

**CITY OF MARSHALL
CALHOUN COUNTY, MICHIGAN**

**RESOLUTION AFFIRMING DECISIONS MADE DURING TELEPHONE OR VIDEO-
CONFERENCING CITY COUNCIL/COMMISSION/BOARD MEETINGS**

RESOLUTION #2020-_____

At a regular meeting of the City Council ("Council"), Calhoun County, Michigan, held at City Hall, at 323 W. Michigan Avenue, Marshall, Michigan 49068, on the 19th day of October, 2020.

Present:

Absent:

The following Preamble and Resolution were offered by _____ and supported by _____.

WHEREAS, on March 10, 2020, Governor Whitmer, acting under the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended (EMA), MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, PA 302, as amended (EPGA), MCL 10.31 et seq., declared a state of emergency across the State of Michigan as a result of the COVID-19 outbreak; and

WHEREAS, Governor Whitmer, in 2020, issued several Executive Orders to allow for remote meetings of public bodies. To the extent that the Open Meetings Act ("OMA"), 1976 PA 267, as amended, MCL 15.261 to 15.272, requires that a meeting of a public body be held in a physical place available to the general public, the Executive Orders temporarily suspended such requirement and gave local units of government, its councils, boards, commissions, committees, subcommittees, and authorities, the ability to use telephone or video-conferencing methods to conduct meetings and conduct public business during the COVID-19 emergency and the general public to continue to participate in government decision making without unduly compromising public health, safety, and welfare; and while ensuring the public has access to join the meetings; and

WHEREAS, to comply with the Governor's Executive Orders restricting in-person gatherings, the City Council conducted public meetings via telephone or video-conferencing and authorized and approved City Council actions per the following list of actions for the timeframe April 30, 2020 to September 30, 2020; and

WHEREAS, the Michigan Supreme Court issued an opinion in the case of *Midwest Institute of Health, PLLC v. Governor* (In re Certified Questions from U.S. Dist. Court), SC: 161492 (Mich. Aug. 12, 2020), that under the Emergency Management Act from 1976 nor the Emergency Powers of the Governor Act from 1945, that the Governor does not have the power to extend the initial declaration of a state of emergency past April 30, 2020, when it was set to expired.

THEREFORE, BE IT RESOLVED, that a physical quorum of public body is present; and

BE IT FURTHER RESOLVED, that the City Council affirms and ratifies all of the public body actions that were previously authorized and/or approved via telephone or video-conferencing during the timeframe of April 30, 2020 to September 30, 2020, are ratified by the physical quorum of the City Council without any change of each member's individual vote at the meetings:

Attachment A, copies of Minutes.

Roll Call Vote

Ayes:

Nays:

The Clerk of the City Council declared the Resolution adopted.

Trisha Nelson

STATE OF MICHIGAN

}ss

COUNTY CALHOUN

CERTIFICATE

I, Trisha Nelson, Clerk of the City Council, within the County of Calhoun, State of Michigan, hereby certify that this is a true and correct copy of a resolution adopted by the City Council, at a Regular Meeting held on the 19th day of October, 2020. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

CALL TO ORDER

IN REGULAR SESSION, Monday, May 4, 2020, at 7:00 P.M. a webinar meeting was held electronically by utilizing the ZOOM platform, the Marshall City Council was called to order by Mayor Caron.

ROLL CALL

Roll was called:

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

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: None.

INVOCATION/PLEDGE OF ALLEGIANCE

Richard Gerten of Family Bible Church gave the invocation and Mayor Caron led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Metzger, supported Traver, to approve the agenda with the removal of item 17. Closed Session. On a roll call vote – ayes: Gates, McNeil, Metzger, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED**

CANDIDATES FOR PUBLIC OFFICE

None.

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

Moved Metzger, supported Underhill, to approve the Consent Agenda:

- A. Schedule a public hearing for Monday, May 18, 2020 to consider Zoning Amendment Application #RZ20.01 to rezone, 119 N. Grand Street, Parcel #53-000-413-01 from POSD (Professional Office Service) to R-3 (Traditional Residential).
- B. Minutes of the City Council Regular Session held on Monday, April 20, 2020;
- C. Approve city bills in the amount of \$221,159.98;

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

PRESENTATIONS AND RECOGNITION

None.

INFORMATIONAL ITEMS

None.

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Electric Vehicle Charging Stations EGLE Grant:

Moved Traver, supported Wolfersberger, to approve entering into the grant agreement between the City and EGLE, Materials Management Division for grant funding from the State of Michigan VW Settlement Fund for the installation of two Level 2 Electric Vehicle Charging Station locations in downtown Marshall in the grant amount of \$98,140 with a \$2,000 City matching contribution and authorize the City Clerk to sign the agreement. On a roll call vote – ayes: Metzger, Traver, Underhill, Wolfersberger, Mayor Caron, Gates, and McNeil; nays: none. **MOTION CARRIED.**

B. Michigan Hard Cap Exemption:

Moved Traver, supported Gates, to approve the resolution to exempt the City of Marshall from the requirements of PA 152 of 2011. On a roll call vote – ayes: Underhill, Wolfersberger, Mayor Caron, Gates, McNeil, Metzger, and Traver; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2020-17**

**RESOLUTION TO ADOPT THE ANNUAL EXEMPTION OPTION
AS SET FORTH IN 2011 PUBLIC ACT 152, THE PUBLICLY FUNDED HEALTH
INSURANCE CONTRIBUTION ACT**

WHEREAS, 2011 Public Act 152 (the "Act") was passed by the State Legislature and signed by the Governor on September 24, 2011;

WHEREAS, the Act contains three options for complying with the requirements of the Act;

WHEREAS, the three options are as follows:

- 1) Section 3 - "Hard Caps" Option - limits a public employer's total annual health

care costs for employees based on coverage levels, as defined in the Act;

2) Section 4 - "80%/20%" Option - limits a public employer's share of total annual health care costs to not more than 80%. This option requires an annual majority vote of the governing body;

3) Section 8 - "Exemption" Option - a local unit of government, as defined in the Act, may exempt itself from the requirements of the Act by an annual 2/3 vote of the governing body;

WHEREAS, the City Council has decided to adopt the annual Exemption option as its choice of compliance under the Act;

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Marshall elects to comply with the requirements of 2011 Public Act 152, the Publicly Funded Health Insurance Contribution Act, by adopting the annual Exemption option for the medical benefit plan coverage year July 1, 2020 through June 30, 2021.

Upon a call of the roll, the vote was as follows:

Ayes: Underhill, Wolfersberger, Mayor Caron, Gates, McNeil, Metzger, and Traver

Nays: None.

Absent: None.

RESOLUTION DECLARED ADOPTED.

CERTIFICATION OF CITY CLERK

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Marshall at a regular meeting held on the 4th day of May, 2020.

Trisha Nelson, City Clerk

C. Trash, Brush and Leaf Collection Millage Ballot Language Resolution:

Moved Traver, supported Underhill, to adopt the resolution for the August 4, 2020 ballot language for the renewal of the Trash, Brush and Leaf Collection millage for "up to 4 mills for 4 years." On a roll call vote – ayes: Wolfersberger, Mayor Caron, Gates, McNeil, Metzger, Traver, and Underhill; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL
CALHOUN COUNTY, MICHIGAN

May 4, 2020

RESOLUTION #2020-18

RESOLUTION TO ADOPT MILLAGE BALLOT LANGUAGE

TO GENERATE MILLAGE FOR TRASH, LEAF AND BRUSH REMOVAL

WHEREAS, the Marshall City Council wishes to continue to provide revenue for the collection and removal of trash, leaves and brush on an annual basis from within the city; and

WHEREAS, the Marshall City Council is obligated by the city's charter Section 2.18 to provide for the public peace and health; and

WHEREAS, the removal of trash, leaves and brush is a lawful municipal purpose; and

WHEREAS, cities may impose and levy ad valorem property taxes to finance lawful public services, as authorized by the Michigan Constitution of 1963 and other laws; and

WHEREAS, the Marshall City Council wishes to levy up to three-fourths of one mill for trash, leaf and brush removal;

Now, THEREFORE, BE IT RESOLVED that the City Council of the City of Marshall, Calhoun County, approves the following millage ballot question language and directs the Clerk to submit it to the County Clerk to be placed on the August 4, 2020, election ballot:

ANNUAL TRASH, LEAF AND BRUSH MILLAGE

Shall the City of Marshall levy up to 0.75 mills (75¢ per \$1,000 of taxable value), and levied for four years, 2021 through 2024 inclusive, for the purpose of providing revenue for the once annual removal of trash, leaves and brush, which will raise an estimated \$130,000 in the first year the millage is levied? If approved this would be a renewal of a previously authorized millage.

☐ Yes

☐ No

I, Trisha Nelson, Clerk for the City of Marshall, Calhoun County, Michigan do hereby certify that the foregoing Resolution No. 2020- 18 was offered by Councilperson Traver and supported by Councilperson Underhill, and the same was duly passed at a regular meeting of the City Council by remote technology held on Monday, the 4th day of May, 2020 and that the vote was as follows:

Yeas: Wolfersberger, Mayor Caron, Gates, McNeil, Metzger, Traver, and Underhill

Nays: None.

Absent: None.

Trisha Nelson, Clerk

D. Large Scale Street Improvement Program:

No action taken. Discussion took place regarding the Street Improvement Program. The issue will be discussed further and give the voters an opportunity to vote on the issue.

E. Schedule Public Hearing – FY 2021 Budget:

Moved McNeil, supported Wolfersberger, to schedule a public hearing for Monday, May 18, 2020 to receive public comment on the Fiscal Year 2021 General Fund, Special Revenue Funds, Enterprise Funds and Internal Service Funds Budget. On a roll call vote – ayes: Gates, McNeil, Metzger, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

ADJOURNMENT

The meeting was adjourned at 8:54 p.m.

Joe Caron, Mayor

Trisha Nelson, City Clerk

CALL TO ORDER

IN REGULAR SESSION, Monday, May ,18 2020, at 7:00 P.M. a webinar meeting was held electronically by utilizing the ZOOM platform, the Marshall City Council was called to order by Mayor Caron.

ROLL CALL

Roll was called:

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

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: Council Member Underhill.

