

# CITY COUNCIL AGENDA

## Regular Meeting

August 21, 2023 at 7:00 PM



- 1) **CALL TO ORDER**
- 2) **ROLL CALL**
- 3) **INVOCATION**
- 4) **PLEDGE OF ALLEGIANCE**
- 5) **APPROVAL OF AGENDA** - Items can be added or deleted from the Agenda by City Council action.
- 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.
- 7) **CONSENT AGENDA**
  - A. **City Council Minutes**  
Regular Session - August 7, 2023
  - B. **City Bills**

|                      |                       |
|----------------------|-----------------------|
| Purchases- 8/4/2023  | \$138,480.62          |
| Purchases- 8/11/2023 | \$267,367.51          |
| July Power Invoice   | \$875,208.92          |
| <b>Total</b>         | <b>\$1,281,057.05</b> |
- 8) **PRESENTATIONS AND RECOGNITIONS**
  - A. **POLICE DEPARTMENT ACCREDITATION – MLEAC**
- 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.
  - A. **PA 425 CONDITIONAL LAND TRANSFER REQUEST - PUBLIC HEARING & ENACTMENT**  
**440 WEST HUGHES, PARCEL ID 16-260-003-01**
- 11) **OLD BUSINESS**
- 12) **REPORTS AND RECOMMENDATIONS**
  - A. **HUGHES STREET REZONING - SET PUBLIC HEARING**
  - B. **CITY HALL AND POLICE DEPARTMENT SERVER REPLACEMENTS**
  - C. **WATER, WASTEWATER, AND FIBERNET UTILITY RATE STUDY**
- 13) **APPOINTMENTS / ELECTIONS**
  - A. **CONSTRUCTION BOARD OF APPEALS APPOINTMENTS**

MAYOR: Jim Schwartz      CITY MANAGER: Derek N. Perry  
COUNCIL MEMBERS: Joe Caron, Theresa Chaney-Huggett, Jacob Gates,  
Ryan Traver, Ryan Underhill, Scott Wolfersberger  
Council Chambers, 323 W Michigan Ave, Marshall, Michigan 49068

**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.

**15) COUNCIL AND MANAGER COMMUNICATIONS**

**16) ADJOURNMENT**

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## CITY COUNCIL MINUTES

August 7, 2023  
Regular Meeting - 7:00 PM

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### 1) CALL TO ORDER

IN A REGULAR SESSION held on Monday, August 7, 2023 at 7:00 PM in the Council Chambers of Town Hall, 323 West Michigan Ave, 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 Underhill, Scott Wolfersberger

Also Present: Manager Perry and Clerk Eubank

Absent: Ryan Traver

**Moved** Wolfersberger, supported Caron to excuse Member Traver. On a voice vote: **Motion carried.**

### 3) INVOCATION

### 4) PLEDGE OF ALLEGIANCE

Mayor Schwartz led the Pledge of Allegiance.

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

Mayor Schwartz confirmed the timing of the road closure for the Home Tour for 9am-10pm on Saturday, September 9 and 9am-5pm on Sunday, September 10.

**Moved** Caron, supported Wolfersberger to approve the agenda as submitted. 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.

Glenn Kowalske of Marshall Township stated that his FOIA request was for documents related to a 2013 referendum, which was similar to the current effort, and that he believes it is convenient that the documents do not exist.

Barry Wayne Adams of 622 W Green St objected to the approval of the agenda, as it goes against what the founding fathers intended.

### 7) CONSENT AGENDA

**Moved** Scott Wolfersberger, supported Jacob Gates to approve the consent agenda as presented. On a roll call vote:

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

Nays: None  
Abstain: None  
**Motion carried.**

**A.     City Council Minutes**  
Regular Session - July 17, 2023

|                                 |                       |
|---------------------------------|-----------------------|
| <b>B.     <u>City Bills</u></b> |                       |
| Purchases- 7/17/23              | \$678,942.57          |
| Purchases- 7/21/23              | \$228,442.66          |
| Purchases- 7/28/23              | \$285,653.40          |
| <b>Total</b>                    | <b>\$1,193,038.63</b> |

**C.     MOTOR POOL EQUIPMENT PURCHASES**

**D.     SPECIAL EVENT REQUEST - SKELETONFEST**

**E.     SPECIAL EVENT REQUEST - STEP OUT OF DARKNESS**

**F.     SPECIAL EVENT REQUEST- CHRISTMAS PARADE 2023**

**G.     SPECIAL EVENT REQUEST - COSTUME PARADE**

**H.     SPECIAL EVENT REQUEST - HOME TOUR**

**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.

**A.     DREAMERS BUILDING OPRA CERTIFICATE**

Mayor Schwartz opened the public hearing on resolution 2023-026 at 7:13 p.m.

Barry Wayne Adams of 622 W Green St spoke of corporate fascism and that it is a form of military law for people to have to ask council for permission to do things.

Mayor Schwartz closed the public hearing on resolution 2023-026 at 7:17 p.m.

Caron stated that he is employed by the property owner, and while he has no financial interest in the project, he would like to be recused for a potential conflict of interest.

Wolfersberger stated that while there is no financial conflict, he would recommend recusal for this matter for Caron's comfort.

**Moved** Scott Wolfersberger, supported Jacob Gates to recuse Member Caron for item 10A of the agenda. On a voice vote: **Motion carried.**

Schwartz stated that the property would still be taxed at the value that it is currently at and after the OPRA expires, the full value of the property would be assessed. He questioned how parking would be handled for the proposed project. Zuzga stated that there is no site plan in place at this point, but that parking for the project would be looked at as part of that process. Schwartz stated that the parking garage was within a walkable distance and there was some on-street parking available. Zuzga stated that they are working on a parking study for the entire downtown area. Chaney-Huggett stated that she heard from a property owner that they had not received notice of the previous meeting, and while they have no concerns with the OPRA, they do worry about parking. Perry stated that the DDA is looking at parking for the entire downtown. Gates concurred on the parking issue, but saw this as a great project that will revitalize the downtown and repurpose as building that is currently a hazard.

**Moved** Scott Wolfersberger, supported Ryan Underhill to approve Resolution 2023-026 which would provide for an OPRA exemption for 12 years for the redevelopment of 112 North Eagle Street. On a roll call vote:

Ayes: Theresa Chaney-Huggett, Jacob Gates, Ryan Underhill, Scott Wolfersberger, James Schwartz

Nays: None

Abstain: Joe Caron

**Motion carried.**

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

Minutes of a regular meeting of the Council of the City of Marshall, held on August 7, 2023 at 7:00 PM.

PRESENT:

ABSENT:

The following preamble and resolution were offered by \_\_\_\_\_, and supported by \_\_\_\_\_.

**Resolution 2023-26 Approving Obsolete Property Rehabilitation Exemption  
Certificate Application for 112 North Eagle Street**

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

WHEREAS, the City of Marshall legally established the Obsolete Property Rehabilitation District 112 North Eagle Street Obsolete Property Rehabilitation District No. 1 on July 17, 2023, after a public hearing held on July 17, 2023; and

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

WHEREAS, the application was approved at a public hearing as provided by section 4(2) of Public Act 146 of 2000, as amended, on August 7, 2023; and

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

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

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

WHEREAS, the City of Marshall requires that rehabilitation of the facility shall be completed by December 31, 2024; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marshall and hereby is granted an Obsolete Property Rehabilitation Exemption for the real property of 112 North Eagle Street, excluding land, located in 112 North Eagle Street Obsolete Property Rehabilitation District No. 1 at 112 North Eagle Street for a period of 12 years,

beginning December 31, 2023, and ending December 30, 2036, pursuant to the provisions of PA 146 of 2000, as amended.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of the City of Marshall, County of Calhoun, Michigan at a regular meeting held on August 7, 2023.

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Clerk

#### **B. MARSHALL HOUSE PILOT ORDINANCE**

Mayor Schwartz opened the public hearing on Ordinance 2023-10 at 7:27 p.m.

Barry Wayne Adams of 622 W Green St again spoke on corporate fascism and military law and further stated that it could be taken to federal court.

Mayor Schwartz closed the public hearing on Ordinance 2023-10 at 7:31 p.m.

Woltersberger questioned if a PILOT based on rent versus property value is common. Perry stated that it comes from a state act how the city is allowed to come up with PILOTs.

**Moved** Jacob Gates, supported Theresa Chaney-Huggett to enact Ordinance 2023-10, An Ordinance to provide for a service charge in lieu of taxes for a multiple family dwelling project for low income persons and families to be financed with a federally-aided mortgage loan pursuant to the provisions of the state housing development authority act of 1966 (1966 pa 346, as amended; mcl 125.1401, et seq) (the "act") and direct the City Clerk to publish the ordinance in full. On a roll call vote:

Ayes: Theresa Chaney-Huggett, James Schwartz, Joe Caron, Scott Woltersberger, Jacob Gates, Ryan Underhill

Nays: None

Abstain: None

**Motion carried.**

**CITY OF MARSHALL**

**ORDINANCE #2023-10**

AN ORDINANCE TO PROVIDE FOR A SERVICE CHARGE IN LIEU OF TAXES FOR A MULTIPLE FAMILY DWELLING PROJECT FOR LOW INCOME PERSONS AND FAMILIES TO BE FINANCED WITH A FEDERALLY-AIDED MORTGAGE LOAN PURSUANT TO THE PROVISIONS OF THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966 (1966 PA 346, AS AMENDED; MCL 125.1401, *ET SEQ*) (THE "ACT").

THE CITY OF MARSHALL, MICHIGAN ORDAINS:

**SECTION 1. Short Title.**

This Ordinance shall be known and cited as the "City of Marshall Tax Exemption Ordinance-Marshall House."

**SECTION 2. Preamble.**

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966 PA 346, as amended, MCL Section 125.1401 *et seq.*) The City of Marshall ("City") is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses, not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing for persons and families of low income is a public necessity, and as the City will be benefited and improved by such housing, the encouragement of the same by providing real estate tax exemption for such housing is a valid public purpose. It is further acknowledged that the continuance of the provisions of this Ordinance for tax exemption and the service charge in lieu of all *ad valorem* taxes during the period contemplated in this Ordinance are essential to the determination of economic feasibility of the housing project that is acquired with financing extended in reliance on such tax exemption.

The City of Marshall acknowledges that the "Sponsor" (as defined below) has offered, subject to receipt of a Mortgage Loan, to own and operate the Housing Development (defined below) to serve Low Income Persons and Families (defined below), and that the Sponsor has offered to pay the City on account of the Housing Development an annual service charge for public services in lieu of all *ad valorem* property taxes.

