of Company Officer (no authorized agents) 		Title Owner

LOCAL GOVERNMENT UNIT CLERK CERTIFICATION

The Clerk must also complete Parts 1, 2 and 4 on Page 2. Part 3 is to be completed by the Assessor.

Signature	Date application received 9/8/21
-----------	--

FOR STATE TAX COMMISSION USE		
Application Number	Date Received	LUCI Code

LOCAL GOVERNMENT ACTION

This section is to be completed by the clerk of the local governing unit before submitting the application to the State Tax Commission. Include a copy of the resolution which approves the application and instruction items (a) through (f) on page 1, and a separate statement of obsolescence from the assessor of record with the State Assessor's Board. All sections must be completed in order to process.

PART 1: ACTION TAKEN

Action Date: _____		
<input type="checkbox"/> Exemption Approved for _____ Years, ending December 30, _____ (not to exceed 12 years)		
<input type="checkbox"/> Denied		
Date District Established	LUCI Code	School Code
October 4, 2021		

PART 2: RESOLUTIONS (the following statements must be included in resolutions approving)

<p>A statement that the local unit is a Qualified Local Governmental Unit.</p> <p>A statement that the Obsolete Property Rehabilitation District was legally established including the date established and the date of hearing as provided by section 3 of Public Act 146 of 2000.</p> <p>A statement indicating whether the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 (IFT's) exceeds 5% of the total taxable value of the unit.</p> <p>A statement of the factors, criteria and objectives, if any, necessary for extending the exemption, when the certificate is for less than 12 years.</p> <p>A statement that a public hearing was held on the application as provided by section 4(2) of Public Act 146 of 2000 including the date of the hearing.</p> <p>A statement that the applicant is not delinquent in any taxes related to the facility.</p> <p>If it exceeds 5% (see above), a statement that exceeding 5% will not have the effect of substantially impeding the operation of the Qualified Local Governmental Unit or of impairing the financial soundness of an affected taxing unit.</p> <p>A statement that all of the items described under "Instructions" (a) through (f) of the Application for Obsolete Property Rehabilitation Exemption Certificate have been provided to the Qualified Local Governmental Unit by the applicant.</p>	<p>A statement that the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000.</p> <p>A statement that the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District.</p> <p>A statement that the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000 and that is situated within an Obsolete Property Rehabilitation District established in a Qualified Local Governmental Unit eligible under Public Act 146 of 2000 to establish such a district.</p> <p>A statement that completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, retain employment, prevent a loss of employment, revitalize urban areas, or increase the number of residents in the community in which the facility is situated. The statement should indicate which of these the rehabilitation is likely to result in.</p> <p>A statement that the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of Public Act 146 of 2000.</p> <p>A statement of the period of time authorized by the Qualified Local Governmental Unit for completion of the rehabilitation.</p>
--	---

PART 3: ASSESSOR RECOMMENDATIONS

Provide the Taxable Value and State Equalized Value of the Obsolete Property, as provided in Public Act 146 of 2000, as amended, for the tax year immediately preceding the effective date of the certificate (December 31st of the year approved by the STC).

	Taxable Value	State Equalized Value (SEV)
Building(s)	\$134,000	\$134,000
Name of Governmental Unit	Date of Action on application	Date of Statement of Obsolescence
City of Marshall		

PART 4: CLERK CERTIFICATION

The undersigned clerk certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way. Further, the undersigned is aware that if any information provided is untrue, the exemption provided by Public Act 146 of 2000 may be in jeopardy.

Name of Clerk	Clerk Signature	Date	
Trisha Nelson			
Clerk's Mailing Address	City	State	ZIP Code
	323 West Michigan Avenue	Marshall	MI 49068
	Telephone Number	Fax Number	Email Address
	269-558-0304	269	

Mail completed application and attachments to: Michigan Department of Treasury
 State Tax Commission
 P.O. Box 30471
 Lansing, Michigan 48909-7971

If you have any questions, call 517- 335-7491.

For guaranteed receipt by the State Tax Commission, it is recommended that applications and attachments are sent by certified mail.