Moved Gates, supported McNeil, to excuse the absence of Council Member Underhill. On a roll call vote – ayes: Gates, McNeil, Metzger, Traver, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Caron led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved McNeil, supported Wolfersberger, to approve the agenda with the addition of item 17. Closed Session. On a roll call vote – ayes: Gates, McNeil, Metzger, Traver, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

CANDIDATES FOR PUBLIC OFFICE

None.

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

Moved Metzger, supported McNeil, to approve the Consent Agenda:

- A. Schedule a public hearing for Monday, June 1, 2020 to consider Zoning Amendment Application #RZ20.01 to rezone, 119 N. Grand Street, Parcel #53-000-413-01 from POSD (Professional Office Service) to R-3 (Traditional Residential);
- B. Schedule a public hearing for Monday, June 1, 2020 to hear public comment regarding the amendment to Ordinance 134.30 Fireworks in Chapter 134 of the city of Marshall Code of Ordinances;
- C. Schedule a public hearing for Monday, June 1, 2020 to hear public comment regarding the amendment to Ordinance 95.03: Prohibited Burning and the repealing of Ordinances 95.04, 95.05, 95.06, and 95.99 in

- Chapter 95 of the City of Marshall Code of Ordinances;
- D. Minutes of the City Council Regular Session held on Monday, May 4, 2020;
 - E. Approve city bills in the amount of \$454,823.47;

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

PRESENTATIONS AND RECOGNITION

None.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Fiscal Year 2021 Budget Adoption:

Finance Director Jon Bartlett went over some highlights of the Fiscal Year 2021 Budget that totals \$35,860.909 in expenditures and is in compliance with the City Charter.

Mayor Caron opened the public hearing to hear public comment regarding the FY 2021 Proposed Budget and related property tax millage rates.

Hearing no comment, the hearing was closed.

Moved Metzger, supported McNeil, to adopt the resolution to approve the City of Marshall budget and related property tax millage rates for Fiscal Year 2021. On a roll call vote – ayes: Wolfersberger, Mayor Caron, Gates, Metzger, McNeil, and Traver; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2020-19**

**THE CITY OF MARSHALL
GENERAL APPROPRIATION ACT AND TAX LEVY RESOLUTION
July 1, 2020 – June 30, 2021**

THE CITY OF MARSHALL RESOLVES that the expenditures for the fiscal year, commencing July 1, 2020, and ending June 30, 2021, are hereby appropriated on a departmental and fund total basis as follows:

<u>GENERAL FUND REVENUES</u>	
Taxes	\$3,897,439
Licenses and Permits	282,000

Intergovernmental Revenues	1,060,821
Charges for Services	109,500
Fines and Forfeits	31,800
Interest	30,000
Miscellaneous	226,623
Transfers In	1,775,143
Marshall Reg. Law Enforce.	368,679
Recreation	538,242
Farmer's Market	29,840
Airport	<u>345,420</u>
Total Revenues	\$8,695,507

GENERAL FUND EXPENDITURES

City Council	\$5,014
City Manager	264,703
Assessor	71,010
Attorney	55,000
Human Resources	95,609
Clerk	72,081
Finance/Treasurer	560,046
City Hall	97,704
Chapel	4,643
Other City Property	56,000
Cemetery	170,533
Non-Departmental	637,523
Police	2,024,970
Crossing Guards	8,670
Dispatch	123,200
Code Enforcement	25,881
Fire	1,418,086
Inspection	138,527
Planning/Zoning	58,180
Streets	886,169
Engineering	52,413
Compost	26,270
PSB Operations	121,881
Parks	85,592
Capital Improvements	181,747
Transfers Out	171,874
Marshall Reg. Law Enforce.	377,661
Recreation	538,242
Farmer's Market	34,154
Airport	<u>338,241</u>
Total Expenditures	\$8,701,624

Overall General Fund (including MRLEC, Recreation, Farmer's Market, and Airport) fund reserves shall decrease by \$6,117 based on the FY 2021 revenues and expenditures for the General Fund budget.

The City Council does hereby levy a tax of 17.1629 mills for the period of July 1, 2020, through June 30, 2021 on all taxable real and non-exempt personal property in the City of Marshall, according to the valuation of the same. This tax is levied for the purpose of defraying the general expense and liability of the City of Marshall and is levied pursuant to Section 8.01, Article 8 of the Charter of the City of Marshall.

The City Council does hereby levy a tax of .4882 mills for the period of July 1, 2020, through June 30, 2021, on all taxable real and non-exempt personal property in the City of Marshall, according to the valuation of the same. This tax is levied for the purpose of defraying the expense of operating the Leaf, Brush and Trash Removal Services of the City of Marshall as authorized by a vote of the citizens on November 6, 2012 (renewal vote on this millage was on November 2016 and passed).

The City Council does hereby levy a tax of .9171 mills for the period of July 1, 2020, through June 30, 2021, on all taxable real and non-exempt personal property in the City of Marshall, according to the valuation of the same. This tax is levied to operate the Dial-A-Ride Transportation System in the City of Marshall as authorized by a vote of the citizens on August 5, 1975.

The City Council does hereby levy a tax of .9171 mills for the period of July 1, 2020, through June 30, 2021, on all taxable real and non-exempt personal property in the City of Marshall, according to the valuation of the same. This tax is levied for the purpose of defraying the expense of operating the Recreation Department of the City of Marshall as authorized by a vote of the citizens on April 4, 1959.

The City Council does hereby levy a tax of 1.5981 mills for the period of July 1, 2020, through June 30, 2021, on all taxable real and non-exempt personal property in the City of Marshall, according to the valuation of the same in a district known as the Downtown Development District. This tax is levied for the purpose of defraying the costs of the Downtown Development Authority.

	PROPOSED	ACTUAL	
	<u>FY 2021</u>	<u>FY 2020</u>	<u>DIFFERENCE</u>
General Operating	17.1629	17.1629	0.0000
Leaf, Brush and Trash Removal Services	.4882	.4899	-0.0017
Recreation	.9171	.9202	-0.0031
Dial-A-Ride	.9171	.9202	-0.0031
Downtown Development Authority	1.5981	1.6041	-0.0060
TOTAL	<u>21.0834</u>	<u>21.0973</u>	<u>-0.0139</u>

The City Manager is authorized to make budgetary transfers within the appropriation centers established through this budget, and that all transfers between departments or funds may be made by the City Manager in an amount not to exceed \$20,000 per occurrence without prior Council approval pursuant to Section 19.2 of the provisions of the Michigan Uniform Accounting and Budgeting Act.

The City Council establishes the budget for the period of July 1, 2020, through June 30, 2021 for the following funds in the amounts set forth below:

ALL FUNDS REVENUES

General Fund	\$8,695,507
MVH-Major & Trunkline	789,107
MVH-Local	301,811
Leaf, Brush and Trash Removal	101,075
Northeast NIA	325,000
South NIA	453,244
Local Development Finance	513,760
Downtown Development	208,133
Marshall House	1,033,551
Fiber to the Premise	1,042,000
Electric	13,423,838
Dial-a-Ride	537,039
Wastewater	2,030,317
Water	2,714,024
Data Processing	220,791
Motor Pool	<u>1,128,322</u>
Total Revenues	\$33,517,519

ALL FUNDS EXPENDITURES

General Fund	\$8,701,624
MVH-Major & Trunkline	789,107
MVH-Local	301,811
Leaf, Brush and Trash Removal	100,058
Northeast NIA	322,500
South NIA	452,000
Local Development Finance	429,947
Downtown Development	212,323
Marshall House	1,033,551
Fiber to the Premise	1,091,401
Electric	13,915,658
Dial-a-Ride	535,167
Wastewater	3,269,930
Water	3,284,844
Data Processing	206,791
Motor Pool	<u>1,214,197</u>
Total Expenditures	\$35,860,909

Total fund reserves (not including the capitalization of assets) shall be decreased by \$2,343,390 based on the FY 2021 revenues and expenditures for All Funds. Fund reserves will increase by \$1,479,515 if all capital outlay is capitalized in the enterprise and internal services funds.

The City Council of the City of Marshall did give notice of the time and place when a public hearing on adoption of the budget would be held in accordance with Public Act 43 of 1963, proof of publication of the Notice of Public Hearing is now on file, and which Public Hearing was duly held pursuant to said notice and in conformity therewith. A copy of the budget proposal was on file with the City Clerk and on the City's website and available for public inspection at least one week prior to adoption of the budget; and

Further, the City Council of the City of Marshall did give notice of the time and place when a public hearing would be held in conformity with the provisions of Public Act 5 of 1982 authorizing a tax rate in excess of the present authorized tax rate for General Operating, Recreation, Leaf & Brush, Dial-A-Ride and Downtown Development Authority tax levies, proof of publication of Notice of Public Hearing is now on file, and which Public Hearing was duly held pursuant to said notice and in conformity therewith; and

This Resolution shall take effect July 1, 2020.

Dated: May 18, 2020

Trisha Nelson, City Clerk

I, Trisha Nelson, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on May 18, 2020, 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

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

None.

APPOINTMENTS/ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

CLOSED SESSION

Moved Metzger, supported Wolfersberger, for City Council to convene in 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 correspondence from its attorney dated May 18, 2020 for the reason that the correspondence is exempt from disclosure under State law due to the attorney-client privilege. On a roll call vote – ayes: Gates, McNeil, Metzger, Traver, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

Enter into Closed Session at 7:41.

Return to Open Session and Adjourn at 8:35 p.m.

ADJOURNMENT

The meeting was adjourned at 8:35 p.m.

Joe Caron, Mayor

Trisha Nelson, City Clerk

CALL TO ORDER

IN REGULAR SESSION, Monday, June 1, 2020, at 7:00 P.M. a webinar meeting was held electronically by utilizing the ZOOM platform, the Marshall City Council was called to order by Mayor Caron.

ROLL CALL

Roll was called:

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

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: Council Member Gates.

Moved McNeil, supported Metzger, to excuse the absence of Council Member Gates. On a roll call vote – ayes: McNeil, Metzger, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

INVOCATION/PLEDGE OF ALLEGIANCE

Richard Gerten of Family Bible Church gave the invocation and Mayor Caron led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved McNeil, supported Traver, approve the agenda with the removal of item 13D Annual Compensation of Administrative Officials to be discussed at work session. On a roll call vote – ayes: McNeil, Metzger, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

CANDIDATES FOR PUBLIC OFFICE

Lynn Afendoulis introduced herself and spoke regarding her candidacy for Congress in 2020.