**SECTION 3. Definitions.**

Authority means the Michigan State Housing Development Authority.

Act means the State Housing Development Authority Act, being Public Act 346 of 1966, of the State of Michigan, as amended.

Contract Rents/Annual Shelter Rents means the total collections during an agreed annual period from or paid on behalf of all occupants of a housing project representing rent or occupancy charges, exclusive of Utilities.

Housing Development means that certain development commonly known as Marshall House, which is located at 200 East Spruce Street in Marshall, Michigan, which development contains a significant element of housing for persons of low or moderate income and elements of other housing and commercial, recreational, industrial, communal, and educational facilities that the Authority determines improve the quality of the development as it relates to housing for persons of low or moderate income.

Low Income Persons and Families means persons and families eligible to move into a housing project.

Mortgage Loan means a loan that is Federally-Aided (as defined in Section 11 of the Act) or a loan or grant made or to be made by the Authority to the Sponsor for the acquisition and/or permanent financing of the Housing Development, and secured by a mortgage on the Housing Development.

Sponsor means Gene B. Glick Family Housing Foundation or its affiliate, and any successor owner of the Housing Development that receives or assumes a Mortgage Loan.

City means the City of Marshall.

Utilities means charges for gas, electric, water, sanitary sewer and other utilities furnished to the occupants that are paid by the Housing Development.

#### **SECTION 4. Class of Housing Projects.**

It is determined that the class of housing projects to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be housing projects for Low Income Persons and Families that are financed with a Mortgage Loan. It is further determined that the Housing Development is of this class.

#### **SECTION 5. Establishment of Annual Service Charge.**

The Housing Development and the property on which it is located shall be exempt from all *ad valorem* property taxes from and after of enactment of this Ordinance. (Or, commencement of construction or rehabilitation.) The City acknowledges

that the Sponsor has established the economic feasibility of the Housing Development in reliance upon the enactment and continuing effect of this Ordinance, and the qualification of the Housing Development for exemption from all *ad valorem* property taxes and a payment in lieu of taxes as established in this Ordinance. Therefore, in consideration of the Sponsor's offer to acquire and operate the Housing Development, the City agrees to accept payment of an annual service charge for public services in lieu of all *ad valorem* property taxes. Subject to receipt of a Mortgage Loan, the annual service charge shall be equal to 4% of the Contract Rents/Annual Shelter Rents.

#### **SECTION 6. Contractual Effect of Ordinance.**

Notwithstanding the provisions of Section 15(a)(5) of the Act to the contrary, a contract between the City and the Sponsor with the Authority as third party beneficiary hereunder, to provide tax exemption and accept payments in lieu thereof as previously described, is created by enactment of this Ordinance. Failure of the Sponsor or its successor in interest to operate and maintain said Housing Development so as to be eligible for a payment in lieu of taxes as provided in this Ordinance, or a judicial determination of a material violation of the Act or regulations of the Authority shall be deemed to be a violation of this Ordinance and default hereunder. Notice of such violation shall be provided to the Sponsor and the Authority and, if not cured within thirty (30) days after the date of Notice, the City may revoke or repeal the Ordinance pursuant to Section 9 below.

#### **SECTION 7. Limitation on the Payment of Annual Service Charge.**

Notwithstanding Section 5, the service charge to be paid each year in lieu of taxes for the part of the Housing Development that is tax exempt, but which is occupied by other than Low Income Persons and Families shall be equal to the full amount of the taxes which would be paid on that portion of the Housing Development if the Housing Development were not tax exempt.

#### **SECTION 8. Payment of Service Charge.**

The annual service charge in lieu of taxes as determined under this Ordinance shall be payable in the same manner as general property taxes are payable to the City and distributed to the several units levying the general property tax in the same proportion as prevailed with the general property tax in the previous calendar year. The annual payment for each operating year shall be paid on or before March 31st of the following year, prorated for the first year, payable on or before March 31, 2024, as applicable. The Sponsor shall verify Contract Rents/Annual Shelter Rents with a statement of profit and loss or other form of financial documentation. Payment of the service charge in lieu of taxes after March 31st shall be subject to an additional monthly service charge of 0.5% on the unpaid balance. Collection procedures shall be in accordance with the provisions of the General Property Tax Act (1893 PA 206, as amended; MCL 211.1, *et seq*).

**SECTION 9. Duration.**

This Ordinance shall remain in effect and shall not terminate so long as the Housing Development shall remain subject to the Mortgage Loan. The City further reserves the right, in the event of noncompliance by the Sponsor, to revoke or repeal this Ordinance in accordance with the Act.

It is further the intent of the Parties that in the event Housing Development is sold, transferred, or refinanced by the Sponsor or a related entity of the Sponsor, this Ordinance shall remain in full force and effect and without further action by the Sponsor or the City to otherwise change, alter or amend this Ordinance. Furthermore, this Ordinance shall not be terminated in event of foreclosure or deed in lieu of foreclosure of a Mortgage Loan and any subsequent transfer of the Housing Development.

**SECTION 10. Severability.**

The various sections and provisions of this Ordinance shall be deemed to be severable and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance, other than the section or provision so declared to be unconstitutional or invalid.

**SECTION 11. Inconsistent Ordinances.**

All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.

**SECTION 12. Code Edits.**

The editors of the Marshall City Code are hereby authorized, subject to approval of the City Manager, or designee, to update and revise code section numbers to effectuate the provisions of this Ordinance.

**SECTION 13. Publication.**

This Ordinance 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 14. Effective.**

This Ordinance be effective publication upon the expiration of 7 days after publication.

Introduced by the Marshall City Council this 17 day of July, 2023.

Adopted by the Marshall City Council this 7 day of August, 2023.

**Motion by Gates**

**Second by Chaney-Huggett**

**Ayes:** Underhill, Wolfersberger, Mayor Schwartz, Caron, Chaney-Huggett, Gates

**Nays:** None

**Absent:** Traver

Approved:

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James Schwartz, Mayor

STATE OF MICHIGAN  
COUNTY OF CALHOUN

I, Michelle Eubank, Marshall City Clerk, certify this is Ordinance #2023-10 adopted by the Marshall City Council at a meeting held the 7 day of August, 2023, a meeting held according to the Open Meetings Act, Public Act No. 267 of 1976, as amended. I further certify Ordinance # 2023 - 10 was published in the Marshall Ad-Visor, a newspaper of general circulation in the City of Marshall, the 12 day of August, 2023, subsequent to its adoption.

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Michelle Eubank, City Clerk

Introduced: July 17, 2023  
Public Hearing: August 7, 2023  
Adopted: August 7, 2023  
Published: August 12, 2023  
Effective:

**11) OLD BUSINESS**

## 12) REPORTS AND RECOMMENDATIONS

### A. SPECIAL EVENT REQUEST- MANDY RUNS MICHIGAN 5K RUN

Wolfersberger questioned the parking plan for the event. Mandy Frye, sponsor of the event, stated that Progressive Dynamics and LeggLumber are allowing the use of their lots for parking for the event. Schwartz questioned if there would be running on the boardwalk, and it was confirmed that runners would be on the hard concrete path, while walkers utilize the board walk.

**Moved** Scott Wolfersberger, supported Ryan Underhill to approve the Mandy Runs Michigan 5K Run Special Event Application Request for October 21, 2023. On a voice vote: **Motion carried.**

### B. FOIA APPEAL REQUEST - MR. GLENN KOWALSKE

Perry gave background on the FOIA request and the city's retention policy. Kowalske stated that he was asking for 3 documents in relation to the 2013 referendum which should have been easy to keep. Wolfersberger questioned why it was considered a denial if a document was given. Clerk Eubank stated that it was considered a partial grant/partial denial, as some of the requested documents were unavailable. Gates questioned if we would keep anything that says final determination. Perry stated that we follow the approved retention schedule, so the only way they may be kept longer is if they are in a permanent document. Schwartz stated that the records were looked for and they don't exist.

**Moved** Scott Wolfersberger, supported Jacob Gates to issue a written letter to Glenn Kowalske upholding the FOIA denial . On a roll call vote:

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

Nays: None

Abstain: None

**Motion carried.**

### C. PA 425 CONDITIONAL LAND TRANSFER REQUEST - SET PUBLIC HEARING 440 WEST HUGHES, PARCEL ID 16-260-003-01

Schwartz confirmed there was no eminent domain used to bring the property into the city. Perry stated that it was correct, that the property owner must request and initiate the process.

**Moved** Joe Caron, supported Ryan Underhill to set a Public Hearing for August 21, 2023, to hear comments on the proposed transfer of property located at 440 W. Hughes Street (parcel ID 16-260-003-01) and consider Resolution 2023-22, A Resolution Authorizing Execution of Contract for Conditional Transfer of Property under PA 425 of 1984. On a voice vote: **Motion carried.**

### D. FIRE CODE AND INSPECTION SERVICES AGREEMENT

Fire Chief Martin Erskine gave background on the proposed company, stating that they have extensive background working with facilities similar to Blue Oval all across the country. Schwartz questioned the length of the contract. Perry stated that it was up to 3 years.

**Moved** Scott Wolfersberger, supported Joe Caron to approve the Code Concepts Group contract as to form, authorize the City Manager to extend the agreement up to 36 months as necessary, and authorize the City Manager and City Clerk to sign the necessary documents. On a roll call vote:

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

Nays: None

Abstain: None

**Motion carried.**

**E. PSB ASPHALT MAINTENANCE AND IMPROVEMENTS**

Schwartz questioned the difference in quotes. Zuzga stated that the companies had different approaches.

**Moved** Scott Wolfersberger, supported Theresa Chaney-Huggett to Approve the quote from Asphalt Solutions in the amount of \$19,987 for asphalt sealing and replacement at the Public Services Building (PSB), amend the PSB budget by adding \$20,000 to 101-573-820.00 and authorize the City Manager and City Clerk to sign the necessary documents. On a roll call vote:

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

Nays: None

Abstain: None

**Motion carried.**

**13) APPOINTMENTS / ELECTIONS**

**A. PARKS, RECREATION AND CEMETERY BOARD APPOINTMENT**

**Moved** Joe Caron, supported Ryan Underhill to approve the reappointment of Jim Coury and the appointment of Alex Culver to the Parks, Recreation, and Cemetery Board for terms ending on July 1, 2026. On a voice vote: **Motion carried.**

**B. BROOKS NATURE AREA ADVISORY BOARD APPOINTMENT**

**Moved** Joe Caron, supported Scott Wolfersberger to approve the reappointment of Jane Schoenmeyer and Margaret Steele to the Brooks Nature Area Advisory Board with terms ending on August 15, 2026. On a voice vote: **Motion carried.**

**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.

David Gilbert, county prosecutor for Calhoun County, spoke on proposed legislation that would change the maximum penalty for juveniles.