ADMINISTRATIVE REPORT
October 4, 2021 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members

FROM: Tom Tarkiewicz, City Manager

SUBJECT: Norfolk Homes v City of Marshall et. al.,
No. 2021-002218-CH – Consent Judgment

BACKGROUND: Norfolk Homes is developing the Alwyn Golf Course into a residential community. The South Neighborhood Improvement Authority has constructed Rebecca Street. This portion of the development is planned to have 16 two family homes. The current subdivision covenants do not allow this type of structures.

To eliminate this obstacle, the developer had to take legal action to vacate the subdivision covenant. Norfolk Homes and the City Attorney will present a proposed Consent Judgment for Council approval.

RECOMMENDATION: It is recommended that the City Council authorize the City Clerk and City Attorney to endorse the Norfolk Homes v City of Marshall et. al., No. 2021-002218-CH – Consent Judgment in substantial form.

FISCAL EFFECTS: None.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

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

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF CALHOUN

NORFOLK HOMES OF ALWYN DOWNS,
LLC, a Michigan limited liability company,

Plaintiff,

v.

CITY OF MARSHALL, a Michigan governmental Unit, ORLENE HAWKS, Director of the Michigan Department of Licensing and Regulatory Affairs, RON SMITH, Calhoun County Water Resources Commissioner, STEVE FRISBIE, Chair of the Calhoun County Board of Commissioners, Mary Ellen Adams, Paul Adams, Arwa A. Alsoofi, Amerihome Mortgage Company, LLC, Ellen E. Auble, Barbara J. Baggerly, as Trustee of the Barbara J. Baggerly Revocable Living Trust, Bank of American, NA, David N. Benham, Ramona Rae Benham, Dawn D. Boblet, Julie Anne Bolen, John R. Bramble, Stephanie Mae-Louise Branham, Sean Brisson, Tamera Butler, Comerica Bank, Robert W. Costa, Jerrold G. Crampton, Karen S. Crampton, Courtney A. Darling, a/k/a Courtney A. Jacoby, Mary Davis, Thomas Davis, Georgann I. Detty, Rodney H. Detty, Mary L. Doane, Thomas W. English and Shirley A. English, Co-Trustees of the Thomas W. English and Shirley A. English Living Trust dated July 17, 2003, Fifth Third Mortgage Company, First Third Bank, National Association, Julie K. Fuller, Rodney J. Funk, Clarice M. Grado, Gary J. Grado, Nicole L. Hastings, Dennis R. Hayes, Daniel A. Heckman, Mary Jo Heckman, Matthew A. Heckman, as Trustee of the Daniel A. Heckman and Mary Jo Heckman Living Trust dated April 26, 2016, Jessica Hess, Mary Hicks, Keith R. Holibaugh, Marilyn L. Holibaugh, Tammy L. Hopkins, Jesse L. Howell, Amber Johnson, Heather Johnson, Joshua Johnson, JPMorgan Chase, Kellogg Community FCU, Cody M. King, David Laurance Lakey, Kathleen M. Liggett, Trustee of the Kathleen M. Liggett Living Trust dated December 17, 2002, Marshall Community Credit Union, Sharon Merchant, MERS as nominee for Amerifirst Financial Corporation, MERS as nominee for Chemical Bank, MERS as nominee for Freedom Mortgage Corporation, MERS as nominee for Guidance Residential, LLC, MERS as nominee for Loandepot.com, LLC, MERS as nominee for Quicken