PUBLIC COMMENT ON AGENDA ITEMS

Matt Uetrecht of Thompson Construction spoke of his displeasure and disappointment with not being chosen as the low bidder for the Eagle and Jefferson Water Main Project.

CONSENT AGENDA

Moved Metzger, supported Underhill, to approve the Consent Agenda:

- A. Accept the 3rd Quarter Financial Report;
- B. Accept the 3rd Quarter Investment Report;
- C. Accept the 3rd Quarter Cash & Investment Portfolio Report;

- D. Schedule a public hearing for Monday, July 6, 2020 to hear public comment on the vacating of Spruce Street from Kalamazoo Avenue to Sycamore Street and the south 132' of South Sycamore Street right of way;
- E. Receive the FY2021 Administrative Chain of Command Appointments;
- F. Minutes of the City Council Regular Session held on Monday, May 18, 2020;
- G. Approve city bills in the amount of \$1,105,281.23.

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

PRESENTATIONS AND RECOGNITION

None.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Zoning Amendment Application #RZ20.01 to rezone 119 N. Grand Street from POSD-Professional Office Service District to R-3 – Traditional Residential:

Planning and Zoning Administrator Trisha Nelson provided background regarding Zoning Amendment Application #RZ20.01. The owner of 119 N. Grand is seeking to rezone the parcel from the current zoning of POSD to R-3. A rezoning of the property will allow Mr. Vincent to sell the property as a residential home. Planning Commission approved recommending to the City Council on May 13, 2020.

Mayor Caron opened the public hearing to hear public comment regarding Zoning Amendment Application #RZ20.01 to rezone Parcel #53-000-413-01 from POSD-Professional Office Service District to R-3-Traditional Residential.

Eldon Vincent, owner of 119 N. Grand, purchased the property in 2006 and assumed the property had been resumed. He is currently in the process of selling the property pending the approval of the application.

Hearing no further comment, the hearing was closed.

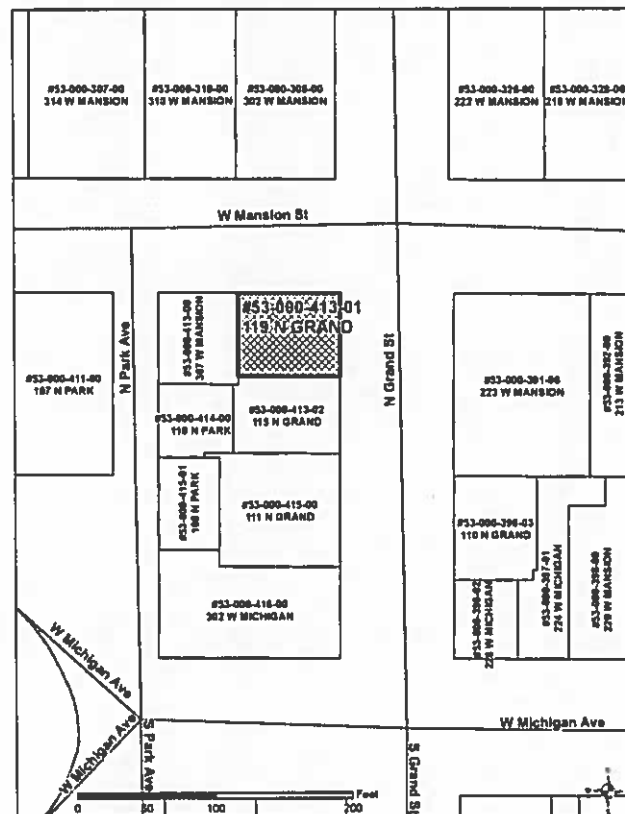
Moved Metzger, supported Traver, to approve the recommendation from Planning Commission for approval of Rezoning Request #RZ20.01 for 119 N. Grand to rezone from Professional Office Service District to R-3 Traditional Residential. On a roll call vote – ayes: Traver, Underhill, Wolfersberger, Mayor Caron, Gates, Metzger, and McNeil; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL
ORDINANCE #2020- 09**

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CHANGE THE ZONING OF A PARCEL OF REAL PROPERTY AT 119 N GRAND STREET, PARCEL #53-000-413-01, FROM THE ZONING DISTRICT OF PROFESSIONAL OFFICE SERVICE DISTRICT (POSD) TO TRADITIONAL RESIDENTIAL (R-3).

THE CITY OF MARSHALL, MICHIGAN ORDAINS:

Section 1. Pursuant to the authority granted in Section 7.1 of the Marshall City Code, the Zoning Map of the City of Marshall is hereby amended so as to change the zoning district for the below described properties from Professional Office Service District (POSD) to Traditional Residential (R-3).



TAX PARCEL #53-000-413-01 (119 N. GRAND ST.) LEGAL DESCRIPTION

MARSHALL CITY, LOWER VILLAGE BLK 15 N 60 FT OF E 4 1/2 RDS OF LOT 3.

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

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

Adopted and signed this 1st day of June, 2020.

Joe Caron, MAYOR

Trisha Nelson, CITY CLERK

I, Trisha Nelson, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on June 1, 2020, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.

Trisha Nelson, CITY CLERK

B. Amendment to Ordinance 134.30: Fireworks:

Director of Public Safety Scott McDonald and Attorney John Sullivan discovered the Fireworks section of our City code was in need of revision during a review of fire related codes and ordinances. The proposed ordinance includes some changes in definitions, brings the ordinance more in line with state law, and addresses some safety concerns.

Mayor Caron opened the public hearing to hear public comment regarding the proposed changes to City Ordinance 134.30: Fireworks.

Hearing no comment, the public hearing was closed.

Moved Wolfersberger, supported Metzger, to adopt the changes to City Ordinance 134.30: Fireworks. On a roll call vote – ayes: Underhill, Wolfersberger, Mayor Caron, Metzger, McNeil, and Traver; nays: none. **MOTION CARRIED.**

City of Marshall, Michigan
Ordinance #2020-10

AN ORDINANCE AMENDING CITY OF MARSHALL CODE OF ORDINANCES,
SECTIONS 134.30

WHEREAS, The Michigan Fireworks Safety Act, MCL 28.451, et seq, as amended, legalized the sale, possession and use of fireworks in Michigan; and

WHEREAS, Section 134.30 of the Code of Ordinances is in conflict with the Michigan Fireworks Safety Act; and

WHEREAS, the public good is furthered by maintaining consistency and uniformity between the Act and local ordinance; and

WHEREAS, the health, safety and welfare of city residents, and visitors, is furthered by the enactment of an ordinance which regulates the ignition, discharge, and use of fireworks;

NOW, THEREFORE, THE CITY OF MARSHALL ORDAINS that the current version of Section 134.30 be deleted and replaced with the version set forth herein;

§ 134.30 FIREWORKS

(A) Definitions:

AGRICULTURAL AND WILDLIFE FIREWORKS. "Agricultural and wildlife fireworks" means fireworks devices distributed to farmer, ranchers, and growers through a wildlife management program administered by the United States Department of the Interior or the Department of Natural Resources of this state.

ARTICLES PYROTECHNIC. "Articles Pyrotechnic" means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 C.F.R. 172.101.

CONSUMER FIREWORKS. "Consumer fireworks" means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 C.F.R. parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. **CONSUMER FIREWORKS** does not include low-impact fireworks or novelties.

DEPARTMENT. "Department" means the Department of Licensing and Regulatory affairs.

FIREWORK or FIREWORKS. "Firework" or "fireworks" means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks and special effects.

LOW IMPACT FIREWORKS. "Low impact fireworks" means ground and handheld sparkling devices as that phrase is defined under APA Standard 87-1, 3.1, 1.1 to 3.1, 1.8 and 3.5.

MINOR. "Minor" means an individual who is less than 18 years of age.

NOVELTIES. "Novelties" means that term as defined under APA standard 87.1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4 and 3.2.5 and include all of the following:

- A. Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.
- B. Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph A are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.
- C. Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.
- D. Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box, and toy smoke devices.

PERSON. "Person" means an individual, association, charitable organization, company, limited liability company, corporation or any other legal or commercial entity.

SPECIAL EFFECTS. "Special effects" means a combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion

picture, radio, television, theatrical or opera production or live entertainment

(B) No person shall ignite, discharge or use homemade fireworks at any time. A person who violates this section is responsible for a municipal civil infraction and shall be fined \$1000 for each violation and no other fine or sanction shall be imposed. \$500 of the fine shall be remitted to the Marshall Police Department.

(C) No person shall ignite, discharge or use consumer fireworks except on the following days after 11:00 a.m.

(1) December 31 until 1:00 a.m. on January 1.

(2) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.

(3) June 29 to July 4 until 11:45 p.m. on each of those days.

(4) July 5, if that date is a Friday or Saturday, until 11:45 p.m.

(5) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

A person who violates this section is responsible for a municipal civil infraction and shall be fined \$1,000 for each violation and no other fine or sanction shall be imposed. \$500 of the fine shall be remitted to the Marshall Department of Public Safety.

(D) No person shall ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises. A person who violates this section is responsible for a municipal civil infraction and shall be fined \$500.

(E) No person shall discharge, ignite, or use consumer fireworks or low impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance. A person who violates this section is responsible for a municipal civil infraction and shall be fined \$1,000.

(F) No person shall smoke or use smoking materials within 50 feet of any area where fireworks or any other pyrotechnic materials are present. A person who violates this section is responsible for a municipal civil infraction and shall be fined \$500.