Diane Kowalske of Marshall Township stated that it was a shame what the city was doing to the Committee for Marshall-Not the Megasite and that they are unnecessarily dividing the community.

Michael Woods of Squaw Creek stated that the referendum could have been decided at

the elections the next day and that it should have been put to a vote.

Barry Wayne Adams of 622 W Green St stated that an officer spoke with the protesters about their signs the previous week, but there is no legal bearing on political signs and it can't be regulated.

**15) COUNCIL AND MANAGER COMMUNICATIONS**

Wolfersberger stated that they have broken ground on a new home at the end of Forest.

Gates stated that the Farmer's Market Committee was to meet the following day.

Chaney-Hugget stated that at the Airport Board meeting a new flight school coming in was discussed as well as there being a fly in breakfast on August 19.

Perry stated that the supplies for the AV upgrades should arrive in around 2 weeks and at that time an installation timeline will be put in place.

Eubank stated that the county is working on a location in or near Marshall for the county-wide early voting center and reminded everyone about the election the following day.

Schwartz stated that the election was for the Marshall Area Fire-Fighters Ambulance Authority and that they are a great asset to the community.

**16) ADJOURNMENT**

The meeting was adjourned at 8:14 p.m.

Respectfully submitted by,

Michelle Eubank  
City Clerk

08/15/2023 04:16 PM  
User: KWAGNER  
DB: Marshall

APPROVAL LIST FOR CITY OF MARSHALL  
EXP CHECK RUN DATES 08/04/2023 - 08/04/2023  
BOTH JOURNALIZED AND UNJOURNALIZED  
BOTH OPEN AND PAID

Page: 1/1

| INVOICE<br>NUMBER | VENDOR<br>NAME           | DESCRIPTION                              | PO<br>NUMBER | AMOUNT     |
|-------------------|--------------------------|------------------------------------------|--------------|------------|
| V101003241        | HOEKSTRA TRANSPORTATION  | FORD ELDORADO BUS 23' WITH LIFT- REPLACE | 2023.071     | 136,937.00 |
| CP134B-941        | INTERNAL REVENUE SERVICE | CHANGES TO JUNE 30, 2022 FORM 941        |              | 1,462.78   |
| 08032023          | MATTHEW ROWE             | DUPLICATE PAYMENT REFUND                 |              | 80.84      |
| GRAND TOTAL:      |                          |                                          |              | 138,480.62 |

APPROVAL LIST FOR CITY OF MARSHALL  
EXP CHECK RUN DATES 08/11/2023 - 08/11/2023  
BOTH JOURNALIZED AND UNJOURNALIZED  
BOTH OPEN AND PAID

| INVOICE<br>NUMBER | VENDOR<br>NAME          | DESCRIPTION                                       | PO<br>NUMBER | AMOUNT     |
|-------------------|-------------------------|---------------------------------------------------|--------------|------------|
| 07282023          | A WEEK IN THE WOODS     | REIMBURSEMENT FOR WEEK IN THE WOODS REGI          |              | 1,745.00   |
| 9139847945        | AIRGAS USA, LLC         | GLOVES PAYER NO. 1438173                          |              | 135.35     |
| DGM6905BC         | ALRO STEEL CORPORATION  | WELDED PIPE FOR LYON LAKE SYSTEM REPAIRS          |              | 1,863.40   |
| 1XWR-RH6W-LLMM    | AMAZON CAPITAL SERVICE  | PHOTO ALBUMS ACCT NO. A1P4GM99HG1EO2              |              | 31.67      |
| 1XQG-C6P3-T43H    | AMAZON CAPITAL SERVICE  | LABWARE ACCT NO. A1P4GM99HG1EO2                   |              | 205.06     |
| 1JRC-JTW7-XNMG    | AMAZON CAPITAL SERVICE  | OFFICE CHAIRS, CART, LAPTOP BACKPACK (AC          |              | 505.03     |
| 512846            | ASCENSION MICHIGAN EMP  | DOT PHYSICAL EXAM - LAROSE                        |              | 88.00      |
| 2023-026660       | ASPHALT SOLUTIONS PLUS  | CITY HALL PARKING LOT SEALCOAT, CRACK SE          |              | 2,085.00   |
| 2023-026689       | ASPHALT SOLUTIONS PLUS  | FIRE STATION PARKING LOT SEALCOAT, CRACK 2024.032 |              | 3,724.00   |
| 225-509404        | AUTO VALUE MARSHALL     | FUEL LINE CONNECTION & CLIP                       |              | 16.08      |
| 225-509446        | AUTO VALUE MARSHALL     | MAG DASH MNT                                      |              | 34.58      |
| 225-509462        | AUTO VALUE MARSHALL     | CLEAR GLOSS                                       |              | 31.58      |
| 225-509568        | AUTO VALUE MARSHALL     | OIL & AIR FILTER                                  |              | 33.44      |
| 225-509749        | AUTO VALUE MARSHALL     | PLASTIC WELD, SUPER GLUE                          |              | 7.68       |
| 225-509748        | AUTO VALUE MARSHALL     | WHEEL NUTS & BOLTS                                |              | 44.46      |
| 225-509717        | AUTO VALUE MARSHALL     | AIR FILTERS, VEHICLE BATTERY, WHEEL LUG           |              | 302.16     |
| 51054             | B&B SERVICES            | SERPENTINE BELT                                   |              | 41.60      |
| 22131025.00 - 2   | BARR ENGINEERING CO.    | PROFESSIONAL SERVICES FOR UPDATING STID, 2024.031 |              | 4,000.00   |
| P17631            | BELL EQUIPMENT COMPANY  | AIR CYLINDER W/ FREIGHT (ACCT NO. MARSHO          |              | 444.56     |
| MT 07.08.2023     | BEST ELECTRIC, LLC      | TREATMENT OF WOODEN ELECTRIC UTILITY POL 2023.237 |              | 6,502.00   |
| 10622             | BIO-CARE, INC.          | COMPREHENSIVE PHYSICAL & FIT TESTING 7/12024.035  |              | 8,765.00   |
| 85016243          | BOUND TREE MEDICAL, LL  | FIRE WIPES, GAUZE, CURAPLEX OB KITS (ACC          |              | 214.56     |
| 08/09/2023        | CARMEAN, SELE           | UB refund for account: 700690001                  |              | 404.28     |
| 08082023          | CB HALL ELECTRIC COMPAN | INSPECTION SERVICES 7/1/23 - 7/31/23              |              | 500.00     |
| 1334721           | CLARK HILL PLC          | CLIENT NO. K9950 SERVICES THROUGH 6/30/2          |              | 23,164.00  |
| 08032023          | COCM                    | COCM FALL CONFERENCE 9/26/23 - 9/29/23 -          |              | 285.00     |
| 175631            | D & D MAINTENANCE SUPP  | JANITORIAL SUPPLIES (ACCT NO. CIMA1)              |              | 112.95     |
| 615050            | DARLING ACE HARDWARE    | PRESSURE WASHER, ALKALINE BATTERIES - WA          |              | 958.96     |
| 08/11/2023        | DART, BRENDON           | UB refund for account: 3205260042                 |              | 100.00     |
| 298029            | ELHORN ENGINEERING COM  | CARUS 4500 (30-GAL DRUM) QTY 5                    |              | 2,085.00   |
| 045975            | ENVIRONMENTAL RESOURCE  | LAB QA/QC SUPPLIES                                |              | 390.82     |
| I125429           | ERIC DALE HEATING & AI  | CITY HALL SERVICE CALL 7/10/23                    |              | 147.00     |
| 23-07031          | GARAGE DOORS UNLIMITED  | SERVICE CALL AT MARSHALL HOUSE 7/6/23             |              | 417.20     |
| 23-07062          | GARAGE DOORS UNLIMITED  | SERVICE CALL AT GARAGE 7/11/23                    |              | 192.40     |
| 9765930871        | GRAINGER                | FERRIC PUMP STRAINER ACCT NO. 804945673           |              | 64.36      |
| 9770577493        | GRAINGER                | COVERALLS ACCT NO. 804945673                      |              | 102.66     |
| 9332760599        | GRAYBAR ELECTRIC        | DROP CABLES FOR FIBERNET ACCT NO. 000057 2023.248 |              | 3,957.52   |
| 9332873977        | GRAYBAR ELECTRIC        | FIBERNET INVENTORY ACCT NO. 0000571644 2023.259   |              | 898.72     |
| 9332898119        | GRAYBAR ELECTRIC        | FIBERNET INVENTORY ACCT NO. 0000571644 2023.259   |              | 568.09     |
| 9332975084        | GRAYBAR ELECTRIC        | FIBERNET INVENTORY ACCT NO. 0000571644 2023.259   |              | 5,825.77   |
| 9333024965        | GRAYBAR ELECTRIC        | SIMPLEX 75' REAL FLEX ACCT NO. 000057164 2023.259 |              | 1,571.64   |
| 07282023          | GROENEVELD, ANDREW      | BOOT ALLOWANCE - GROENEVELD, DREW                 |              | 156.43     |
| 08042023          | GROSS, JOHN             | INSPECTION SERVICES 7/1/23 - 7/31/23              |              | 1,250.00   |
| 20230616          | GRP ENGINEERING, INC.   | ENGINEERING SERVICES - BROOKS SUBSTATION 2022.046 |              | 3,555.83   |
| 20230617          | GRP ENGINEERING, INC.   | ENGINEERING SERVICES - PS-6 & PS-9 CIRCU          |              | 2,334.72   |
| 20230615          | GRP ENGINEERING, INC.   | ENGINEERING SERVICES - MISC. 6/5/23 - 7/          |              | 1,578.86   |
| 53580             | HUNTINGTON NATIONAL BA  | ACCT NO. 3584098502 BOND ADMIN FEES 2023          |              | 500.00     |
| 176283            | IMPACT SOLUTIONS        | PROCESSING/S&H FOR TAX & UTILITY BILLS -          |              | 24.00      |
| 176319            | IMPACT SOLUTIONS        | PROCESSING/S&H FOR ENVELOPES - CLIENT NO          |              | 24.00      |
| 654690            | ITRON, INC.             | METER READING SOFTWARE (TEMETRA) - 8/1/2 2024.021 |              | 3,176.25   |
| 31739             | J AND K PLUMBING SUPPL  | CAP GALV 3/4" (WATER DEPT)                        |              | 2.50       |
| MI2023-0029       | J. R. UNDERGROUND, LLC  | BORING SERVICE 60' OF 1.25" X2                    |              | 1,500.00   |
| 42609             | LAKELAND ASPHALT CORPO  | 2.23 TONS BITUMINOUS AGGREGATES 7/10/23           |              | 153.87     |
| INVPR4117901      | LEXIPOL, LLC            | FIRE & EMS LEARNING PLATFORM 7/1/23 - 6/          |              | 1,827.50   |
| 08/09/2023        | LINK, LAURA             | UB refund for account: 3103720006                 |              | 280.58     |
| 10409             | MACKS FIRE PROTECTION   | (ANNUAL FIRE EXTINGUISHER & SUPPRESSION S         |              | 2,584.00   |
| 3559              | MAIL MANAGEMENT, INC.   | POSTAGE MACHINE INK                               |              | 329.73     |
| 41614             | MANER COSTERISAN        | FY2023 FINANCIAL STATEMENT AND SINGLE AU 2024.025 |              | 7,000.00   |
| 08112023          | MARANA GROUP            | ACCT NO. M323 PREPAYMENT FOR DAILY MAIL           |              | 500.00     |
| 2023SUMMERTAX     | MARENGO TOWNSHIP        | 2023 SUMMER PROPERTY TAXES PARCEL #15-31          |              | 402.81     |
| 07102023MF        | MARSHALL COMMUNITY CRE  | CITY CREDIT CARD - MARSHALL FIBERNET 329          |              | 214.00     |
| 08112023          | MARSHALL COMMUNITY FOU  | EATON PICKLEBALL DONATION FROM BILL JACO          |              | 10,000.00  |
| 07172023          | MARSHALL PUBLIC SCHOOL  | SUMMER PLAYGROUND TRANSPORT - C. O. BROW          |              | 240.56     |
| 23-039-1          | MCKENNA                 | BUILDING INSPECTION CONTRACT FOR FORD TH 2024.015 |              | 106,944.44 |
| 64861             | MCNALLY ELEVATOR COMPAN | CITY HALL ELEVATOR SERVICE REPAIR 6/14/2          |              | 1,980.00   |
| 9                 | MCSA GROUP, INC.        | SERVICES FOR EATON PARK DESIGN 6/1/23 - 2024.034  |              | 10,340.00  |
| 17070             | MIDWEST COMMUNICATION   | FIBERNET REPAIR ON JONES STREET 6/28/23           |              | 1,062.39   |
| 07282023          | MONAWECK, JIM           | REIMBURSEMENT FOR WEED KILLER (RIVERWALK          |              | 157.17     |
| 489756            | NORTH CENTRAL LABORATO  | WASTE WATER LAB SUPPLIES 2024.005                 |              | 597.96     |
| 119854            | O'LEARY WATER CONDITIO  | BOTTLED WATER FOR ELECTRIC DEPT                   |              | 44.00      |
| 119858            | O'LEARY WATER CONDITIO  | COOLER & WATER JUN/JUL 2023 POWER HOUSE           |              | 82.00      |
| 07132023          | OAKLAWN HOSPITAL        | DRUG SCREEN (MAURER) ACCT NO. 9950-56303          |              | 40.00      |
| 56754010          | POWER LINE SUPPLY       | HARD HATS                                         |              | 396.35     |
| 56754081          | POWER LINE SUPPLY       | JASON ERB - UNIFORM SHIRT                         |              | 176.00     |
| 56754295          | POWER LINE SUPPLY       | WR969 CONNECTOR                                   |              | 656.00     |
| 56755623          | POWER LINE SUPPLY       | 15KV INSULATOR                                    |              | 673.78     |
| 56755626          | POWER LINE SUPPLY       | POWER GRIP                                        |              | 1,140.00   |
| 2834              | PPCT MANAGEMENT SYSTEM  | SHARP STUDENT MANUALS                             |              | 2,069.74   |
| 00193883          | PROGRESSIVE AE          | SITE PLAN AND STORM SERVICES FOR BOBP (T 2023.280 |              | 4,232.17   |