Case No. 21-2218-CH

Hon. Brian K. Kirkham

CONSENT JUDGMENT –
CITY OF MARSHALL

Loans, Inc., MERS as nominee for The Huntington National Bank, MERS as nominee for Towne Mortgage Company, Michigan State University Federal Credit Union, Connie Miller, Sharon Miller, Monarch Community Bank, Alexander Morstadt, Janis G. Murphy, Michael J. Murphy, Tammy L. Murphy, Nancy A. Nantz Revocable Trust, dated September 7, 2016, Thomas J. Niebel, Jessica M. Newland, Lonnie R. Newland, Matthew D. Parks, Michelle E. Parks, Brian Pierce, Jamie Pierce, Portfolio Recovery Associates, LLC, Felix Ramos, Katherine A. Reinowski, Debra A. Reynolds, Lindsey A. Rodriguez, Gregory Alan Rosebush and Rosemarie Ann Schmit, Trustees of their successors in interest, of the Gregory Rosebush and Rosemarie Schmit Living Trust, dated July 12, 2017, Deborah L. Rothwell, Rick Lee Rothwell, Pamela S. Saylor, Terry L. Saylor, Secretary of Housing and Urban Development, Joseph R. Serra, Jr. and Barbara E. Serra, Trustees of the Joseph Robert Serra Jr. and Barbara Ellen Serra Living Trust dated January 15, 2015, Patricia A. Sheets, Abbey L. Smith, Southern Michigan Bank & Trust, Jennifer M. Strand, Robert L. Swalwell, Sr. and Judith A. Swalwell, Co-Trustees of the Robert J. Swalwell Sr. and Judith A. Swalwell Living Trust dated February 4, 2003, Steven S. Swaton, Susan A. Swaton, Ashley D. Swope, Elliott M. Swope, TCF National Bank, The Dart Bank, Peggy J. Trine, Douglas S. Udey, U.S. Bank, N.A., Jamie L. Veld, Rebecca Waidelich, Deborah L. Walbeck, Richard D. Walbeck, Colleen J. Webb, Wells Fargo Bank, N.A., Judith A. Wilson, William D. Wilson, Carolyn J. Wintersteen, Morse W. Wintersteen, Hesham Yahia, collectively,

Defendants.

RICHARD C. LINDSEY, JR. (51342)
Abbott, Thomson, Mauldin, Parker,
Beer & Rick, PLC
Attorneys for Plaintiff
405 S. Jackson St.
P. O. Box 450
Jackson, MI 49201
(517) 787-8570
rlindsey@atbplclaw.com

David M. Revore (68929)
Marshall City Attorney
Revore Law Firm, P.L.C.
Attorneys for City of
Marshall
121 ½ West Michigan Ave.
Marshall MI 49068
Telephone (517) 993-6686
fax (517) 993-5628

CONSENT JUDGMENT – CITY OF MARSHALL

At a session of said Court held in the Courthouse in the City of
Battle Creek, Calhoun County, State of Michigan,
this _____ day of _____, 2021.

PRESENT: HONORABLE Brian K. Kirkham, Circuit Court Judge

WHEREAS, Plaintiff Norfolk Homes of Alwyn Downs, LLC (“Norfolk”) has filed a Complaint seeking to vacate a portion, as set forth on **Exhibit A** to this Judgment (the “Property”), of the Plat of Mar-View No 2, recorded in Liber 15 of Plats Page 38, Calhoun County Records (the “Plat”); and

WHEREAS, Defendant City of Marshall has been named as a party Defendant to the Complaint as required by MCL 560.224a(b); and

WHEREAS, Defendant City of Marshall has accepted service of the Complaint; and

WHEREAS, Defendant City of Marshall has no objection to the vacation of the Plat relative to the Property;

NOW THEREFORE, upon the filing and reading of the foregoing Stipulation and the Court being fully advised in the premises;

IT IS HEREBY ORDERED that upon the filing of this Judgment and contingent upon the subsequent filing of Judgments (Consent, Default or other Judgment) as to all other parties required to be joined by MCL 560.224a(1), the Plat is vacated as to the Property, as provided by MCL 560.226(1);

IT IS FURTHER ORDERED that as Norfolk has deeded to the City of Marshall the area encompassed by the roads that cross the Property, there is no street or alley being vacated as referenced in MCL 560.226(1)(c);

IT IS FURTHER ORDERED that as Norfolk has deeded utility easements to the City of Marshall across the Property, the requirements of MCL 560.226(3) requiring an easement for the use of public utilities has been satisfied;

IT IS FURTHER ORDERED that pursuant to MCL 560.227a(1), title to the vacated Property in the Plat shall and does vest in Norfolk;

IT IS FURTHER ORDERED that, as required by MCL 560.228, within 30 days after entry of this and any other judgments required for the vacation of the Plat as to the Property, Norfolk shall record the Judgment(s) in the office of the Calhoun County Register of Deeds and the Register of Deeds shall place on the original plat the date, liber, and page of the record of the Court's Judgment(s);

IT IS FURTHER ORDERED that, as required by MCL 560.229(1), Norfolk shall prepare, in the form required by law, a new plat of the part of the subdivision affected by this Judgment;

IT IS FURTHER ORDERED that, as required by MCL 560.229(2), five true copies of the new plat, prepared as required by the preceding paragraph, together with a copy of the Judgment(s), shall be filed with the Director of the Department of Energy Labor and Economic Growth ("Director") and the caption of the new plat shall include a statement that it is a revised plat of a portion of the subdivision covered by the original Plat;

IT IS FURTHER ORDERED that, as provided for by MCL 560.229(3), after the Director has examined the new plat for compliance with this Judgment, and the provisions of Michigan law for making and filing original final plats and has approved the new plat, the Director shall distribute one (1) copy each to the Register of Deeds and Clerk for Calhoun County, the Calhoun County Treasurer, and Calhoun County (Calhoun County Road Department) and one copy shall be filed

in the office of the Director.