- (G) A minor shall not possess, use, discharge or ignite consumer fireworks at any time unless supervised by a parent or legal guardian. A person who violates this section is responsible for municipal civil infraction and shall be fined \$500.
- (H) No person shall discharge, set off or use an unmanned free-floating device (sky lanterns) which requires fire underneath for propulsion and which is not moored to the ground while aloft. A person who violates this section is responsible for a municipal civil infraction and shall be fined \$500.
- (I) No person shall ignite, discharge, or use consumer fireworks or low-impact fireworks in a manner that is intended to harass, scare, or injure livestock. A person who violates this section is responsible for a municipal civil infraction and shall be fined \$500.
- (J) If the police or fire investigator determines that a person has violated this ordinance, or the Michigan Fireworks Safety Act, the fireworks associated with the violation may be seized and stored as evidence. If the person subject to criminal or civil proceedings is found guilty or responsible, the person shall be required to pay the storage expenses for the evidence seized.
- (K) Notwithstanding the days and times permitting the ignition, discharge or use of consumer fireworks under § (B)(1)-(5), if the environmental concerns based on the Michigan Department of Natural Resources Fire Division criteria are elevated to extreme fire conditions or if the environmental concerns based on the Fire Division criteria are elevated to very high for 72 consecutive hours, the Director of Public Safety, or their designee, in consultation with the Michigan Department of Natural Resources, has the authority to enforce a no-burning restriction that includes a ban on the ignition, discharge, and use of consumer fireworks and display fireworks within the City. If a no-burning restriction is instituted under this section, the Director of Public Safety, or their designee, shall ensure that adequate notice of the restriction is provided to the public. Not more than 24 hours after the fire condition is downgraded from extreme or very high fire condition, the Director of Public Safety, or their designee, shall inform the public that the restriction has been lifted in the same manner that the restriction was announced or otherwise made known to the public. A person who violates this section is guilty of a misdemeanor.
- (L) The City reserves to itself the ability granted by the Act at MCLA § 28.466, to approve the use of articles pyrotechnic and display fireworks for public or private display by organizations and individuals within the City.
 - (1) The City Clerk, upon application in writing on forms provided by the Michigan Department of licensing and regulatory affairs, or its

successor agency, and payment of a fee to be established by resolution, may grant a permit for the use of articles pyrotechnic or display fireworks for public or private display within the City by organizations or individuals approved by the City Clerk, and compliance with the Michigan Fireworks Safety Act. A permit granted under this subsection is not transferable and shall not be issued to a minor.

- (2) Before a permit for articles pyrotechnic or display fireworks ignition is issued, the person applying for the permit shall furnish proof of financial responsibility by a bond or insurance in an amount, character and form deemed necessary as set from time to time by resolution to protect the public and to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person or an agent or employee of the person.
- (3) Before granting a permit, the Director of Public Safety shall rule on the competency and qualifications of an articles pyrotechnic and display fireworks operator, as furnished by the operator on the operator's application form, in accordance with the requirements provided under NFPA 1123, and on the time, place and safety aspects of the display of articles pyrotechnic or display fireworks.

(Prior Code, § 18-117) (Ord. passed 8-21-1978; Am. Ord. passed 9-17-1979; Am. Ord. passed 7-1-1985; Am. Ord. passed 5-16-1988; Am. Ord. 99-1, passed 1-4-1999; Am. Ord. 99-9, passed 10-4-1999, AM. Ord. 2020-10, passed 6-1-2020)

Statutory reference:

Michigan Fireworks Safety Act, M.C.L.A §§ 28.451 et seq., as amended.

REPEALER

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect, and the City of Marshall City Code shall remain in full force and effect, amended only as specified above.

SEVERABILITY

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void or illegal by any Court of competent jurisdiction, such section, clause or provision shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

ENACTMENT

This ordinance is declared to have been enacted by the City Council of the City of Marshall at a meeting called and held on the 1st day of June, 2020, and ordered to be given publication in the manner prescribed by law.

AYES: Mayor Caron, McNeil, Metzger, Traver, Underhill, and Wolfersberger.

NAYES: None.

ABSTENTIONS: None.

Mayor
STATE OF MICHIGAN
COUNTY OF CALHOUN

City Clerk

I, the undersigned, the qualified and acting City Clerk of the City of Marshall, Calhoun County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the City Council of the City of Marshall at a meeting called and held on the 1st day of June, 2020, the original of which is on file in my office.

Clerk

Adopted: 6/1/2020

Published: 6/6/2020

C. Amendment to Ordinance 95.03: Prohibited Burning and the Repealing of Ordinances 95.04, 95.05, 95.06, and 95.99

Director of Public Safety Scott McDonald and Attorney John Sullivan discovered Chapter 95 of the code of ordinances was in need of updating during a review of fire related codes and ordinances. The proposed ordinance includes some changes in definitions, defining more thoroughly what is prohibited to burn, and addresses some safety concerns.

Mayor Caron opened the public hearing to hear public comment regarding the proposed changes to Chapter 95 of the Marshall City Code of Ordinances.

Hearing no comment, the public hearing was closed.

Moved McNeil, supported Underhill, to adopt the amendments to the City Ordinances 95.03, and repeal Ordinances 95.04, 95.05, 95.06 and 95.99. On a roll call vote – ayes: Wolfersberger, Mayor Caron, Metzger, McNeil, Traver, and Underhill; nays: none. **MOTION CARRIED.**

City of Marshall, Michigan
Ordinance #2020-11

AN ORDINANCE AMENDING CITY OF MARSHALL CODE OF ORDINANCES, SECTION 95.03 AND DELETING SECTIONS 95.04, 95.05, 95.06 AND 95.99

WHEREAS, the burning and combustion of materials directly into the environment causes the release of pollutants into the air which negatively impacts the human sight and respiratory systems; and

WHEREAS, the burning and combustion of materials directly into the environment increases the risk of uncontrolled fire, and generally creates a nuisance; and

WHEREAS, the health, safety and welfare of city residents, and visitors, is furthered by the enactment of this ordinance;

NOW, THEREFORE, THE CITY OF MARSHALL ORDAINS that the current versions of Section 95.03, 95.04, 95.05, 95.06 and 95.99 be deleted and replaced with 95.03 as set forth herein;

§ 95.03 PROHIBITED BURNING.

(A) Definitions:

BURN OR BURNING. “Burn” or “burning” means the ignition or combustion of material where smoke and other emissions are released directly into the air.

GARBAGE. “Garbage” means rejected organic waste including waste from the accumulation of animal, fruit, or vegetable matter used or intended for the use in the preparation, use, cooking, processing or storing of meat, fish, fowl, fruit, vegetable or other food; accumulations of leaves, branches, cut grass or other vegetation.

LITTER. “Litter” means all rubbish, refuse, garbage, trash, debris and waste material of any kind.

OWNER. “Owner” means:

- (1) Every person or entity holding legal or equitable title to a property or to real improvements on a property solely, jointly, by the entireties, in common, or as land contract vendee.
 - (2) Every person or entity who in fact has been empowered to act on behalf of, or receive process for, or as agent of the owner; or
 - (3) Every person or entity who has, or exercises, care, custody, dominion or control over any property;
 - (4) Every person or entity who is a record owner as demonstrated by a deed or other document of title recorded at the office of the Register of Deeds or otherwise substantiated; or
 - (5) Every person or entity listed as the taxpayer by assessor's records.
- (B) No person shall burn paper, garbage, litter, trees, leaves, stumps, brush, refuse, household waste, commercial waste, building materials or debris, construction materials or debris, demolition waste or debris, remodeling waste or debris, tires, furniture or any other wanted or unwanted material, except as otherwise provided herein. A person who violates this section is responsible for a municipal civil infraction and shall be fined as follows:
- (1) For a first offense, a fine of \$100;
 - (2) For a second offense, a fine of \$300;
 - (3) For a third or subsequent offense, a fine of \$500.
- (C) No owner shall knowingly permit a person to burn paper, garbage, litter, trees, leaves, stumps, brush, refuse, household waste, commercial waste, building materials or debris, construction materials or debris, demolition waste or debris, remodeling waste or debris, tires, furniture or any other wanted or unwanted material on their property, or on property occupied by them or under their control, including the gutter or curb area adjacent to the property, except as otherwise provided herein. A person who violates this section is responsible for a municipal civil infraction and shall be fined as follows:
- (1) For a first offense, a fine of \$100;
 - (2) For a second offense, a fine of \$300;
 - (3) For a third or subsequent offense, a fine of \$500.
- (D) For buildings or structures other than one and two-family dwellings, no person shall use barbecue grills, char broilers, smokers, deep fryers, and similar cooking or heat generating devices or appliances on balconies, decks, under any overhanging portion of a structure or within 10 feet of any structure, nor shall any person store said items on a balcony or deck. A person who violates this section is responsible for a municipal civil infraction and shall be fined as follows:

- (1) For a first offense, a fine of \$100;
 - (2) For a second offense, a fine of \$300;
 - (3) For a third or subsequent offense, a fine of \$500.
- (E) The following activities are excepted from the prohibitions set forth in (B), (C) and (D) above:
- (1) The burning of buildings or other structures pursuant to fire suppression training authorized by the Director of Public Safety, or his or her designee.
 - (2) Burning authorized by a written permit issued by the Director of Public Safety, or his or her designee. Burning under this section shall only occur under the following circumstances:
 - a) The burn is supervised and controlled by the Marshall Fire Department;
 - b) The burn is of short duration;
 - c) The windspeed is less than 15 mph;
 - d) The Director of Public Safety, or his or her designee, may prohibit or delay permitted burns when atmospheric conditions or other circumstances are such that a fire would constitute a fire hazard or would endanger the life or property of any person.
 - e) Costs incurred for services provided by the Marshall Fire Department incident to permits issued to private persons or entities under this section shall be paid by the person or entity.
 - (3) Recreational fires under the following conditions:
 - a) The fire area shall be at least 25 feet from any building, structure or combustible material, and at least 15 feet from any property line;
 - b) The windspeed shall be 15 mph or less;
 - c) The fire area or pit shall not exceed 4 feet in diameter;
 - d) Only seasoned firewood, charcoal, compressed wood logs, compressed wood bricks or compressed wood barbecue pellets may be used in the fire;
 - e) The fire area must be supervised at all times by an adult.
 - f) A water supply, such as a garden hose, shall be readily available to suppress the fire;

- g) The duration of the fire shall not exceed four hours;
- h) The fire shall be fully extinguished before it is left unattended.
- i) The Director of Public Safety, or his or her designee, may prohibit recreational fires when atmospheric conditions or other circumstances are such that a fire would constitute a fire hazard or would endanger the health or property of any person.