08/15/2023 01:30 PM  
User: KWAGNER  
DB: Marshall

APPROVAL LIST FOR CITY OF MARSHALL  
EXP CHECK RUN DATES 08/11/2023 - 08/11/2023  
BOTH JOURNALIZED AND UNJOURNALIZED  
BOTH OPEN AND PAID

Page: 2/2

| INVOICE<br>NUMBER | VENDOR<br>NAME         | DESCRIPTION                              | PO<br>NUMBER | AMOUNT     |
|-------------------|------------------------|------------------------------------------|--------------|------------|
| 337199            | PVS TECHNOLOGIES, INC. | FERRIC CHLORIDE                          | 2024.004     | 8,265.33   |
| 08032023          | QUADIENT FINANCE USA,  | ACCT NO. 7900 0440 5582 9307 POSTAGE JUL |              | 6,020.00   |
| 15830             | RADIO COMMUNICATIONS   | RADIO REPAIR FOR GOODRICH                |              | 125.60     |
| 08/09/2023        | SALYER, STEPHEN        | UB refund for account: 2701000004        |              | 2.77       |
| 08032023          | SHANTY CREEK RESORTS   | LODGING FOR TIM MUSSER AT COCM 9/25/23 - |              | 580.80     |
| 08032023          | SHELDON, PAUL          | INSPECTION SERVICES 7/26/23              |              | 50.00      |
| 75122             | SPECTRUM PRINTERS, INC | E7 OUTER AV ENVELOPES - BLUE             |              | 415.73     |
| 761-11102881      | STATE OF MICHIGAN      | CUST ID: 156863 WATER SAMPLE TESTING     |              | 928.00     |
| 591-11102583      | STATE OF MICHIGAN - MD | AIRPORT WEATHER OBS & DATA SYSTEM APRIL  |              | 536.72     |
| 141012461         | SUMMIT FIRE PROTECTION | CUST ID: MARSHAL407 FIRE EXTINGUISHER IN |              | 271.00     |
| 08/09/2023        | TAYLOR POTTER          | UB refund for account: 3496              |              | 52.84      |
| 911490            | TELE-RAD               | DURACOMM 75 AMP POWER SUPPLY             |              | 515.00     |
| 2516-9            | THE SHERWIN-WILLIAMS C | ACCT NO. 2475-6137-6 MARSHALL HOUSE COMP |              | 2,471.03   |
| 14536             | TIRE CITY TIRE PROS    | NEW HERCULES STRONG GUARD TIRES          |              | 327.96     |
| 175               | TOP TO BOTTOM TREE SER | ELECTRIC LINE CLEARANCE 7/31/23 - 8/6/23 | 2024.007     | 4,620.00   |
| 530371321         | UTILITIES INSTRUMENTAT | ASSIST GROUNDING AT BROOKS SUBSTATION FO |              | 1,110.00   |
| 105900-A          | VC3 INC                | ACCT NO. MAR11 BALANCE DUE ON INVOICE #1 |              | 147.00     |
| 07292023          | WOW! BUSINESS          | ACCT NO. 014226414 FIRE STATION AUGUST 2 |              | 133.51     |
| GRAND TOTAL:      |                        |                                          |              | 267,367.51 |



**MICHIGAN SOUTH CENTRAL POWER AGENCY**

168 DIVISION STREET  
COLDWATER, MICHIGAN 49036  
PHONE (517) 279-6961  
FAX (517) 279-6969

**INVOICE MONTH:** July, 2023  
**INVOICE DATE:** 8/14/2023  
**DUE DATE:** 8/29/2023  
**TOTAL AMOUNT DUE:** \$875,208.92

**MARSHALL CITY ELECTRIC DEPARTMENT**  
323 WEST MICHIGAN AVENUE  
MARSHALL, MICHIGAN 49068  
ATTN: KEVIN MAYNARD

**MSCPA Member Power Billing - July, 2023**

|                                               |              |
|-----------------------------------------------|--------------|
| Total Power Charges:                          | \$721,623.15 |
| Transmission / Capacity / Ancillary Services: | \$114,366.05 |
| Total Other Charges:                          | \$12,116.48  |
| Total Miscellaneous Charges:                  | \$27,103.24  |

|                      |                     |
|----------------------|---------------------|
| <b>TOTAL CHARGES</b> | <b>\$875,208.92</b> |
|----------------------|---------------------|

**NOTE: PLEASE SEE ENCLOSED BACKUP FOR ADDITIONAL DETAIL**

\* Any amounts due and not paid by the due date shall bear interest at the rate of 1% per month until paid

**Notes:**

## ITEM: 8.A

### ADMINISTRATIVE REPORT

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**TO:** Honorable Mayor and City Council  
**FROM:** Derek N. Perry, City Manager  
Joshua Lankerd, Chief of Police  
**DATE:** August 21, 2023  
**SUBJECT:** **POLICE DEPARTMENT ACCREDITATION – MLEAC**

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The Marshall Police Department received accreditation approval through the Michigan Law Enforcement Accreditation Commission (MLEAC) on June 27, 2023 and representatives will be attending the City Council meeting on August 21, 2023 to present the certificate of accreditation.

The MLEAC Accreditation is a voluntary accreditation program consisting of over 100 standards and best practices. An onsite assessment was completed in May of 2023 where assessors spent two days reviewing policies, procedures, directives, practices, and talking with our citizens.

The Marshall Police Department and staff have worked tirelessly to achieve Accreditation status. The MLEAC Accreditation acknowledges our hard work and our commitment to continual improvement as it affirms our policies, procedures, and directives are up to date and we are compliant with established “best practice” standards. This professional achievement exemplifies the department's values of professionalism, service, and community and reaffirms our commitment to providing our community with professional and courteous service.

**BUDGET IMPACT:**  
None.

**RECOMMENDATION:**  
Receive the MLEAC Certification of Accreditation.

# ITEM: 10.A

## ADMINISTRATIVE REPORT

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**TO:** Honorable Mayor and City Council  
**FROM:** Derek N. Perry, City Manager  
**DATE:** August 21, 2023  
**SUBJECT:** **PA 425 CONDITIONAL LAND TRANSFER REQUEST - PUBLIC  
HEARING & ENACTMENT  
440 WEST HUGHES, PARCEL ID 16-260-003-01**

---

The City has received a request from the owner of the property located at 440 W. Hughes Street (parcel ID 16-260-003-01) to enter into a Public Act 425 Conditional Land Transfer.

A Public Act 425 agreement brings an existing property into the City of Marshall to receive city services and provides for a portion of the collected taxes to be shared with the Township transferring the parcel.

In 2006, the City and Marshall Township entered into a Master Public Act 425 Conditional Land Transfer Agreement. In 2015, the Master Agreement was extended to 2026 and in 2019, it was revised and extended to 2029.

