# CITY COUNCIL MINUTES

June 20, 2023

Regular Meeting - 7:00 PM

**1) CALL TO ORDER**

IN A REGULAR SESSIONS held on Tuesday, June 20, 2023 at 7:00 PM in the Board of Commission Chambers of the Marshall County Building, 315 West Green St, Marshall, MI 49068, the Marshall City Council was called to order by Mayor Schwartz.

**2) ROLL CALL**

Roll was called:

Present: Mayor James Schwartz, Joe Caron, Theresa Chaney-Huggett, Jacob Gates, Ryan Traver, Ryan Underhill, Scott Wolfersberger

Also Present: Manager Perry, Attorney Revore and Clerk Eubank

Absent: None

**3) INVOCATION**

**4) PLEDGE OF ALLEGIANCE**

**5) APPROVAL OF AGENDA** - Items can be added or deleted from the Agenda by City Council action.

Manager Perry gave background on the Clerk's Certificate of Insufficiency regarding the Referendum petition submitted by the Committee for Marshall not the Megasite and the committee's request for an appeal to the City Council.

**Moved** Jacob Gates, supported Ryan Underhill to amend the agenda to add the reveiw of the decision by the City Clerk on the petition submitted by Committee for Marshall not the Megasite as item 12A and move the listed items down the agenda. On a voice vote: **Motion carried.**

**Moved** Scott Wolfersberger, supported Ryan Underhill to approve the agenda as amended. On a voice vote: **Motion carried.**

**6) PUBLIC COMMENT ON AGENDA ITEMS** Persons addressing City 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 three (3) minutes. Comments shall address AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion (Item 10) of the meeting agenda. Non-Agenda items shall be addressed during the PUBLIC COMMENT-NON-AGENDA ITEMS (Item 14) portion of the meeting agenda.

Laura Bartlett of N Linden St spoke on behalf of the Committee for Marshall-Not the Megasite asking council to review the Clerk's decision and to put the ordinance to a vote.

Barry Wayne Adams of 622 W Green St stated that there was continued fraud with Ordinance 2023-08 and the decision on the referendum regarding said ordinance. He further stated that people feel their rights are being violated and that the megasite is a crime against nature.

Wayne Wright of H Dr N spoke in favor of letting the referendum go to a vote of the people, stating that the appropriation was put in intentionally to block a referendum.

Lynn Slight of Fair St spoke in favor of letting the referendum go to a vote of the people.

Leigh Rothwell of Ceresco spoke in favor of letting the referendum go to a vote of the people. She questioned if the additional land transfer was for the megasite and if the water grant was to buy water for the megasite.

**7) CONSENT AGENDA**

**Moved** Joe Caron, supported Ryan Traver to approve the consent agenda as submitted. On a roll call vote:

Ayes: Theresa Chaney-Huggett, Jacob Gates, Ryan Traver, Ryan Underhill, Scott Wolfersberger, James Schwartz, Joe Caron
Nays: None
Abstain: None
**Motion carried.**

**A. <u>City Council Minutes</u>**
Regular Session - June 5, 2023
Work Session- June 5, 2023
Special Session- June 15, 2023

**B. <u>City Bills</u>**

| | |
|---|---|
| Purchases- 6/2/2023 | $24,622.93 |
| Purchases- 6/9/2023 | $136,377.96 |
| **Total** | **$161,000.89** |

**C. FY 2023 YEAR END BUDGET AMENDMENTS**

**D. CHICKEN BBQ SPECIAL EVENT REQUEST**

**8) PRESENTATIONS AND RECOGNITIONS**

**9) INFORMATIONAL ITEMS**

**10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION** Persons addressing City 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 three (3) minutes per public hearing.

**11) OLD BUSINESS**

## 12) REPORTS AND RECOMMENDATIONS

### A. REVIEW OF CLERK'S DECSION ON THE PETITION SUBMITTED BY THE COMMITTEE FOR MARSHALL-NOT THE MEGASITE

Wolfersberger stated that as the I3 zoning district does require the hiring of consultants that the appropriation in the ordinance is appropriate. Gates stated that while he understood the impulse to want to submit the ordinance to a vote, that he was going to lean on the expertese of the city clerk and legal council and trust their expertese in this legal issue. Schwartz stated that the City Charter is clear that any ordinance with an appropriation is not subject to a referendum and that appropriation fits the ordinance. He further stated that the Charters use of the word shall holds the council accountable to review the appeal at the next meeting, which placed it on the agenda this evening. He stated that the per charter the committee was responsible for circulating the petition and the signatures collected were not enough, deeming it insufficient. The City clerk acted well within the scope of the City Charter.