(Prior Code, § 10-13) (Ord. passed 10-15-1984, Am. Ord. 2020-11, passed 6-1-2020)

REPEALER

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect, and the City of Marshall City Code shall remain in full force and effect, amended only as specified above.

SEVERABILITY

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void or illegal by any Court of competent jurisdiction, such section, clause or provision shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

ENACTMENT

This ordinance is declared to have been enacted by the City Council of the City of Marshall at a meeting called and held on the 1st day of June, 2020, and ordered to be given publication in the manner prescribed by law.

AYES: Mayor Caron, McNeil, Metzger, Traver, Underhill, and Wolfersberger.

NAYES: None.

ABSTENTIONS: None.

Mayor

City Clerk

STATE OF MICHIGAN
COUNTY OF CALHOUN

I, the undersigned, the qualified and acting City Clerk of the City of Marshall, Calhoun County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the City Council of the City of Marshall at a meeting called and held on the 1st day of June, 2020, the original of which is on file in my office.

Clerk

Adopted: 6/1/2020
Published: 6/6/2020

OLD BUSINESS
None.

REPORTS AND RECOMMENDATIONS

A. Eagle and Jefferson Water Main Bids:

Moved Metzger, supported McNeil, to approve the bid for the Eagle and Jefferson Street Water Main Improvements to Hunter Prell in the amount of \$620,446.75 with an additional contingency amount of \$69,553.25 for a total of \$690,000; also, the remaining FY2020 budgets in the Water Fund Capital Outlay (591-900-970.00) and Major Street Capital Outlay (202-900-970.00) be carried over into the FY2021 budgets. On a roll call vote – ayes: Traver, Underhill, Wolfersberger, Mayor Caron, Metzger, and McNeil; nays: none. **MOTION CARRIED.**

B. Michigan Department of Transportation Sidewalk Café Resolution:

Moved Metzger, supported McNeil, to approve the resolution in support of the submittal to the Michigan Department of Transportation by Veritas Vineyard LLC – DBA Grand River Brewery for a sidewalk café permit. On a roll call vote – ayes: Underhill, Wolfersberger, Mayor Caron, Metzger, McNeil, and Traver; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2020-20**

**RESOLUTION FOR MICHIGAN DEPARTMENT OF TRANSPORTATION
SIDEWALK CAFÉ AUTHORIZATION**

WHEREAS, Grand River Brewery is located at 101 West Michigan Avenue within the City of Marshall, and

WHEREAS, Veritas Vineyard LLC - DBA Grand River Brewery has requested a sidewalk café permit from the Michigan Department of Transportation, and

WHEREAS, the City of Marshall is the municipal entity that has jurisdiction over the site, and

WHEREAS, the City of Marshall has agreed to enforce compliance with the sidewalk café permit, and

WHEREAS, the permit requires a resolution from the City Council,

NOW THEREFORE BE IT RESOLVED, the City Council hereby resolves that the City of Marshall supports the permit submittal to the Michigan Department of Transportation by Veritas Vineyard LLC - DBA Grand River Brewery Marshall.

Dated: June 1, 2020

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed seal of said City of Marshall, this 1st day of June A.D., 2020.

Trisha Nelson, City Clerk

C. East End Gallery Easement:

Moved Underhill, supported Wolfersberger, to approve the sale of a 26.5' x 2.5' strip of land to East End Studio and Gallery and authorize the conveyance of the warranty deed to East End Studio and Gallery in substantial form subject to a reverter clause to deed back the property to the City if construction does not occur within 12 months. On a roll call vote – ayes: Wolfersberger, Mayor Caron, McNeil, Metzger, Traver, and Wolfersberger; nays: none. **MOTION CARRIED.**

Moved McNeil, supported Metzger, to enter into an easement agreement with East End Studio and Gallery in substantial form to include a reverter clause for the construction of the elevator within 12 months. On a roll call vote – ayes: McNeil, Metzger, Traver, Underhill, Wolfersberger and Mayor Caron; nays: none. **MOTION CARRIED.**

Moved Traver, supported McNeil, to authorize the City Clerk to execute the final documents of the deed and easement agreement for East End Gallery. On a roll call vote – ayes: Metzger, Traver, Underhill, Wolfersberger, Mayor Caron, and McNeil; nays: none. **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

CLOSED SESSION

Moved Metzger, supported Wolfersberger, for City Council to convene in closed session under section 8(c) of the Open Meetings Act, to discuss strategy for a collective bargaining agreement. On a roll call vote – ayes: Traver, Underhill, Wolfersberger, Mayor Caron, McNeil, and Metzger; nays: none. **MOTION CARRIED.**

Enter into Closed Session at 8:20 p.m.

Return to Open Session and Adjourn at 9:00 p.m.

ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

Joe Caron, Mayor

Trisha Nelson, City Clerk

CALL TO ORDER

IN REGULAR SESSION, Monday, June 15, 2020, at 7:00 P.M. at Ketchum Park, 531 Montgomery Street, Marshall, MI, the Marshall City Council was called to order by Mayor Caron.

ROLL CALL

Roll was called:

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

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: Council Member Traver.

Moved Metzger, supported McNeil, to excuse the absence of Council Member Traver. On a voice vote – **MOTION CARRIED.**

INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Caron led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Metzger, supported McNeil, to approve the agenda with the addition of item 14A. Airport Board Appointments, item 14B. Construction Board of Appeals Appointments, and item 14C. Parks and Recreation Board Appointments. On a voice vote – **MOTION CARRIED.**

CANDIDATES FOR PUBLIC OFFICE

None.

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

Moved Metzger, supported Underhill, to approve the Consent Agenda:

- A. Minutes of the City Council Regular Session held on Monday, June 1, 2020;
- B. Approve city bills in the amount of \$598,664.44.

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

PRESENTATIONS AND RECOGNITION

None.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

None.

OLD BUSINESS

A. Annual Compensation of Administrative Officials, Department Heads, and Salaried Personnel:

Moved McNeil, supported Wolfersberger, to approve the proposed wages for FY2021 for Administrative Officials, Department Heads, and Salaried Personnel as presented. On a roll call vote – ayes: Underhill, Wolfersberger, Mayor Caron, Gates, and McNeil; nays: Metzger. **MOTION CARRIED.**

REPORTS AND RECOMMENDATIONS

A. Patrol Union Agreement:

Moved McNeil, supported Underhill, to approve the Union Agreement with Police Officers Labor Council, Patrol Officer's Division. On a roll call vote – ayes: Underhill, Wolfersberger, Mayor Caron, Gates, Metzger, and McNeil; nays: none. **MOTION CARRIED.**

B. Command Union Agreement:

Moved Wolfersberger, supported Underhill, to approve the Union Agreement with Police Officers Labor Council, Command Unit. On a roll call vote – ayes: McNeil, Metzger, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: none. **MOTION CARRIED.**

C. Fiscal Year 2020 Year-End Budget Amendments:

Moved Gates, supported McNeil, to approve the resolution to amend the FY2020 Budget as presented. On a roll call vote – ayes: Wolfersberger, Mayor Caron, Gates, McNeil, Metzger, and Underhill; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN
RESOLUTION #2020-21

THE CITY OF MARSHALL
AMENDED GENERAL APPROPRIATION ACT RESOLUTION
July 1, 2019 – June 30, 2020

THE CITY OF MARSHALL RESOLVES that the revenues and expenditures for the fiscal year, commencing July 1, 2019, and ending June 30, 2020, are hereby amended on a departmental and fund total basis as follows:

<u>General Fund Revenues</u>	<u>Adopted</u>	<u>Amended Mid-Year</u>	<u>Amended June, 2020</u>	<u>Change</u>
Taxes	3,647,482	3,647,482	3,790,000	142,518
Licenses and Permits	165,000	165,000	168,000	3,000
Intergovernmental Revenues	965,744	965,744	965,744	0
Charges for Services	64,650	64,650	72,000	7,350
Fines and Forfeits	48,300	48,300	20,000	(28,300)
Rents	45,000	45,000	52,000	7,000
Interest	30,000	30,000	19,400	(10,600)
Miscellaneous	346,137	346,137	307,000	(39,137)
Other Financing Sources	1,540,506	1,540,506	1,499,000	(41,506)
Total Revenues	6,852,819	6,852,819	6,893,144	40,325
<u>General Fund Expenditures</u>				
City Council	5,011	5,011	5,011	0
City Manager	296,637	296,637	296,637	0
Assessor	69,362	69,362	69,362	0
Attorney	55,000	55,000	87,000	(32,000)
Human Resources	90,155	90,155	90,155	0
Clerk	57,878	57,878	62,878	(5,000)
Finance/Treasurer	571,536	571,536	571,536	0
City Hall	86,510	86,510	86,510	0
Chapel	3,972	3,972	3,972	0
Other City Property	36,000	36,000	56,000	(20,000)
Cemetery	172,590	172,590	160,000	12,590
Non-Departmental	889,435	929,335	929,335	0
Police	2,009,827	2,009,827	2,009,827	0
Crossing Guards	12,749	12,749	7,749	5,000
Dispatch	117,000	117,000	131,000	(14,000)
Code Enforcement	0	0	16,000	(16,000)
Fire	1,237,182	1,335,382	1,335,382	0
Inspection	134,955	134,955	134,955	0
Planning/Zoning	79,657	79,657	59,657	20,000
Streets	843,489	843,489	843,489	0
Compost	37,058	37,058	42,058	(5,000)
Engineering	35,367	35,367	20,367	15,000
Public Svcs. Build Operations	120,688	120,688	120,688	0
	<u>Adopted</u>	<u>Amended Mid-Year</u>	<u>Amended June, 2020</u>	<u>Change</u>
Parks	88,961	88,961	88,961	0

Capital Improvements	165,100	165,100	165,100	0
Total Expenditures	7,216,119	7,354,219	7,393,629	(39,410)
GF Net Surplus/(Deficit)	(363,300)	(501,400)	(500,485)	

GF - Recreation				
Revenues	428,968	428,968	390,000	(38,968)
Expenditures	443,554	448,542	410,000	38,542
Net Surplus/(Deficit)	(14,586)	(19,574)	(20,000)	