Public Act 425 requires the adoption of a resolution and a public hearing by both governmental bodies. The proposed resolution and contract are attached for your consideration after holding the required public hearing.

### **BUDGET IMPACT:**

Based on the property's current taxable value, and current City of Marshall millage rates, the City would collect an additional \$1,074 in additional General Fund operating revenue. The Township would receive a portion of this collection as required under the Master PA 425 agreement.

### **RECOMMENDATION:**

Approve Resolution 2023-22, A Resolution Authorizing Execution of Contract for Conditional Transfer of Property under PA 425 of 1984 for property located at 440 W. Hughes Street (parcel ID 16-260-003-01) and authorize the City Manager and City Clerk to sign the necessary documents.

**CITY OF MARSHALL, MICHIGAN  
RESOLUTION NO. 2023-22**

**A RESOLUTION AUTHORIZING EXECUTION OF CONTRACT FOR CONDITIONAL  
TRANSFER OF PROPERTY UNDER P.A. 425 of 1984**

Minutes of a regular meeting of the Council of the City of Marshall, held on August 21, 2023, at 7:00 PM.

PRESENT:

ABSENT:

The following preamble and resolution were offered by \_\_\_\_\_, and supported by \_\_\_\_\_.

**WHEREAS**, Stephan Sanchez and Donna Sanchez, owners of 440 W Hughes (Parcel ID 16-260-003-01), Marshall, Michigan and purchaser Joseph Elias/Grand City Capital have petitioned the City of Marshall and Marshall Township for a Conditional Transfer of their property from Marshall Township into the City of Marshall; and

**WHEREAS**, on February 25, 2006, the City of Marshall Entered into a Master 425 Agreement with the Township of Marshall; and

**WHEREAS**, on September 15, 2014, the City of Marshall extended this Master 425 Agreement with the Township of Marshall until 2026; and

**WHEREAS**, on June 24, 2019, the City of Marshall extended this Master 425 Agreement with the Township of Marshall until December 31, 2029; and

**WHEREAS**, the Master 425 Agreement facilitates the provision of City services, including municipal sewer, water, electric, broadband, police, and fire protection to properties currently within Marshall Township according to terms acceptable to both the Township of Marshall and the City of Marshall; and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL** that the City Manager and the City Clerk are authorized to execute a Contract for Conditional Transfer of Property located at 440 W Hughes (Parcel ID 16-260-003-01) from the Township of Marshall to the City of Marshall; and

**IT IS FURTHER RESOLVED**, that the Contract for Conditional Transfer shall be in the form of the attached document, subject to changes in form approved by the City Attorney.

Resolution declared adopted this 21st day of August 2023.

-----  
Michell Eubank, City Clerk

I, Michelle Eubank, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on August 21, 2023, and that the said meeting was conducted and that the minutes of the meeting were kept and will be or have been made available.

-----  
Michell Eubank, City Clerk

**CITY OF MARSHALL – TOWNSHIP OF MARSHALL  
CONTRACT FOR CONDITIONAL TRANSFER OF PROPERTY**

This Agreement made on the \_\_\_\_ day of \_\_\_\_\_, 2023, between the CITY OF MARSHALL, a Michigan municipal corporation, having offices at 323 West Michigan Avenue, Marshall, Michigan 49068 (the “City”) and the TOWNSHIP OF MARSHALL, a Township duly organized under the laws of the State of Michigan, and existing in Calhoun County, Michigan, having offices at 13551 Myron Avery Drive, Marshall, Michigan 49068 (the “Township”).

WHEREAS, the City and the Township have adopted a Master 425 Agreement dated February 9, 2022 for the purpose of providing utility services which are available in the City to Township properties upon the request of a Township property owner, and

WHEREAS, Stephan S. and Donna Sanchez, the owners of the property described on Schedule 1 attached hereto (“Property”), along with Grand City Capital, the purchasers of the Property, have requested that the City extend sewer and water services to the Property, and

WHEREAS, the provision of municipal services by the City to the Property would further the economic well-being of both the City and the Township and increase the probability of additional development of the Property, and

WHEREAS, the City has available sewer and water capacity to service the Property, and

WHEREAS, the parties have each conducted a public hearing to receive input on the proposed transfer of property.

NOW, THEREFORE, by authority of Act 425 of Public Acts of 1984 and pursuant to the Master 425 Agreement entered into between the City and the Township and in consideration of the mutual promises herein set forth, BE IT AGREED AS FOLLOWS:

1. The Township consents to the transfer to the City of the Property.
2. The City agrees to accept the transfer of the Property for all purposes allowed under Public Act 425 of 1984, as amended, to make available municipal services to the Property provided that the Property owner and other users of the utilities extended from the City to the Property shall pay for the cost of the extension.
3. The transfer of the Property contemplated by this agreement shall occur at midnight on August 31, 2023.

4. Following transfer, and during the term of this Agreement, the City shall have full jurisdiction over the property subject to the following limitations:

Land usages shall be subject to the Joint Municipal Planning Commission pursuant to the provisions of the Master 425 Agreement.

5. The City and Township agree that the City shall have the authority to assess and collect ad valorem taxes, real and personal, on the Property and any improvements thereon during 2024 and for the remainder of the term of this Agreement. The Township shall have the authority to assess and collect ad valorem taxes, real and personal, on the Property and any improvements thereon through calendar year 2023.

The City and Township further agree that commencing in the year 2024 and continuing through the fiftieth (50<sup>th</sup>) full calendar year following the issuance of a Certificate of Occupancy for the first use on the Property, all such taxes which the City collects for its own general operating fund purposes only, and which are attributable to the Property for the term of this Agreement shall be shared between the City and the Township as follows:

- A. The Township shall receive the equivalent of (residential – 2; commercial – 4; industrial – 4) mill levied on the taxable value of the Property for the taxable year as established by the City subject to any subsequent adjustments resulting from tax appeals. The City shall transmit the Township's share of such revenues annually on or before 30 days after receipt.
  - B. Thereafter, all tax revenues from the Property shall be collected and retained by the City.
6. Except as provided in paragraph 7, upon termination, expiration or non-renewal of this Agreement, jurisdiction of the Property shall return to the Township and the City will have no further rights or interests in the Property except that the City shall own the utility infrastructure.
7. In the event that the City shall not share tax revenues from the Property as provided in paragraph 5 or shall breach any other provision of this Agreement, the Township shall be entitled to terminate this Agreement, whereupon jurisdiction of the Property shall revert to the Township or the Township may pursue whatever other legal remedies are available to the Township.
8. Any liability the City or the Township incurs to a third party as a result of the performance of duties or the exercise or rights imposed or granted hereunder shall be jointly shared and defended in the same proportion as the taxes are shared as described in paragraph 5.

9. The burden of all tax abatements shall be shared by the City and the Township in the same percentage as the millage is shared. In the event the City reduces its millage, the Township's share of millage shall be proportionately reduced provided no additional taxes are levied by the City to replace the reduction in millage.
10. Sewer and water rates charged to the Property owner shall not be greater than the rates charged in the City for similar users. Property owners shall contribute to repairs and capital improvements to the sewage treatment facilities, water purification plant, well facilities, and distribution systems in the same manner as similar users within the City of Marshall.
11. In the event there is a conflict between this Agreement and the Master 425 Development Agreement, the terms of the Master 425 Development Agreement shall control unless there is a specific reference in the conflicting provision that it is intended to prevail despite the Master 425 Development Agreement.
12. Within fifteen (15) days of execution of this contract, the City Clerk shall file a duplicate original of this contract with the Calhoun County Clerk, the Michigan Secretary of State and the Calhoun County Register of Deeds.

WITNESSES:

CITY OF MARSHALL

----- By: -----  
Derek N. Perry, City Manager

----- By: -----  
Michelle Eubank, Clerk

STATE OF MICHIGAN       )  
                                      )ss  
COUNTY OF CALHOUN     )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2023 by Derek N Perry, City Manager and Michelle Eubank, City Clerk of the City of Marshall, on behalf of said City.

-----  
-----

Notary Public, Calhoun County, MI  
My commission expires -----

WITNESSES:

MARSHALL TOWNSHIP

----- By: -----  
David Bosserd, Supervisor

----- By: -----  
Jeff Albaugh, Clerk

STATE OF MICHIGAN       )  
                                  )ss  
COUNTY OF CALHOUN     )

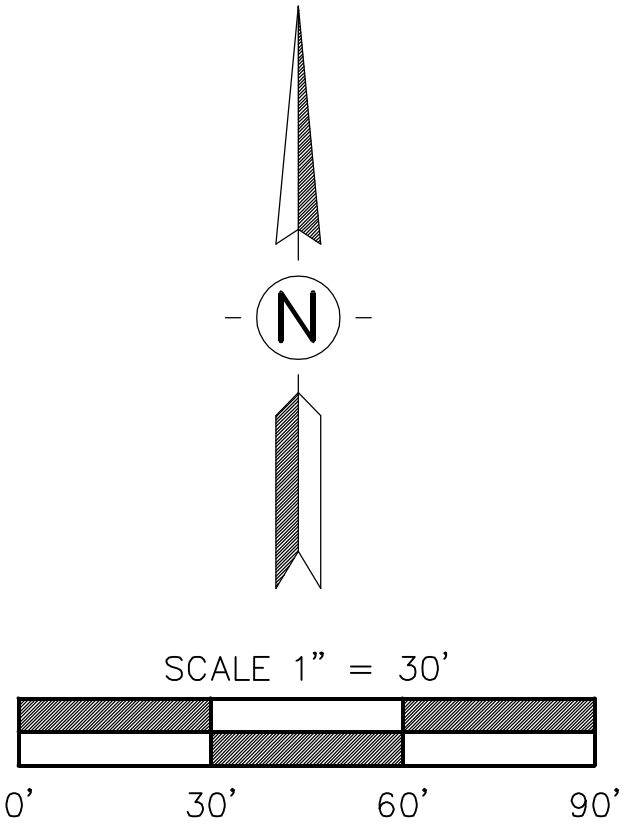
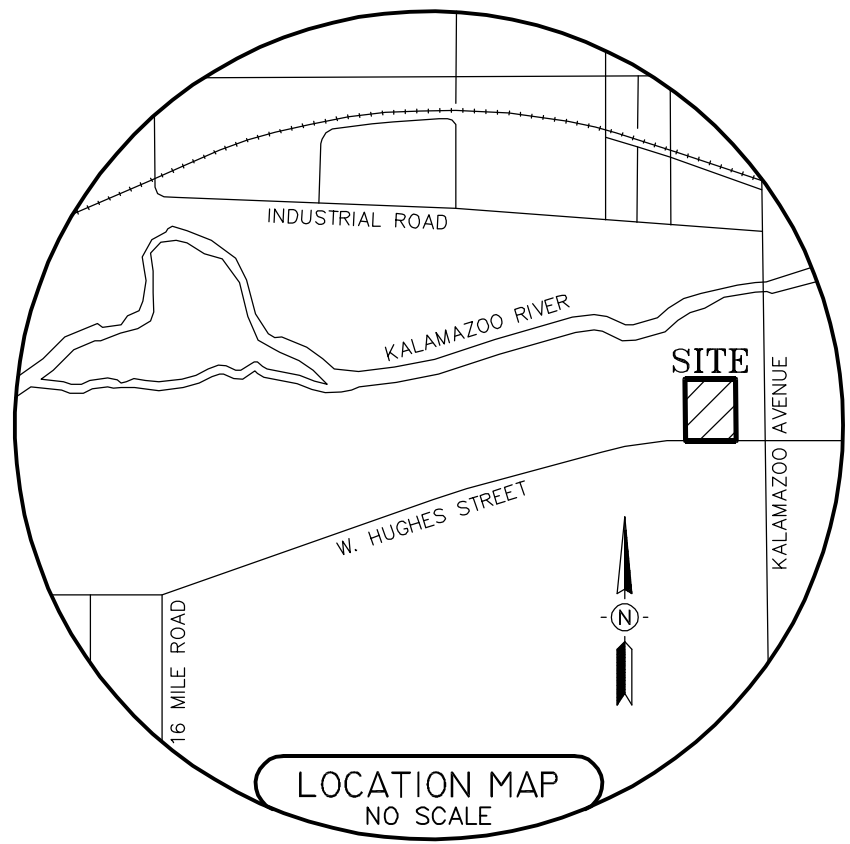
The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2023 by David Bosserd, Supervisory and Jeff Albaugh, Clerk of Marshall Township, on behalf of said Township.