IT IS FURTHER ORDERED that the City of Marshall is dismissed from this action and no longer a party to this action.

IT IS FURTHER ORDERED that this Consent Judgment is binding upon the parties and jurisdiction and venue proper in the Circuit Court of Calhoun County, State of Michigan; and

The Court retains jurisdiction to provide any orders necessary to further effectuate the provisions of this Judgment.

Honorable Brian K. Kirkham

Approved For Entry:

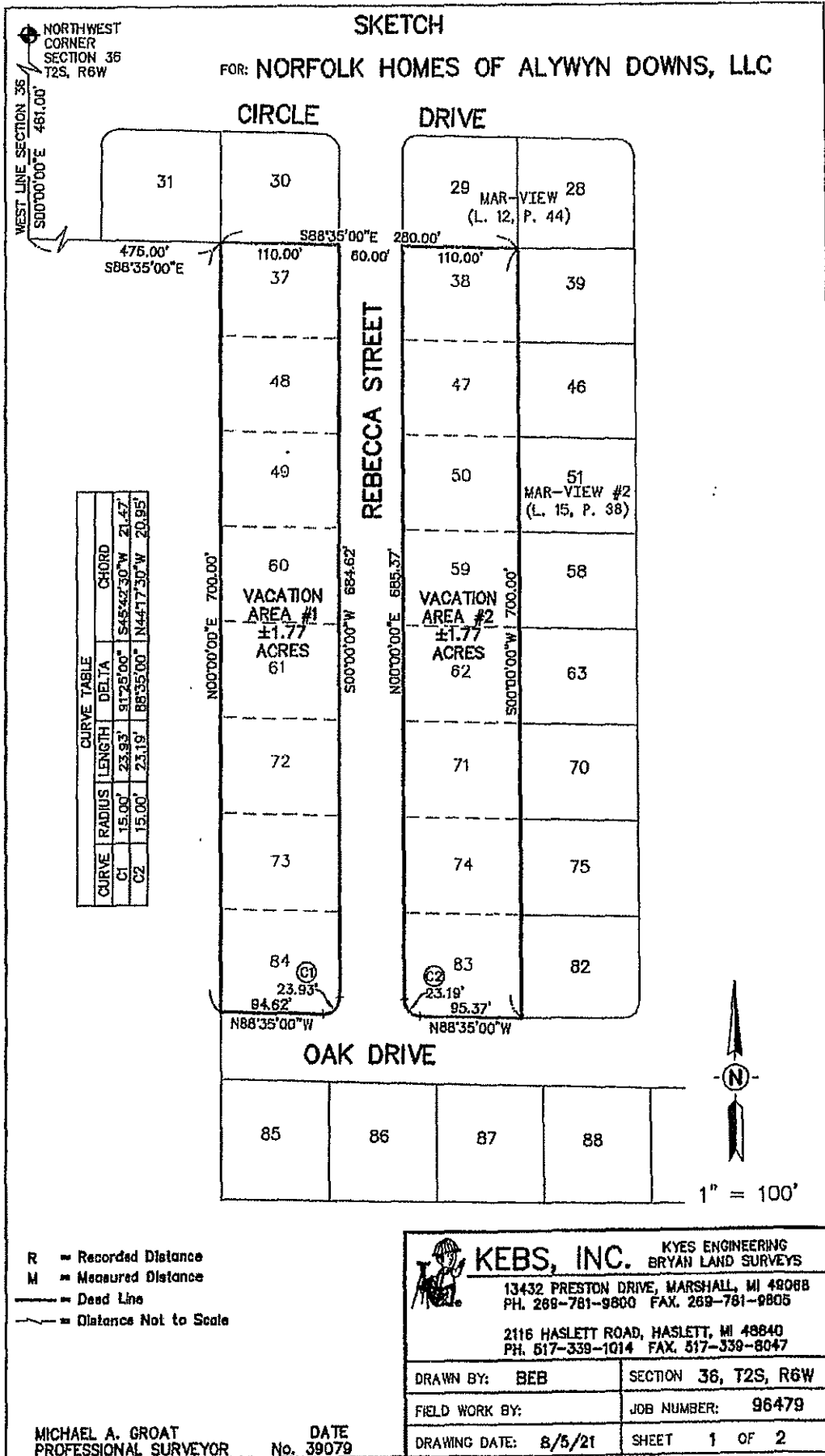
_____, 2021

David M. Revore P68929
City Attorney for Defendant, City of Marshall

_____, 2021

Richard C. Lindsey, Jr., Attorney for Plaintiff

EXHIBIT A



SKETCH

FOR: NORFOLK HOMES OF ALYWYN DOWNS, LLC


LEGAL DESCRIPTIONS

VACATION AREA #1

A parcel of land being part Northwest 1/4 of Section 36, T2S, R6W, City of Marshall, Calhoun County, Michigan, and being further described as; Commencing at the Northwest Corner of Section 36, T2S, R6W; thence S00°00'00"W, 461.00 feet along the West line of said Section 36 to the South line of Mar-View as recorded in Liber 12 of Plats, page 44 in the Office of the Register of Deeds of Calhoun County, Michigan; thence S88°35'00"E, 475.00 feet along said South line to the Northwest Corner of Lot 37 of Mar-View #2 as recorded in Liber 15 of Plats, page 38 in the Office of the Register of Deeds of Calhoun County, Michigan and the point of beginning of the following described parcel; thence continuing S89°35'00"E, 110.00 feet along the North line of said Lot 37 to the Northeast Corner of said Lot 37; thence S00°00'00"W, 684.62 feet along the West line of Rebecca Street; thence Southwesterly, 23.93 feet along said West line along the arc of a curve to the right, said curve having a radius of 15.00 feet, a delta angle of 91°25'00' and a chord bearing S45°24'30"W, 21.47 feet to the North line of Oak Drive; thence N88°35'00"W, 94.62 feet along said North line to the Southwest Corner of Lot 84 of said Mar-View #2; thence N00°00'00"E, 684.62 feet along the West line of said Mar-View #2 to the point of beginning; said parcel contains 1.77 acres, more or less; said parcel being subject to any easements or restrictions of use or record.