GF – Farmers Market				
Revenues	30,815	30,815	19,000	(11,815)
Expenditures	25,743	25,743	30,000	(4,257)
Net Surplus/(Deficit)	5,072	5,072	(11,000)	

Leaf/Brush				
Revenues	98,691	98,691	105,600	6,909
Expenditures	98,691	98,691	105,000	(6,309)
Net Surplus/(Deficit)	0	0	600	

MVH-Major & Trunkline				
Revenues	695,749	695,749	665,749	(30,000)
Expenditures	874,219	946,319	850,000	96,319
Net Surplus/(Deficit)	(178,470)	(250,570)	(184,251)	

MVH-Local				
Revenues	297,235	297,235	288,400	(8,835)
Expenditures	387,846	387,846	288,400	99,446
Net Surplus/(Deficit)	(90,611)	(90,611)	0	

MRLEC				
Revenues	318,679	318,679	316,000	(2,679)
Expenditures	327,221	327,221	327,221	0
Net Surplus/(Deficit)	(8,542)	(8,542)	(11,221)	

Northeast NIA				
Revenues	6,100	6,100	6,100	0
Expenditures	5,500	5,500	5,500	0
Net Surplus/(Deficit)	600	600	600	

Drug Forfeiture Fund				
Revenues	0	0	2,000	2,000
Expenditures	0	0	0	0
Net Surplus/(Deficit)	0	0	2,000	

	<u>Adopted</u>	<u>Amended Mid-Year</u>	<u>Amended June, 2020</u>	<u>Change</u>
<u>Local Develop. Finance Auth.</u>				
Revenues	406,540	406,540	641,500	234,960
Expenditures	489,217	489,217	489,217	0
Net Surplus/(Deficit)	(82,677)	(82,677)	152,283	

<u>Downtown Develop. Auth.</u>				
Revenues	200,595	200,595	179,200	(21,395)
Expenditures	170,925	173,925	194,900	(20,975)
Net Surplus/(Deficit)	29,670	26,670	(15,700)	

<u>GF - Airport</u>				
Revenues	188,920	188,920	208,506	19,586
Expenditures	188,036	208,506	208,506	0
Net Surplus/(Deficit)	884	(19,586)	0	

<u>Marshall House</u>				
Revenues	902,013	902,013	860,000	(42,013)
Expenditures	929,772	929,772	929,772	0
Net Surplus/(Deficit)	(27,759)	(27,759)	(69,772)	

<u>FiberNet</u>				
Revenues	1,417,360	1,417,360	843,000	(574,360)
Expenditures	1,135,028	1,136,728	1,136,728	0
Net Surplus/(Deficit)	282,332	280,632	(293,728)	

<u>Electric</u>				
Revenues	22,100,900	22,100,900	13,000,000	(9,100,900)
Expenditures	22,132,003	22,132,003	16,400,000	5,732,003
Net Surplus/(Deficit)	(31,103)	(31,103)	(3,400,000)	

<u>Dial-A-Ride</u>				
Revenues	541,559	631,378	450,600	(180,778)
Expenditures	569,973	659,792	500,000	159,792
Net Surplus/(Deficit)	(28,414)	(28,414)	(49,400)	

<u>Wastewater</u>				
Revenues	2,019,317	2,019,317	1,967,332	(51,985)
Expenditures	2,857,458	3,005,858	1,967,332	1,038,526
Net Surplus/(Deficit)	(838,141)	(986,541)	0	

	<u>Adopted</u>	<u>Amended Mid-Year</u>	<u>Amended June, 2020</u>	<u>Change</u>
Water				
Revenues	1,898,593	1,898,593	1,888,896	(9,697)
Expenditures	2,678,330	3,874,319	3,874,319	0
Net Surplus/(Deficit)	(779,737)	(1,975,726)	(1,985,423)	

Data Processing				
Revenues	184,253	184,253	178,600	(5,653)
Expenditures	175,139	175,139	180,000	(4,861)
Net Surplus/(Deficit)	9,114	9,114	(1,400)	

Motorpool				
Revenues	1,088,770	1,088,770	980,800	(107,970)
Expenditures	1,138,422	1,138,422	1,138,422	0
Net Surplus/(Deficit)	(49,652)	(49,652)	(157,622)	

Safety				
Revenues	0	0	161	161
Expenditures	0	0	1,500	(1,500)
Net Surplus/(Deficit)	0	0	(1,339)	

RESOLVED, the use of prior year's fund balance/net position reserves is not reflected in a Fund's revenue figure above, and that the source of funding for a Fund's Net Loss/(Deficit) shall be the use of prior year's fund balance/net position reserves;

This Resolution shall take effect upon adoption.
Dated June 15, 2020

Trisha Nelson, City Clerk

I, Trisha Nelson, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on June 15, 2020, 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

D. Solid Waste Ordinance Discussion:

City Council discussed the solid waste issue and next steps that should be taken.

APPOINTMENTS/ELECTIONS

A. Airport Board:

Moved McNeil, supported Gates, to approve the reappointment of Michael Walraven and Desmond Kirkland to the Airport Board with terms expiring October 1, 2023. On a voice vote: **MOTION CARRIED.**

B. Construction Board of Appeals:

Moved Wolfersberger, supported Underhill, to approve the appointment of Marcia Strange to the Construction Board of Appeals with a term expiring October 6, 2023 and the reappointment of Casey Hall and Brent Bidwell with terms expiring October 6, 2022 and the reappointment of Eric Dale with a term expiring October 6, 2023. On a voice vote: **MOTION CARRIED.**

C. Parks and Recreation Board:

Moved Underhill, supported McNeil, to approve the reappointment of James Coury, Margaret Oerther, and Norm Ostrum to the Parks and Recreation Board with terms expiring July 1, 2023. On a voice vote: **MOTION CARRIED.**

PUBLIC COMMENT ON NON-AGENDA ITEMS

Kathy Miller of 540 Cosmopolitan commented regarding the 15-minute parking signs downtown.

Director of Public Safety Scott McDonald introduced the new Fire Chief Martin Erskine and the Oath of Honor was given. Director McDonald also spoke regarding the training of the Marshall Police Department in light of today's society.

ADJOURNMENT

The meeting was adjourned at 8:25 p.m.

Joe Caron, Mayor

Trisha Nelson, City Clerk

CALL TO ORDER

IN REGULAR SESSION, Monday, July 6, 2020, at 7:00 P.M. via ZOOM, the Marshall City Council was called to order by Mayor Caron.

ROLL CALL

Roll was called:

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

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: None.

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 Metzger, supported McNeil, to approve the agenda with the addition of item 13B. Credited Service for MERS and 13C. Expansion of Patio Hours for Grand River Brewery. On a roll call vote – ayes: Gates, McNeil, Metzger, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

CANDIDATES FOR PUBLIC OFFICE

Theresa Chaney-Huggett announced her intent to run for City Council Ward 4.

James Hackworth announced his intent to run for City Council Ward 2.

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

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

- A. Minutes of the City Council Work Session and Regular Session held on Monday, June 15, 2020;
- B. Approve city bills in the amount of \$756,144.89.

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

PRESENTATIONS AND RECOGNITION

None.

INFORMATIONAL ITEMS

A. Event Report – Cruise to the Fountain 2020:

Moved Metzger, supported Gates, to approve the Event Report for the 2020 Cruise to the Fountain event and requested street closures and also reiterate that any directives from the state will be followed. On a roll call vote – ayes: Traver, Underhill, Wolfersberger, Mayor Caron, Gates, McNeil, and Metzger; nays: none. **MOTION CARRIED.**

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Vacation of a section of Spruce Street and Sycamore Street Right of Ways:

City Manager Tarkiewicz provided background regarding the request for the vacating of a section of Spruce Street and Sycamore Street right of ways from Marshall Legg Lumber town and Delta One. The City Charter Section 2.23, Streets and Alleys empowers the Council to vacate streets.

Mayor Caron opened the public hearing to hear public comment regarding the street vacation request.

Hearing no comment, the hearing was closed.

Moved Traver, supported Metzger, to adopt the resolution vacating Spruce Street from Kalamazoo Avenue to Sycamore Street and the south 132' of South Sycamore Street right of way. On a roll call vote – ayes: Underhill, Wolfersberger, Mayor Caron, Gates, McNeil, Metzger, and Traver; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN RESOLUTION #2020-22

RESOLUTION TO VACATE A SECTION OF SPRUCE STREET AND SYCAMORE STREET

WHEREAS, a request has been received to vacate sections of Spruce Street from Kalamazoo Avenue to Sycamore Street and the south 132' of South Sycamore Street right of way.in the plat of the Original Village, City of Marshall, and

WHEREAS, the City has the authority to vacate streets within the City under Article 7, Section 31 of the Michigan Constitution of 1963, and under Section 4h of Michigan's Home Rule City Act, and Section 2.23 of the City of Marshall Charter, as amended, and

WHEREAS, the City has conducted hearings on vacating the said portions of the said streets, and has determined that the police and fire departments believe that the vacation will not adversely affect public safety, and

WHEREAS, Notice of the Public Hearing for vacating the sections of Spruce Street from Kalamazoo Avenue to Sycamore Street and the south 132' of South Sycamore Street right of way was published by the City of Marshall on June 6, 2020, with a notice of the hearing mailed via first class mail to all property owners of record for any property adjoining the parcel in question; and

WHEREAS, all public and private utilities will retain easements to maintain and replace their utility lines; and

WHEREAS, the City has determined that the street right of way recommended for vacation is not needed by the city by Department of Public Works or Public Safety Department.

NOW THEREFORE BE IT RESOLVED, the City of Marshall hereby vacates the sections Spruce Street from Kalamazoo Avenue to Sycamore Street and the south 132' of South Sycamore Street right of way and more particularly described as:

The right-of-way of Spruce Street from South Kalamazoo Avenue to the west end and the south 132' of South Sycamore Street dedicated to the public and now being vacated and reverted to adjoining land owners, being described more particularly as tax parcels: 53-000-690.00, 53-000-690.01, 53-000-709.00, 53-000-709.01, 53-000-710.00, 53-002-506.00, 53-002-546.00, & 53-002-568.00, as recorded in plats of Calhoun County Register of Deeds, reserving easements for all existing utilities.