**Moved** Scott Wolfersberger, supported Ryan Traver to approve the decision of the City Clerk based on the City Charter. On a roll call vote:

Ayes: Jacob Gates, Ryan Traver, Ryan Underhill, Scott Wolfersberger, James Schwartz, Joe Caron, Theresa Chaney-Huggett
Nays: None
Abstain: None
**Motion carried.**

### B. MEET MARSHALL'S MURAL ARTIST SPECIAL EVENT REQUEST

**Moved** Jacob Gates, supported Joe Caron to Approve the "Meet Marshall's Mural Artist" Special Event Request for Thursday July 20th from 6:30 to 7:30 PM at Grand Street Park. On a voice vote: **Motion carried.**

### C. SOURCE WATER GRANT APPLICATION

**Moved** Ryan Underhill, supported Ryan Traver to approve the Water Department's application to EGLE's Source Water Protection Grant program in the amount of $35,000 and authorize the City Manager and City Clerk to sign the necessary documents. On a voice vote: **Motion carried.**

### D. SANITARY SEWER LINING CONTRACT

**Moved** Scott Wolfersberger, supported Joe Caron to Approve the increase in contract amount with CES for the amount of $60,000 for a total funded amount of $180,000 and authorize the City Manager and City Clerk to sign the necessary documents and to approve the budget amendment, in the amount of $120,000, from Wastewater Fund Balance to the Wastewater Capital Outlay Line. On a roll call vote:

Ayes: Ryan Traver, Ryan Underhill, Scott Wolfersberger, James Schwartz, Joe Caron, Theresa Chaney-Huggett, Jacob Gates
Nays: None
Abstain: None
**Motion carried.**

### E. FORD BOBP BUILDING AND TRADE INSPECTION CONTRACT

Director Zuzga gave background on the decision making process for choosing McKenna. John Jackson from McKenna spoke on the experience of company, including working on a battery plant in the Detroit area. Zuzga stated that the money to pay for the consulting services is alotted in the incentive package from the state and that the current costs come in under the budgeted amount. Gates quesioned how accountability would work. Sam Woodrick of McKenna stated that they would be working closely with the city official and consistently making sure everyone is informed of progress. Jackson stated that all inspectors would be qualified with the State of Michigan. Schwartz questioned if there would be one person assigned to the project and how it would work with representing the city to meet guidelines. Woodrick stated that they would be enforcing all state codes and local ordinances to ensure compliance with the requirements of the building plan and that there would be a full time lead building inspector assigned to the project who would be housed in the area. Wolfersberger questioned where the liability would fall if there was an issue down the line. Jackson stated that as the City would be the issuing party, there is some liability, but there is also liability with McKenna as a city contractor. Chaney-Huggett questioned if there would be any local subcontractors used. Woodrick stated that they plan to try and recruit locally qualified contractors, but there are back ups available if they are unable to find any. Chaney-Huggett questioned how the positions would be advertised. Woodrick stated that while they use some commercial job sites, they also have a presence at professional conferences where they network with inspectors and may take advantage of those contacts.

**Moved** Scott Wolfersberger, supported Jacob Gates to Approve the proposal from McKenna for the provision of Building Department Services for the Blue Oval Battery Project at a monthly retainer of $106,944.44 for the next 36 months and authorize the City Manager and City Clerk to sign the necessary documents. On a roll call vote:

Ayes: Ryan Underhill, Scott Wolfersberger, James Schwartz, Joe Caron, Theresa Chaney-Huggett, Jacob Gates, Ryan Traver
Nays: None
Abstain: None
**Motion carried.**

**F. RAP 2.0 GRANT APPLICATION**

**Moved** Ryan Traver, supported Theresa Chaney-Huggett to approve the submission of a MEDC RAP 2.0 grant for an amount not to exceed $1 million and authorize the City Manager and City Clerk to sign the necessary documents. On a voice vote: **Motion carried.**

**G. CITY HALL AND PSB AUDIO VISUAL UPGRADES**

**Moved** Joe Caron, supported Scott Wolfersberger to Approve the Smart Offices/Smart Homes proposals in the amount of $97,700.39 and proceed with the audio-visual upgrades for City Hall and PSB and authorize the City Manager and City Clerk to sign the necessary documents.. On a roll call vote:

Ayes: Scott Wolfersberger, James Schwartz, Joe Caron, Theresa Chaney-Huggett, Jacob Gates, Ryan Traver, Ryan Underhill
Nays: None
Abstain: None
**Motion carried.**

**H. 2023-2026 POLICE COMMAND COLLECTIVE BARGAINING AGREEMENT**

**Moved** Jacob Gates, supported Ryan Underhill to approve the 2023-2026 City of Marshall Collective Bargaining Agreement with the Police Officers Labor Council, Command Officers Division and authorize the City Manager and City Clerk to sign. On a roll call vote:

Ayes: Joe Caron, Theresa Chaney-Huggett, Jacob Gates, Ryan Traver, Ryan Underhill, Scott Wolfersberger, James Schwartz
Nays: None
Abstain: None
**Motion carried.**

**I. PERSONNEL POLICY MANUAL MODIFICATIONS**

**Moved** Scott Wolfersberger, supported Ryan Underhill to approve the modification of Section 6 – Fringe Benefits, 6.02 Medical Insurance, Part 1 and 6.04 Optical Insurance to the City of Marshall Personnel Policy Manual as presented. On a roll call vote:

Ayes: Theresa Chaney-Huggett, Jacob Gates, Ryan Traver, Ryan Underhill, Scott Wolfersberger, James Schwartz, Joe Caron
Nays: None
Abstain: None
**Motion carried.**

**J. PA 425 CONDITIONAL LAND TRANSFER REQUEST- PARCEL ID 16-260-006-00 & 16-350-006-00**
**INTRODUCTION AND SET PUBLIC HEARING**

**Moved** Joe Caron, supported Scott Wolfersberger to introduce Resolution 2023-24, A Resolution Authorizing Execution of Contract for Conditional Transfer of Property under PA 425 of 1984 and set a Public Hearing for July 17, 2023, to hear comments on the proposed transfer of property identified by parcel ID 16-260-006-00 and 16-350-006-00. On a voice vote: **Motion carried.**

**13) APPOINTMENTS / ELECTIONS**

**14) PUBLIC COMMENT ON NON-AGENDA ITEMS** Persons addressing City 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 two (2) minutes. Comments shall address NON-AGENDA ITEM topics. Public Hearing items shall be addressed during the PUBLIC HEARING portion (Item 10) of the meeting agenda. Agenda items should be addressed during the PUBLIC COMMENT-AGENDA ITEMS (Item 6) portion of the meeting agenda.

came on behalf of Congressman Walberg's office and gave an update on what the Congressman is working on including parent's rights and keeping gas stove's legal.

Richard of Verona Rd in Pennfield Twp spoke of a 3 year battle on whether a road in his subdivision was a public or private road.

Wayne Wright of H Dr N stated that 2 minutes is not enough time to hear people's concerns. He further stated that Joanna Johnson sent a letter of disappointment in the representation of the Joint Planning Commission and that people feel they are represented.

Stephanie Klingler of the City of Marshall stated that council members are not making eye contact with the speakers which is disrespectful and that council represents the people.

Vicki McGuffin of Marshall Township stated that the council needs to pay attention to what is legal, specifically section 5.05 of the City Charter and that the final determination of the referendum is subject to a court appeal.

Lynn Slight of Fair St stated that communication is horrible and that two minutes is not enough to hear a concern. She further stated that people need to be given a chance to talk and that the citizens are councils boss.

Regis Klingler of the City of Marshall wondered why there was the appropriation in the ordinance if the state is covering building inspections.

Rick Sadler of Squaw Cree stated that things in the city have escalated over the past few months, including the flyer with an X over faces and that he had a call coming up with the FBI and a Civil Rights Organiztion over threats that have been made.

Julie Bryant of Squaw Creek questioned what is happening to peoples rights and that it feels like a pre-communist city. She further stated that no one wants the disruption including the noise pollution in Squaw Creek.

Joan Chapman of C Dr N stated that she had a CCP propaganda site taking videos of her house and that she had moved from the City to her current home to retire. She further stated that her and her family's health is suffering and asked council to consider the people.

Leigh Rothwell of Ceresco stated that she is upset that the council did not listen to the Joint Planning Commission on the rezoning and that they continue to not listen to the people. She further stated that the people being brought in for inspections will not be accountable to the city and that 2 minutes is not enough.

Barry Wayne Adams of 622 W Green St stated that the Ordinance was unconstitutional and that this is taxation without representation. He further stated that council needs Americans not those with corporate agendas.

**15) COUNCIL AND MANAGER COMMUNICATIONS**

Wolfersberger stated that the Planning Commission met to review a special land use application and site plan for storage units on Hanover St.

Mayor Schwartz questioned if the next meeting was July 17. Perry stated that the City would follow the councils direction, but that typically the first July meeting is not held.

Mayor Schwartz stated that the Ambulance Authority had met and approved ballot language for an August special election, that the staff had been stabablized and that they are no longer cover additional areas, helping with less shortages.

**16) ADJOURNMENT**

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

Respectfully submitted by,

Michelle Eubank
City Clerk