Said parcel being Lots 37, 48, 49, 60, 61, 72, 73, and 84 of Mar-View #2 as recorded in Liber 15 of Plats, page 38 in the Office of the Register of Deeds of Calhoun County, Michigan.

VACATION AREA #2

A parcel of land being part Northwest 1/4 of Section 36, T2S, R6W, City of Marshall, Calhoun County, Michigan, and being further described as; Commencing at the Northwest Corner of Section 36, T2S, R6W; thence S00°00'00"W, 461.00 feet along the West line of said Section 36 to the South line of Mar-View as recorded in Liber 12 of Plats, page 44 in the Office of the Register of Deeds of Calhoun County, Michigan; thence S88°35'00"E, 645.00 feet along said South line to the Northwest Corner of Lot 38 of Mar-View #2 as recorded in Liber 15 of Plats, page 38 in the Office of the Register of Deeds of Calhoun County, Michigan and the point of beginning of the following described parcel; thence continuing S89°35'00"E, 110.00 feet along the North line of said Lot 38 to the Northeast Corner of said Lot 38; thence S00°00'00"W, 700.00 feet along the East line of Lots 38, 47, 50, 59, 62, 71, 74, and 83 of said Mar-view #2 to the Southeast Corner of said Lot 83; thence N83°35'00"W, 95.37 feet along the North line of Oak Drive to the west line of Rebecca Street; thence Northwesterly, 23.19 feet along said West line along the arc of a curve to the right, said curve having a radius of 15.00 feet, a delta angle of 88°35'00", and a chord bearing N44°17'30"W, 20.95 feet; thence N00°00'00"E, 685.37 feet along said West line to the point of beginning; said parcel contains 1.77 acres, more or less; said parcel being subject to any easements or restrictions of use or record.
Said parcel being Lots 38, 47, 50, 59, 62, 71, 74, and 83 of Mar-View #2 as recorded in Liber 15 of Plats, page 38 in the Office of the Register of Deeds of Calhoun County, Michigan.