-----  
  
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Notary Public, Calhoun County, MI  
My commission expires \_\_\_\_\_

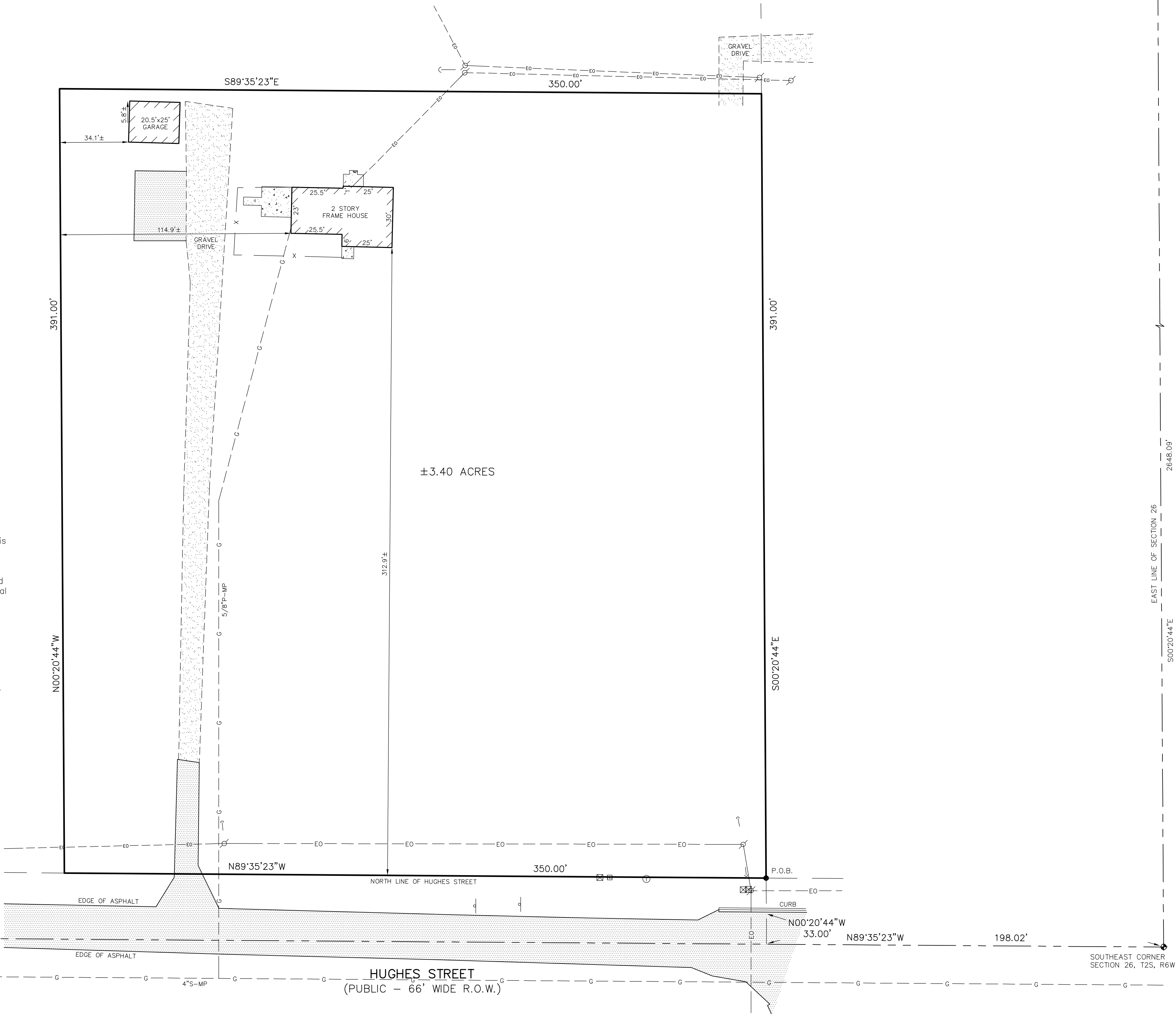
# ALTA/NSPS LAND TITLE SURVEY

## "440 W. HUGHES STREET, MARSHALL, MI 49068"



- LEGEND**
- (M) = MEASURED DIMENSION
  - (R) = RECORDED DIMENSION
  - = SET 1/2" BAR WITH CAP UNLESS NOTED
  - = FOUND IRON AS NOTED
  - = DEED LINE
  - = DISTANCE NOT TO SCALE
  - x—x— = FENCE
  - = ASPHALT
  - = CONCRETE
  - = GRAVEL
  - G— = GAS LINE
  - EO— = OVERHEAD WIRES
  - = SIGN
  - = UTILITY POLE
  - = GUY WIRE
  - = UTILITY PEDESTAL
  - = TRANSFORMER
  - = HANDHOLE
  - = ELECTRIC METER

- SURVEYOR'S NOTES:**
- This plan was made at the direction of the parties named hereon and is intended solely for their immediate use. Survey prepared from fieldwork performed in July 2023.
  - All bearings are Michigan State Plane South Zone grid bearings obtained from GPS observations using corrections obtained from the nearest National Geodetic Survey C.O.R.S. station.
  - All dimensions shown are as-measured unless otherwise noted.
  - All dimensions are in feet and decimals thereof.
  - No building tie dimensions are to be used for establishing the property lines.
  - All plottable easements which cross the subject property are shown per Devon Title Agency, Commitment No. 20211927, dated June 28, 2023.
  - Wetlands, if any, not shown hereon.



**LEGAL DESCRIPTION:**  
(As provided by Devon Title Agency, Commitment No. 20211927, dated June 28, 2023)

Beginning at a point 424 feet North and 198 feet West of the Southeast corner of Section 26, Town 2 South, Range 6 West; thence West 350 feet; thence South to the North line of Hughes Street; thence East 350 feet; thence North to the point of beginning.

**AS SURVEYED:**  
(The following legal description describes the same parcel of land as the provided description)

A parcel of land in the Southeast 1/4 of Section 26, T2S, R6W, Marshall Township, Calhoun County, Michigan, the surveyed boundary of said parcel described as: Commencing at the Southeast corner of said Section 26; thence N89°35'23"W along the South line of said Section 26 a distance of 198.02 feet; thence N00°20'44"W parallel with the East line of said Section 26 a distance of 33.00 feet to the North line of Hughes Street and the point of beginning of this description; thence N89°35'23"W along said North line 350.00 feet; thence N00°20'44"W parallel with said East line 391.00 feet; thence S89°35'23"E parallel with said South line 350.00 feet; thence S00°20'44"E parallel with said East line 391.00 feet to the point of beginning; said parcel containing 3.14 acres, more or less; said parcel subject to all easements and restrictions, if any.

**SCHEDULE B. SECTION II. EXCEPTIONS:**  
(As provided by Devon Title Agency, Commitment No. 20211927, dated June 28, 2023)

Item 20: Consumers Power Company right of way as recorded in Liber 757, Page 482, exact route of said easement is not described and therefore not shown hereon.

**ALTA/NSPS LAND TITLE SURVEY – TABLE "A" REQUIREMENTS:**

Item 1: Shown on the survey map.

Item 2: Address(es) of the surveyed property: 440 W. Hughes Street, Marshall, MI 49068

Item 3: By scaled map location and graphic plotting only, this property lies entirely within Flood Zone "X", areas outside the 0.2% annual chance floodplain, according to the National Flood Insurance Program, Flood Insurance Rate Maps for the Township of Marshall, Calhoun County, Michigan, Community Panel No. 260642 0239C, dated 4/4/2021.

Item 4: ±3.14 Acres (136,837 square feet)

Item 7a: Shown on the survey map.

Item 8: Shown on the survey map.

Item 11a: Utility information as shown was obtained from all plans and/or reports as provided by client along with visible field evidence of utilities per Section 5.E.iv of the minimum standards for ALTA/NSPS standards. Said information is subject to verification in the field by the appropriate authorities prior to use for construction.

**CERTIFICATION:**  
To: Grand City Capital LLC, Devon Title Agency & Stewart Title Insurance Company:

This is to certify that this map or plot and the survey on which it is based were made in accordance with the 2021 "Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys," jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 7a, 8 & 11a of Table A thereof. The fieldwork was completed on July 21, 2023.