BE IT FURTHER RESOLVED, that the vacated right-of-way shall become part of the adjacent properties on Sycamore Street and Spruce Street; and

BE IT FURTHER RESOLVED, that the city Clerk shall be, and hereby is, authorized for and on behalf of the city to execute and deliver any documents necessary or appropriate.

Dated: July 6, 2020

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed seal of said City of Marshall, this 6th day of July, 2020.

Trisha Nelson, City Clerk

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Calhoun County Consolidated Dispatch Authority (CCFDA) Funding Resolution:

Moved Traver, supported Gates, to adopt a resolution in support of the placement of a telephone surcharge-based funding mechanism for the Calhoun County Consolidated Dispatch Authority on the November 2020 Countywide ballot. On a roll

call vote – ayes: Wolfersberger, Mayor Caron, Gates, Traver, and Underhill; nays: McNeil and Metzger. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2020-23**

**RESOLUTION IN SUPPORT OF CONDUCTING A NEW VOTE ON 9-1-1 PHONE
SURCHARGE FUNDING**

WHEREAS, in accordance with the 2008 Interlocal Agreement that created the Calhoun County Consolidated Dispatch Authority (CCFDA), only a portion of the entities in the county of Calhoun have been contributing revenue for 9-1-1 service; and

WHEREAS, The City of Marshall supports the placement of a new proposal on the 2020 county-wide ballot seeking support for a fair, equitable, and stable funding solution to provide 911 service to the residents of Calhoun County; and

WHEREAS, the proposed funding solution is an increase in the all-device surcharge from \$.60 per month up to a maximum of \$3.00 per month over a ten-year period, per device; and

WHEREAS, the all-device surcharge proposal will solely fund the CCFDA and replace the current and proposed general fund contributions being made by the governmental entities of Calhoun County.

NOW, THEREFORE, IT IS RESOLVED, that the Marshall City Council offer their full support of the 911 telephone surcharge as a fair and adequate funding mechanism to provide 911 dispatching to Marshall businesses and residents.

Motion: Council Member Traver

Support: Council Member Gates

Ayes: Mayor Caron, Gates, Traver, Underhill, and Wolfersberger

Nays: McNeil and Metzger

Abstained: None.

Absent: None.

State of Michigan

ss

County of Calhoun

I, hereby certify that the above Resolution is a true and accurate copy of the Resolution that was duly adopted by the Marshall City Council at its Regular Meeting, held Monday, July 6, 2020, as recorded in the Official Minutes of said Meeting.

Trisha Nelson City Clerk

Date

B. Credited Services – Municipal Employees' Retirement System:

Moved Traver, supported Wolfersberger, to approve the resolution for Captain Ed Costine to purchase 9 months of generic service from the Municipal Employees'

Retirement System (MERS). On a roll call vote – ayes: Gates, McNeil, Metzger, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

C. Expansion of Patio Hours for Grand River Brewery:

Discussion took place regarding the expansion of patio hours for Grand River. No action was taken.

APPOINTMENTS/ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Mayor Caron read a prepared statement by Mary Jo Byrne, as follows:

Dear Mayor Caron and Marshall City Council,
I am writing this letter to ask you as respected and elected officials of our wonderful city to strongly encourage our citizens to wear masks when out in public. I am doing this not only out of medical concerns for our community, particularly our most vulnerable both physically and economically, but also for the financial health of our community. We cannot afford another shutdown of any of our business. A mask is a simple, easy and caring way to protect each other and our way of life in our beautiful Marshall.

Sincerely,
Mary Jo Byrne
729 E. Prospect

Barry Wayne Adams spoke of his disappointment of Council discussing the trash issue again. He feels the people have spoken and it is a violation of constitution and federal law if Council proceeds. He also advised there would be a lawsuit filed in federal court.

Kathy Miller thanked Council for speaking about Grand River Brewery and feels the Council needs to support our restaurants and work with MAEDA.

Theresa Chaney-Huggett spoke regarding the Jam for a Cure event on August 8th at Stuart's Landing.

ADJOURNMENT

The meeting was adjourned at 8:37 p.m.

Joe Caron, Mayor

Trisha Nelson, City Clerk

CALL TO ORDER

IN REGULAR SESSION, Monday, July 20, 2020, at 7:00 P.M. via ZOOM, the Marshall City Council was called to order by Mayor Caron.

ROLL CALL

Roll was called:

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

Also Present: City Manager Tarkiewicz and Deputy Clerk Hall.

Absent: None.

INVOCATION/PLEDGE OF ALLEGIANCE

Scott Williquette of Grace Baptist Church gave the invocation and Mayor Caron led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Metzger, supported McNeil, to approve the agenda with the addition of the Michigan South Central Power Agency Invoice in the amount of \$ 713,973.07. On a roll call vote – ayes: Gates, McNeil, Metzger, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

CANDIDATES FOR PUBLIC OFFICE

Peter Meijer announced candidacy for the 3rd Congressional District.

Jen Rice announced her candidacy for City Councilmember Ward 4.

PUBLIC COMMENT ON AGENDA ITEMS

Kathy Miller of 540 Cosmopolitan stated she is excited to see the Social District on the agenda. Noticed that it is only the south side, but there are many businesses on the north side that could benefit as well. Inquired why it is the alleys and not the parking lots?

Caryn Drenth of 602 Laura Lane is a member of the MAEDA Board and stated that MAEDA conducted a poll and the use of alleys on both sides of Michigan Avenue was 90% supported by the business owners. The alleys are not attractive but this would allow opportunity to clean up and maybe have artists do displays. She feels the Michigan Avenue construction will cripple the downtown businesses and this would be something new to promote Marshall.

Pam Wolfersberger, Farmer's Market Manager, encouraged Council to keep the

Market in mind when discussing the Social District as there are already issues with traffic patterns and getting to the Market.

Theresa Chaney-Huggett of 625 W. Green commented that Marshall could draw examples from Traverse City and other communities who already have Social Districts. Many allow people to stroll, sip, and shop at the same time and she would support everything being included, not just the restaurants.

Matt Davis, MAEDA Board Chair, commented that the creation of the Social District has had a lot of MAEDA involvement and they will do everything they can to help their partners. He commented MAEDA is open to ideas and further discussion to keep moving quickly and this would be an opportunity for an alley beautification project.

CONSENT AGENDA

Moved Metzger, supported McNeil, to approve the Consent Agenda:

- A. Minutes of the City Council Regular Session held on Monday, July 6, 2020;
- B. Approve city bills in the amount of \$1,061,049.48.

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

PRESENTATIONS AND RECOGNITION

None.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

None.

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Street Improvement Bond Proposal:

Moved Wolfersberger, supported McNeil, to adopt a resolution for the Street Improvement Bond Proposal ballot language for placement on the November 3, 2020 General Election ballot. On a roll call vote – ayes: Metzger, Traver, Underhill, Wolfersberger, Mayor Caron, Gates, and McNeil; nays: None. **MOTION CARRIED.**

**CITY OF MARSHALL
CALHOUN COUNTY, MICHIGAN**

July 20, 2020

RESOLUTION #2020-25

**RESOLUTION TO ADOPT MILLAGE BALLOT LANGUAGE
TO GENERATE MILLAGE FOR ROAD BOND REPAYMENTS**

WHEREAS, the Marshall City Council wishes to repair and rehabilitate approximately 17 miles of roads within the City of Marshall; and

WHEREAS, the Marshall City Council is giving the registered voters of the City the ability to pass a ballot millage proposal for the repayment of Road Bonds; and

WHEREAS, the repair and rehabilitation of said roads will increase the quality of life in the City of Marshall; and

WHEREAS, cities may impose and levy ad valorem property taxes to finance lawful public services, as authorized by the Michigan Constitution of 1963 and other laws; and

WHEREAS, the Marshall City Council wishes to levy up to 2.5 mills for road bond repayment; and

Now, THEREFORE, BE IT RESOLVED that the City Council of the City of Marshall, Calhoun County, approves the following millage ballot question language and directs the Clerk to submit it to the County Clerk to be placed on the November 3, 2020, election ballot:

STREET IMPROVEMENT BOND PROPOSAL MILLAGE

Shall the City of Marshall, Michigan, borrow the principal sum of not to exceed four million seven hundred fifty thousand dollars (\$4,750,000.00) and issue general obligation unlimited tax bonds, in one or more series, payable in not to exceed 10 years from the date of issuance of each series, to provide funds, including any premium from the bond sale, to pay the City's cost to improve, replace, and reconstruct major and local City roads, including necessary right of way and appurtenances and attachments thereto? If approved, the estimated millage that would be levied to pay the proposed bonds in the first year that the levy is authorized is 2.50 (\$2.50 per \$1,000 of taxable value) and the estimated simple average annual millage rate required to retire the bonds is 2.5 mills (\$2.50 per \$1,000 of taxable value). Taxes within the Downtown Development Authority (DDA) and Local Development Finance Authority (LDFA) districts will be distributed as prescribed by law.

[] Yes

[] No

I, Trisha Nelson, Clerk for the City of Marshall, Calhoun County, Michigan do hereby certify that the foregoing Resolution No. 2020- 25 was offered by Councilperson Wolfersberger and supported by Councilperson McNeil, and the same was duly passed at a regular meeting of the City Council by remote technology held on Monday, the 20th day of July, 2020 and that the vote was as follows:

Yeas: Mayor Caron, Gates, McNeil, Metzger, Traver, Underhill, and Wolfersberger.

Nays: None.

Absent: None.

Trisha Nelson, Clerk

B. Motor Pool Purchases:

Moved McNeil, supported Underhill, to approve the purchase of a John Deere 544L Wheel Loader for \$201,509.56 and two (2) Tink 720 Claw Buckets for \$20,183.00 each from AIS Equipment of Lansing, MI. On a roll call vote – ayes: Traver, Underhill, Wolfersberger, Mayor Caron, Gates, McNeil, and Metzger; nays: none. **MOTION CARRIED.**

C. Electric Vehicle Charging Stations:

Moved Metzger, supported Wolfersberger, to enter into an agreement with Westside Solutions for the installation of two (2) Level 2 Electric Vehicle Charging Stations located in the downtown in the amount of \$100,140 and authorize the Clerk to sign the agreement. On a roll call vote – ayes: Underhill, Wolfersberger, Mayor Caron, Gates, McNeil, Metzger, and Traver; nays: none. **MOTION CARRIED.**

D. Creation of Marshall Social District:

Discussion took place regarding the creation of a Marshall Social District. No action was taken. A Special Meeting will be held on Thursday, July 23, 2020 at 7:00 p.m. Staff will determine the location and post accordingly.