	KESB, INC. KYES ENGINEERING BRYAN LAND SURVEYS
	13432 PRESTON DRIVE, MARSHALL, MI 48068 PH. 269-781-9800 FAX. 269-781-9800 2116 HASLETT ROAD, HASLETT, MI 48840 PH. 517-339-1014 FAX. 517-339-8047
DRAWN BY: BEB	SECTION 36, T2S, R6W
FIELD WORK BY:	JOB NUMBER: 98479
DRAWING DATE: 8/5/21	SHEET 2 OF 2

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF CALHOUN

NORFOLK HOMES OF ALWYN DOWNS,
LLC, a Michigan limited liability company,

Plaintiff,

v.

CITY OF MARSHALL, a Michigan governmental Unit, ORLENE HAWKS, Director of the Michigan Department of Licensing and Regulatory Affairs, RON SMITH, Calhoun County Water Resources Commissioner, STEVE FRISBIE, Chair of the Calhoun County Board of Commissioners, Mary Ellen Adams, Paul Adams, Arwa A. Alsoufi, Amerihome Mortgage Company, LLC, Ellen E. Auble, Barbara J. Baggerly, as Trustee of the Barbara J. Baggerly Revocable Living Trust, Bank of American, NA, David N. Benham, Ramona Rae Benham, Dawn D. Boblet, Julie Anne Bolen, John R. Bramble, Stephanie Mae-Louise Branham, Sean Brisson, Tamera Butler, Comerica Bank, Robert W. Costa, Jerrold G. Crampton, Karen S. Crampton, Courtney A. Darling, a/k/a Courtney A. Jacoby, Mary Davis, Thomas Davis, Georgann I. Detty, Rodney H. Detty, Mary L. Doane, Thomas W. English and Shirley A. English, Co-Trustees of the Thomas W. English and Shirley A. English Living Trust dated July 17, 2003, Fifth Third Mortgage Company, First Third Bank, National Association, Julie K. Fuller, Rodney J. Funk, Clarice M. Grado, Gary J. Grado, Nicole L. Hastings, Dennis R. Hayes, Daniel A. Heckman, Mary Jo Heckman, Matthew A. Heckman, as Trustee of the Daniel A. Heckman and Mary Jo Heckman Living Trust dated April 26, 2016, Jessica Hess, Mary Hicks, Keith R. Holibaugh, Marilyn L. Holibaugh, Tammy L. Hopkins, Jesse L. Howell, Amber Johnson, Heather Johnson, Joshua Johnson, JPMorgan Chase, Kellogg Community FCU, Cody M. King, David Laurance Lakey, Kathleen M. Liggett, Trustee of the Kathleen M. Liggett Living Trust dated December 17, 2002, Marshall Community Credit Union, Sharon Merchant, MERS as nominee for Amerifirst Financial Corporation, MERS as nominee for Chemical Bank, MERS as nominee for Freedom Mortgage Corporation, MERS as nominee for Guidance Residential, LLC, MERS as nominee for Loandepot.com, LLC, MERS as nominee for Quicken