**PRELIMINARY**

Michael A. Groat Date of Plot or Map:  
Professional Surveyor No. 39079  
mgroat@kebs.com

| REVISIONS | COMMENTS |  <b>KEBS, INC.</b> <small>ENGINEERING AND LAND SURVEYING</small> |                      |
|-----------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| 07/28/23  | ORIGINAL | 2116 HASLETT ROAD, HASLETT, MI 48840<br>PH. 517-339-1014 FAX 517-339-8047<br>WWW.KEBS.COM                                                             |                      |
|           |          | Marshall Office                                                                                                                                       | Ph. 269-781-9800     |
|           |          | DRAWN BY: KDB                                                                                                                                         | SECTION 26, T2S, R6W |
|           |          | FIELD WORK BY: MJG                                                                                                                                    | JOB NUMBER:          |
|           |          | SHEET 1 OF 1                                                                                                                                          | 101577.ALT           |

July 26<sup>th</sup>, 2023

Derek Perry  
City Manager  
323 W. Michigan Ave.  
Marshall, MI 49068

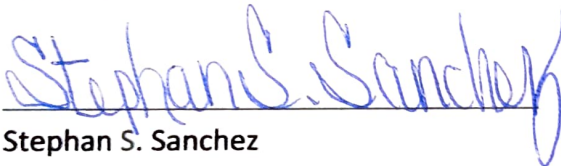
RE: 440 W Hughes, Marshall, MI 49068

Dear Mr. Perry,

Please allow this letter to serve as our approval for current purchaser of 440 W Hughes, Marshall, MI 49068 to apply for acceptance into the City of Marshall under the 425 regulatory process. They will require access to city utilities. If there are any questions or if you need anything further, please feel free to reach out.

Sincerely,

SELLERS:

  
Stephan S. Sanchez

  
Donna Sanchez

July 26<sup>th</sup>, 2023

Derek Perry City Manager  
323 W. Michigan Ave.  
Marshall, MI 49068

RE: 440 W Hughes, Marshall, MI 49068

Dear Mr. Perry,

Please allow this letter to serve as a formal request for the parcel located at 440 W Hughes, Marshall, MI 49068 to apply for acceptance into the City of Marshall under the 425 regulatory process. We intend for these parcels to be developed as a multifamily housing and need access to city utilities. If there are any questions or if you need anything further, please feel free to reach out.

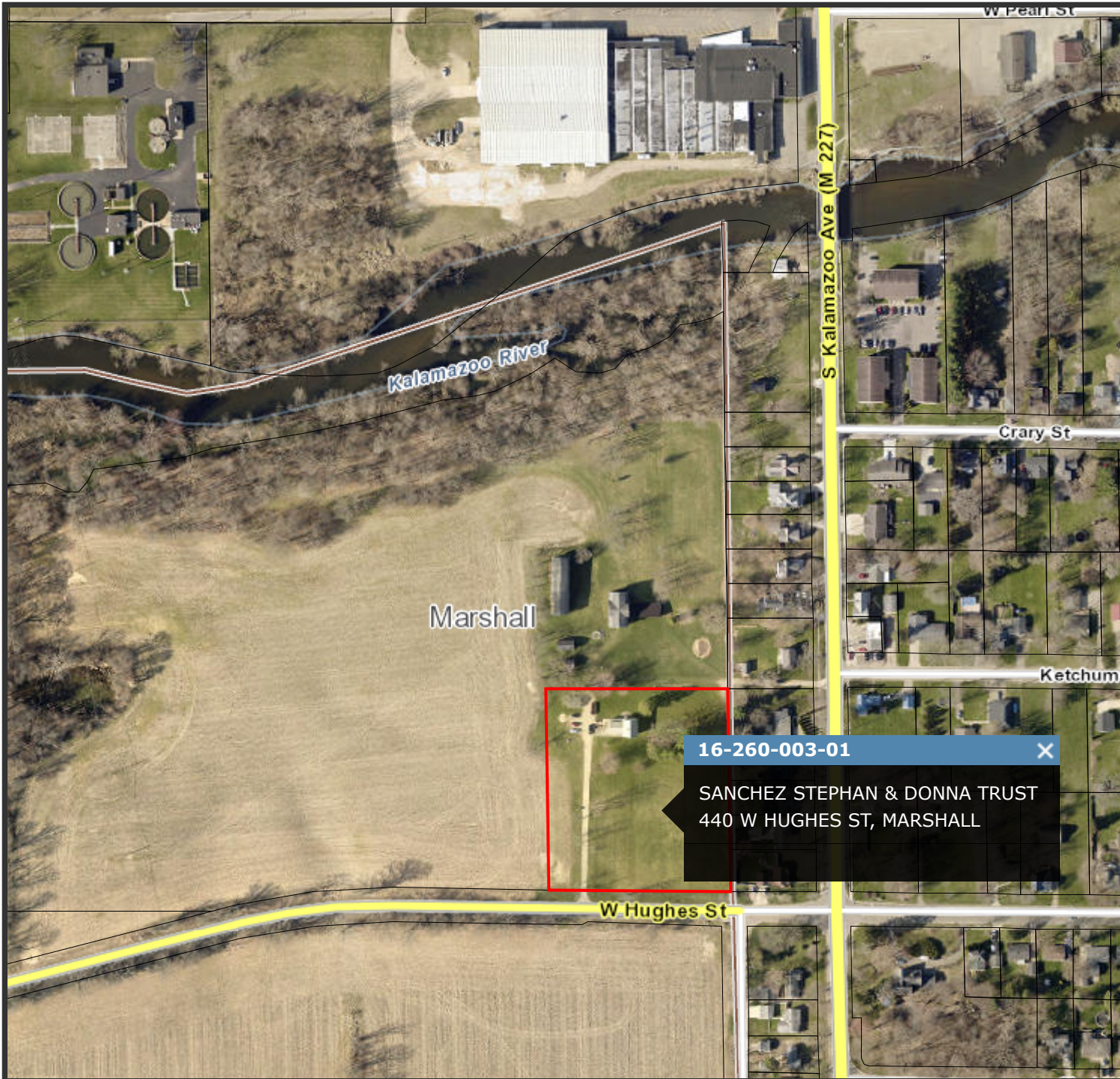
Sincerely,



Joseph Elias

Partner at Grand City Capital

313-999-9518



Calhoun GIS



Map Publication:  
08/01/2023 10:03 AM



powered by  
**FetchGIS** 

**Disclaimer:** This map does not represent a survey or legal document and is provided on an "as is" basis. Calhoun County expresses no warranty for the information displayed on this map document.

# ITEM: 12.A

## ADMINISTRATIVE REPORT

---



**TO:** Honorable Mayor and City Council  
**FROM:** Derek N. Perry, City Manager  
Eric Zuzga, Director of Community Services  
**DATE:** August 21, 2023  
**SUBJECT:** HUGHES STREET REZONING - SET PUBLIC HEARING

---

The City has received a request to consider rezoning the following parcels, three of which were recently transferred to the city via 425 agreement: 53-002-562-00, 16-260-003-01, 16-260-006-00, and 16-350-006-00. The owners of the property have requested that the properties be rezoned to City Multi Family Residential (MFRD) from their current Township zoning classifications. The group buying this property purchased the adjoining parcel (parcel #53-002-576-25) and rezoned it to MFRD in 2022. The combination of all of these parcels would provide 100+ acres for development.

The Joint Planning Commission (JPC) will review this request at its September 12, 2023 meeting. Council will need to schedule a public hearing to review the JPC's recommendation and make the final decision on the rezoning. Staff is recommending that a public hearing be scheduled for September 18, 2023 at 7:00 PM to consider this request.

### **BUDGET IMPACT:**

The rezoning will not have a direct budget impact.

### **RECOMMENDATION:**

Set a public hearing for September 18, 2023 at 7:00 PM to consider the rezoning of the following parcels to Multi Family Residential (MFRD): 53-002-562-00, 16-260-003-01, 16-260-006-00, and 16-350-006-00.

**CITY OF MARSHALL  
ORDINANCE #2023-11**

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CHANGE THE ZONING OF THE FOLLOWING PARCELS OF REAL PROPERTY, PARCELS #16-260-003-01, 16-260-006-00, and 16-350-006-00 , FROM TOWNSHIP ZONING AGRICULTURE DISTRICT (AR) TO MULTI-FAMILY RESIDENTIAL DISTRICT (MFRD) AND PARCEL #53-002-562-00 (913 INDUSTRIAL ROAD), FROM RESIDENTIAL ESTATE DISTRICT (R-1) TO MULTI-FAMILY RESIDENTIAL DISTRICT (MFRD) .

THE CITY OF MARSHALL, MICHIGAN ORDAINS:

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



**PARCEL #16-260-003-01 (440 WEST HUGHES) LEGAL DESCRIPTION**

A parcel of land in the Southeast 1/4 of Section 26, T2S, R6W, Marshall Township, Calhoun County, Michigan, the surveyed boundary of said parcel described as: Commencing at the Southeast corner of said Section 26; thence N89°35'23"W along the South line of said Section 26 a distance of 198.02 feet; thence N00°20'44"W parallel with the East line of said Section 26 a distance of 33.00 feet to the North line of Hughes Street and the point of beginning of this description; thence N89°35'23"W along said North line 350.00 feet; thence N00°20'44"W parallel with said East line 391.00 feet; thence S89°35'23"E parallel with said South line 350.00 feet; thence S00°20'44"E parallel with said East line 391.00 feet to the point of beginning; said parcel containing 3.14 acres, more or less; said parcel subject to all easements and restrictions, if any.

PARCEL #16-260-006-00 LEGAL DESCRIPTION

That part of the East 1/2 of the Southwest fractional 1/4 of Section 26, Town 2 South, Range 6 West, Marshall Township, Calhoun County, Michigan, lying South of the Kalamazoo River, and that part of the West 1/2 of the Southeast fractional 1/4 of said Section 26, Town 2 South, Range 6 West, lying South of the Kalamazoo River.

Except, commencing at the Southeast corner of the West 1/2 of the Southeast 1/4 fractional of said Section 26, and running thence West on the Section line 4 chains and 17 links; thence North to the Kalamazoo River; thence East 4 chains and 17 links; thence South to the place of beginning.

PARCEL #16-350-006-00 LEGAL DESCRIPTION

Commencing at a point where the center of Hughes Street crosses the North and South 1/4 line of Section 35, Town 2 South, Range 6 West, Marshall Township, Calhoun County, Michigan, and running thence North on said 1/4 line 6 chains and 18 links to the Section line between Section 26 and said Section 35; thence East on said Section line 15 chains and 83 links; thence South 2 chains and 10 links to the center of said Hughes Street; thence Southwesterly along the center line of said Hughes Street to the place of beginning.

ALSO, that part of the East 1/2 of the Northwest 1/4 of Section 35, Town 2 South, Range 6 West, that lies North of Hughes Street.

Section 2. 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 property at 913 Industrial Road, described below, from Residential Estate District (R-1) to Multi-Family Residential District (MFRD).