APPOINTMENTS/ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Barry Wayne Adams expressed his objection to the ZOOM meeting format and feels that it does not allow for the democratic process and separates people from government. Mr. Adams also found it disturbing that with an attorney present the EO for face masks is referred to as law and it is not a law.

ADJOURNMENT

The meeting was adjourned at 9:34 p.m.

Joe Caron, Mayor

Trisha Nelson, City Clerk

CALL TO ORDER

IN REGULAR SESSION, Monday, August 17, 2020, at 7:00 P.M., at the Cronin Millrace Pavilion, located at Ketchum Park 531 Montgomery Street, 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, McNeil, Metzger, Traver, Underhill, and Wolfersberger.

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: None.

INVOCATION/PLEDGE OF ALLEGIANCE

Scott Loughrige of Cross Roads Church & Ministries gave the invocation and Mayor Caron led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Metzger, supported Gates, to approve the agenda with the addition of Grand River Brewery Sunday closure and the removal of item 13C MPM Electric Service Agreement. On a voice vote – **MOTION CARRIED.**

CANDIDATES FOR PUBLIC OFFICE

None.

PUBLIC COMMENT ON AGENDA ITEMS

Barry Wayne Adams spoke regarding the public comment sections of the Agenda. He feels each item should have public comment before the vote and Council should consider changing the format.

CONSENT AGENDA

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

- A. Schedule a public hearing for Monday, September 21, 2020 to consider Zoning Amendment Application #RZ20.02 to rezone 115 N. Grand Street, Parcel #53-000-413-02 from POSD (Professional Office Service District) to R-3 (Traditional Residential);
- B. Approve a resolution for the purchase of one year of generic service with the Municipal Employees' Retirement System by Captain Ed Costine;
- C. Minutes of the City Council Regular Session held on Monday, July 20, 2020 and Special Session held on Thursday, July 24, 2020;
- D. Approve city bills in the amount of \$824,023.49.

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

PRESENTATIONS AND RECOGNITION

None.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

None.

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Tree Removal Contract:

Moved McNeil, supported Metzger, to approve the bid for tree removal from TreeWorks of Nunica, MI in the amount of \$66,600 with a contingency of \$6,400 for a total of \$73,000 and to authorize the City Clerk to sign the contract pending a positive review of references. On a roll call vote – ayes: Traver, Underhill, Wolfersberger, Mayor Caron, Gates, McNeil, and Metzger; nays: None. **MOTION CARRIED.**

B. Sidewalk Deferment – Delta-One and Family Bible Church:

Moved McNeil, supported Traver, to approve the resolutions authorizing approval of the Sidewalk Deferment Agreements, in substantial form, for Delta One Consulting and the Family Bible Church and authorize the City Clerk to sign the agreements. On a voice vote – **MOTION CARRIED.**

C. Grand River Brewery Sunday Closure:

Moved Gates, supported Underhill, to approve the Sunday closure of Jefferson Street between Michigan Avenue and the alley from 12:00 p.m. to 8:00 p.m. for additional outdoor seating for Grand River Brewery. On a voice vote – **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Barry Wayne Adams spoke regarding the enforcement of mask wearing in Michigan and the government use of an executive order requiring the wearing of masks comes from military authority.

ADJOURNMENT

The meeting was adjourned at 7:45 p.m.

Joe Caron, Mayor

Trisha Nelson, City Clerk

CALL TO ORDER

IN REGULAR SESSION, Monday, September 21, 2020, at 7:00 P.M., via Electronic Meeting format utilizing ZOOM. City Council was called to order by Mayor Caron.

ROLL CALL

Roll was called:

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

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: Council member Gates.

Moved Metzger, supported Underhill, to excuse the absence of Council Member Gates. On a roll call vote – ayes: McNeil, Metzger, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Caron led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Metzger, supported Wolfersberger, to approve the agenda with the removal of item 13D FiberNet Service Rates and the addition of Alley Closure for Social District. On a roll call vote – ayes: McNeil, Metzger, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

CANDIDATES FOR PUBLIC OFFICE

None.

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

Moved Metzger, supported Underhill, to approve the Consent Agenda:

- A. Minutes of the City Council Regular Session held on Tuesday, September 8, 2020;
- B. Approve city bills in the amount of \$2,262 604.08.

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

PRESENTATIONS AND RECOGNITION

None.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Zoning Amendment Application #RZ20.02 to rezone 115 N. Grand from POSD-Professional Office Service District to R-3 Traditional Residential:

Clerk Nelson provided background regarding the request from Eric Young, owner of 115 N. Grand, to rezone the property from the current zoning of POSD Professional Office Service District to R-3 Traditional Residential. A rezoning of the property will allow Mr. Young to sell the property as a residential home.

Mayor Caron opened the public hearing to hear public comment regarding rezoning request #RZ20.02.

Hearing no comment, the hearing was closed.

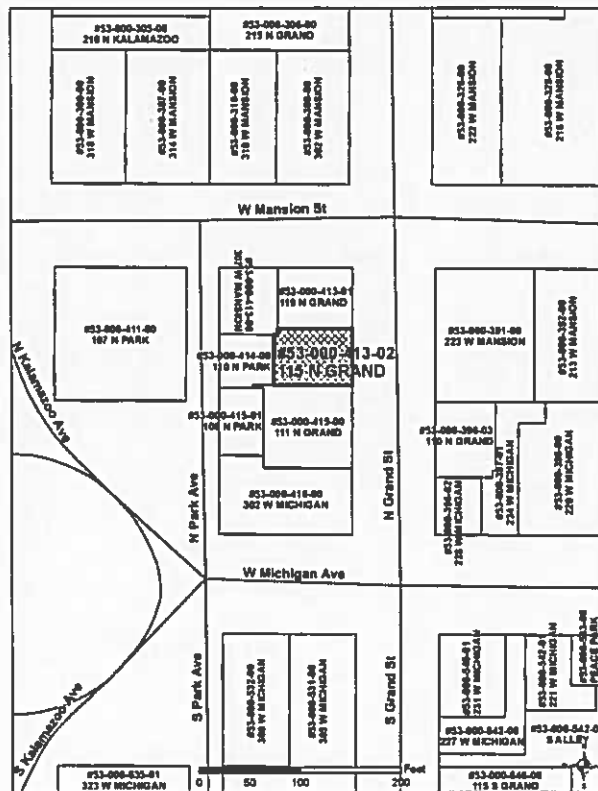
Moved Traver, supported Underhill, to approve Zoning Amendment Application #RZ20.02 to rezone 115 N. Grand from POSD-Professional Office Service District to R-3 Traditional Residential. On a roll call vote – ayes: Underhill, Wolfersberger, Mayor Caron, McNeil, Metzger, and Traver; nays: None. **MOTION CARRIED.**

**CITY OF MARSHALL
ORDINANCE #2020- 12**

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CHANGE THE ZONING OF A PARCEL OF REAL PROPERTY AT 115 N GRAND STREET, PARCEL #53-000-413-02, FROM THE ZONING DISTRICT OF PROFESSIONAL OFFICE SERVICE DISTRICT (POSD) TO TRADITIONAL RESIDENTIAL (R-3).

THE CITY OF MARSHALL, MICHIGAN ORDAINS:

Section 1. Pursuant to the authority granted in Section 7.1 of the Marshall City Code, the Zoning Map of the City of Marshall is hereby amended so as to change the zoning district for the below described properties from Professional Office Service District (POSD) to Traditional Residential (R-3).



TAX PARCEL #53-000-413-02 (115 N. GRAND ST.) LEGAL DESCRIPTION

MARSHALL CITY, LOWER VILL BLK 15 N 50' OF E 78.67' OF LOT 4 S 6' OF E 74.25' OF LOT 3.

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

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

Adopted and signed this 21st day of September, 2020.

Joe Caron, MAYOR

Trisha Nelson, CITY CLERK

I, Trisha Nelson, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on September 21, 2020, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.

Trisha Nelson, CITY CLERK

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Mansion Street, East Drive, and North Drive Engineering:

Moved Wolfersberger, supported Metzger, to approve the proposal for the Mansion Street, East Drive, and North Drive engineering services to ENG of Lansing, MI in the amount of \$36,805 with an additional contingency of \$4,195 for a total of \$41,000 and authorize the City Clerk to sign the contract. On a roll call vote – ayes: McNeil, Metzger, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: None. **MOTION CARRIED.**

B. Eagle and Jefferson Street Project:

Moved Metzger, supported Traver, to support the funding of the additional \$142,932.96 for the Eagle and Jefferson Street Improvements and approve budget amendment increases to the Water fund Capital Outlay (591-900-970.12) in an amount of \$71,466.48 and Major Streets Fund Capital Outlay (202-900-970.00) in an amount of \$71,466.48. On a roll call vote – ayes: Traver, Underhill, Wolfersberger, Mayor Caron, McNeil, and Metzger; nays: None. **MOTION CARRIED.**

C. Eaton Property Donation – 116 South Fountain Street:

Moved Wolfersberger, supported Underhill, to authorize the City Clerk to sign the Eaton Property Donation Purchase Agreement accepting the donation of the property located at 116 South Fountain Street. On a roll call vote – ayes: Metzger, Traver, Underhill, Wolfersberger, Mayor Caron, and McNeil; nays: None. **MOTION CARRIED.**

D. Alley Closure for Social District:

No official action taken. Consensus of the Council was to not close the portion of the alley from Eagle Street eastward to Herman's Hardware.

APPOINTMENTS/ELECTIONS

A. Brooks Nature Area Advisory Board:

Moved McNeil, supported Wolfersberger, to approve the reappointment of Herman's

Jane Schoenmeyer and Margaret Oerther to the Brooks Nature Area Advisory Board with term s expiring August 15, 2023. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

ADJOURNMENT

The meeting was adjourned at 7:48 p.m.

Joe Caron, Mayor

Trisha Nelson, City Clerk