Case No. 21-2218-CH

Hon. Brian K. Kirkham

**STIPULATION FOR ENTRY OF
CONSENT JUDGMENT – CITY
OF MARSHALL**

Loans, Inc., MERS as nominee for The Huntington National Bank, MERS as nominee for Towne Mortgage Company, Michigan State University Federal Credit Union, Connie Miller, Sharon Miller, Monarch Community Bank, Alexander Morstadt, Janis G. Murphy, Michael J. Murphy, Tammy L. Murphy, Nancy A. Nantz Revocable Trust, dated September 7, 2016, Thomas J. Niebel, Jessica M. Newland, Lonnie R. Newland, Matthew D. Parks, Michelle E. Parks, Brian Pierce, Jamie Pierce, Portfolio Recovery Associates, LLC, Felix Ramos, Katherine A. Reinowski, Debra A. Reynolds, Lindsey A. Rodriguez, Gregory Alan Rosebush and Rosemarie Ann Schmit, Trustees of their successors in interest, of the Gregory Rosebush and Rosemarie Schmit Living Trust, dated July 12, 2017, Deborah L. Rothwell, Rick Lee Rothwell, Pamela S. Saylor, Terry L. Saylor, Secretary of Housing and Urban Development, Joseph R. Serra, Jr. and Barbara E. Serra, Trustees of the Joseph Robert Serra Jr. and Barbara Ellen Serra Living Trust dated January 15, 2015, Patricia A. Sheets, Abbey L. Smith, Southern Michigan Bank & Trust, Jennifer M. Strand, Robert L. Swalwell, Sr. and Judith A. Swalwell, Co-Trustees of the Robert J. Swalwell Sr. and Judith A. Swalwell Living Trust dated February 4, 2003, Steven S. Swaton, Susan A. Swaton, Ashley D. Swope, Elliott M. Swope, TCF National Bank, The Dart Bank, Peggy J. Trine, Douglas S. Udey, U.S. Bank, N.A., Jamie L. Veld, Rebecca Waidelich, Deborah L. Walbeck, Richard D. Walbeck, Colleen J. Webb, Wells Fargo Bank, N.A., Judith A. Wilson, William D. Wilson, Carolyn J. Wintersteen, Morse W. Wintersteen, Hesham Yahia, collectively,

Defendants.

RICHARD C. LINDSEY, JR. (51342)
Abbott, Thomson, Mauldin, Parker,
Beer & Rick, PLC
Attorneys for Plaintiff
405 S. Jackson St.
P. O. Box 450
Jackson, MI 49201
(517) 787-8570
rlindsey@atbplclaw.com

STIPULATION FOR ENTRY OF CONSENT JUDGMENT –
CITY OF MARSHALL

IT IS HEREBY STIPIULATED by Plaintiff Norfolk Homes of Alwyn Downs, LLC, and Defendant City of Marshall, by and through their respective counsel, that the parties have stipulated to the entry of the attached Consent Judgment.

ABBOTT, THOMSON, MAULDIN,
PARKER, BEER & RICK, PLC

CITY OF MARSHALL

By: _____
Richard C. Lindsey, Jr. (P51342)
Attorneys for Plaintiff

By: _____
David Revore (P68929)
Attorney for City of Marshall

Dated: September ____, 2021

Dated: September ____, 2021

REVORE LAW FIRM, PLC

ATTORNEYS AT LAW

121 1/2 W. MICHIGAN AVENUE, MARSHALL MICHIGAN 49068
836 CENTENNIAL WAY, SUITE 130, LANSING, MICHIGAN 48917

TELEPHONE (517) 993-6686
FAX (517) 993-5628

DAVID M. REVORE

September 30, 2021

Mayor Joe Caron and Marshall City Council
c/o Tom Tarkiewicz, City Manager
323 W. Michigan Ave.
Marshall, MI 49068

Via Email Delivery

**Re: 316 S. Linden Street, Marshall Michigan, 49068
Property Fire Damaged**

Dear Mayor Caron, City Council Members, and Mr. Tarkiewicz:

The purpose of this correspondence is to update the City Council as to the above address and to seek Council authorization to file litigation to abate any nuisance and effectuate clean-up of the fire-damaged property.

Background Information

On August 28, 2021, Marshall Fire Department and Marshall Police Department were dispatched to 316 S. Linden Street for a structure fire. Responding personnel observed the residence fully engulfed in fire. Information received is that the property is without insurance for remediation and property clean up; the house structure remains in a burnt condition and near collapse. (See attached photos (4).) The fire also caused fire damage to 314 S. Linden and 318. S. Linden Street.

Recommendation

As the house structure remains in a brunt condition and near collapse, authorization from City Council is requested to file litigation seeking a court order to abate any nuisance and effectuate clean-up of the fire-damaged property.

Please consider the following Motion:

“Move to authorize litigation to abate any nuisance and effectuate clean-up of the fire-damaged property at 316 S. Linden Street and take lawful measures to effectuate same.”

Recommend 2/3 Roll Call Vote.

MARSHALL ♦ LANSING

*316 S. Linden Street, Marshall Michigan, 49068
Property Fire Damaged*

Please contact me for any questions or concerns.

Very truly yours,



David M. Bevore
Marshall City Attorney

DMR

Enclosure: one page of (4) photos

C: Trisha Nelson, Clerk