PARCEL #53-002-562-00 (913 INDUSTRIAL ROAD) LEGAL DESCRIPTION  
MARSHALL CITY, PART OF SEC 26-2-6 THAT PART OF W 1/2 OF SW 1/4 LYING S OF  
KAL RIVER, EXC 6 1/2 ACRES TO EASTERN POWER CO.

Section 3. 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 18<sup>TH</sup> day of September, 2023.

-----  
James Schwartz, Mayor

-----  
Michelle Eubank, City Clerk

I, Michelle Eubank, 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 18, 2023, 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.

-----  
Michelle Eubank, City Clerk

# ITEM: 12.B

## ADMINISTRATIVE REPORT

---



**TO:** Honorable Mayor and City Council  
**FROM:** Derek N. Perry, City Manager  
Eric Zuzga, Director of Community Services  
**DATE:** August 21, 2023  
**SUBJECT:** CITY HALL AND POLICE DEPARTMENT SERVER REPLACEMENTS

---

Upon completion of their initial system review, VC3 has indicated that the City Hall and Police Department servers are in need of replacement, which was also recommended in our Initial Security audit provided by Zetaone Solutions Group. Council member Wolfersberger asked us to update the original VC3 quote to either HP or Dell servers. VC3 has provided a quote for \$42,926 for the replacement of the City Hall server and \$25,245 for the Police Department server using HP servers for both. The City originally had anticipated replacing one server this year and one next year, but the end of life of the current software made it imperative that both servers are replaced this year.

Director Zuzga asked Scott Wolfersberger to review the proposal from VC3 to ensure that we had an expert review of the proposal. Scott's questions and VC3 responses are as follows:

**Q: First and foremost, why do we need to replace VM hosts if the only concerns are about end of support for OS versions running on VMs?**

A: Not only are some of the VMs reaching end-of-support but the physical hardware is due for replacement. We recommend replacing hardware every five years.

The police host server is at least 10 years old. It is running three 2019 VMs.  
The city host server is 5 years old. It is running three 2012 R2 VMs along with other 2016/2019 VMs.

**Q: With the recent migration to Microsoft 365, are VM host servers this size still necessary?**

A: The server sizing accounted for email moving to Microsoft 365.

**Q: Are there performance and cost-savings opportunities to migrate some of these VMs into Azure?**

A: BS&A software now has a cloud-based option but that has a two year migration wait list.

**Q: With the WAN connections now available to the city through FiberNet, is there an**

**opportunity to consolidate the city VMs and the PD VMs to a single host?**

A: Keeping the two host server setup is best for performance and disaster recovery. The Police department data location also has to satisfy CJIS/LEIN requirements.

**BUDGET IMPACT:**

The City Hall server replacement was budgeted in the 2023-2024 budget and the price presented was within the amount budgeted. The Police Department server will be taken from IT fund reserves, which will require a budget amendment.

**RECOMMENDATION:**

Accept the bids from VC3 for the replacement of both servers in the amount of \$68,171 and amend the current budget by adding \$24,000 to line item 636-5723-728.00.

## Quote AAAQ27074

### Prepared For:

City of Marshall, MI  
Eric Zuzga  
Phone: (269) 781-5183  
323 W. Michigan Ave.  
Marshall, MI 49068  
ezuzga@cityofmarshall.com

### Prepared By:

Kristine Goins  
Client Solutions Specialist II  
Phone: 218-728-6000  
Fax: 218-728-7106  
Email: kristine.goins@vc3.com



## Line Item Detail

| Qty                                                        | Description                                                                                                              | Picture                                                                               | Unit Price  | Ext Price         |
|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|-------------|-------------------|
| <b>Server Replacement for Police Department</b>            |                                                                                                                          |                                                                                       |             |                   |
| 1                                                          | HPE DL350 Rack Mount Server - 8 x 32GB RAM - 4 x 7.2TB Hard Drives - 2x480GB Hard Drives - Redundant Power & Fans        |                                                                                       | \$14,680.00 | \$14,680.00       |
|                                                            | (Qty 1) - HPE DL380R10 8SFF NC CTO CHASSIS                                                                               |                                                                                       |             |                   |
|                                                            | (Qty 1) - HPE 4214R 2.4GHz 100W 12C PROC KIT DL380                                                                       |                                                                                       |             |                   |
|                                                            | (Qty 1) - HPE 4214R 2.4GHz 100W 12C PROC KIT DL380                                                                       |                                                                                       |             |                   |
|                                                            | (Qty 8) - HPE 32GB 2RX4 DDR4-2933 REG MEM KIT G10                                                                        |                                                                                       |             |                   |
|                                                            | (Qty 1) - HPE SA P408i-A SR 12G 2GB SAS CNTRLR                                                                           |                                                                                       |             |                   |
|                                                            | (Qty 1) - HPE 96W SMART STORAGE LI-ION BATTERY 145                                                                       |                                                                                       |             |                   |
|                                                            | (Qty 2) - HPE 480GB SATA 6G MU SFF SC MV SSD                                                                             |                                                                                       |             |                   |
|                                                            | (Qty 4) - HPE 7.68TB SATA 6G RI SFF SC DS SSD                                                                            |                                                                                       |             |                   |
|                                                            | (Qty 1) - HPE ETH 1GB 4PT 366FLR ADPTR                                                                                   |                                                                                       |             |                   |
|                                                            | (Qty 1) - HPE ETH 10GB 2PT 562T ADPTR                                                                                    |                                                                                       |             |                   |
|                                                            | (Qty 2) - HPE 800W FLEX SLOT PLAT HS PSU                                                                                 |                                                                                       |             |                   |
|                                                            | (Qty 1) - HPE 2U SFF EASY INSTALL RAIL KIT G9 G10                                                                        |                                                                                       |             |                   |
|                                                            | (Qty 1) - HPE 2U CMA FOR EASY INST RAIL KIT G9 G10                                                                       |                                                                                       |             |                   |
|                                                            | (Qty 1) - HPE ILO ADV W/ 3YR 24X7 TS SVR LTU                                                                             |                                                                                       |             |                   |
| <b>Patch Cable</b>                                         |                                                                                                                          |                                                                                       |             | <b>\$48.00</b>    |
| 6                                                          | Tripp Lite Cat6 Gigabit Snagless Molded Patch Cable (RJ45 M/M) Blue, 10' - 10ft - 1 x RJ-45 Male - 1 x RJ-45 Male - Blue |  | \$8.00      | \$48.00           |
| <b>Windows Server Licensing</b>                            |                                                                                                                          |                                                                                       |             | <b>\$6,392.00</b> |
| 3                                                          | Windows Server 2022 Standard - 16 Core License Pack (Perp Pre-Paid)                                                      |                                                                                       | \$1,069.00  | \$3,207.00        |
| 65                                                         | Windows Server 2022 - 1 User CAL (Perp Pre-Paid)                                                                         |                                                                                       | \$49.00     | \$3,185.00        |
| <b>Installation, Configuration and Project Management:</b> |                                                                                                                          |                                                                                       |             | <b>\$4,000.00</b> |
| 1                                                          | Server (Estimated 20 - 25 hrs)                                                                                           |                                                                                       | \$4,000.00  | \$4,000.00        |

**SubTotal: \$25,120.00**  
**Shipping: \$125.00**  
**Sales Tax: \$0.00**  
**Total: \$25,245.00**

**Prepared For:**

City of Marshall, MI  
 Eric Zuzga  
 Phone: (269) 781-5183  
 323 W. Michigan Ave.  
 Marshall, MI 49068  
 ezuzga@cityofmarshall.com

**Prepared By:**

Kristine Goins  
 Client Solutions Specialist II  
 Phone: 218-728-6000  
 Fax: 218-728-7106  
 Email: kristine.goins@vc3.com



## Line Item Detail

| Qty                                                        | Description                                                                                                                                    | Picture | Unit Price        | Ext Price          |
|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------------|--------------------|
| <b>Replacement City Hall Server</b>                        |                                                                                                                                                |         |                   |                    |
| 1                                                          | HPE DL380 Rack Server - 12 x 32GB RAM - 6 x 7.68TB SSD - 2 x 480GB SSD - Redundant Power & Fans                                                |         | \$17,785.00       | \$17,785.00        |
|                                                            | (Qty 1) - HPE DL380R10 8SFF NC CTO CHASSIS                                                                                                     |         |                   |                    |
|                                                            | (Qty 1) - HPE 4214R 2.4GHz 100W 12C PROC KIT DL380                                                                                             |         |                   |                    |
|                                                            | (Qty 1) - HPE 4214R 2.4GHz 100W 12C PROC KIT DL380                                                                                             |         |                   |                    |
|                                                            | (Qty 12) - HPE 32GB 2RX4 DDR4-2933 REG MEM KIT G10                                                                                             |         |                   |                    |
|                                                            | (Qty 1) - HPE SA P408i-A SR 12G 2GB SAS CNTRLR                                                                                                 |         |                   |                    |
|                                                            | (Qty 1) - HPE 96W SMART STORAGE LI-ION BATTERY 145                                                                                             |         |                   |                    |
|                                                            | (Qty 2) - HPE 480GB SATA 6G MU SFF SC MV SSD                                                                                                   |         |                   |                    |
|                                                            | (Qty 6) - HPE 7.68TB SATA 6G RI SFF SC DS SSD                                                                                                  |         |                   |                    |
|                                                            | (Qty 1) - HPE ETH 1GB 4PT 366FLR ADPTR                                                                                                         |         |                   |                    |
|                                                            | (Qty 1) - HPE ETH 10GB 2PT 562T ADPTR                                                                                                          |         |                   |                    |
|                                                            | (Qty 2) - HPE 800W FLEX SLOT PLAT HS PSU                                                                                                       |         |                   |                    |
|                                                            | (Qty 1) - HPE 2U SFF EASY INSTALL RAIL KIT G9 G10                                                                                              |         |                   |                    |
|                                                            | (Qty 1) - HPE 2U CMA FOR EASY INST RAIL KIT G9 G10                                                                                             |         |                   |                    |
|                                                            | (Qty 1) - HPE ILO ADV W/ 3YR 24X7 TS SVR LTU                                                                                                   |         |                   |                    |
| <b>Windows Server Licensing</b>                            |                                                                                                                                                |         |                   | <b>\$6,414.00</b>  |
| 6                                                          | Windows Server 2022 Standard - 16 Core License Pack (Perp Pre-Paid)                                                                            |         | \$1,069.00        | \$6,414.00         |
| <b>Remote Desktop</b>                                      |                                                                                                                                                |         |                   | <b>\$725.00</b>    |
| 5                                                          | Windows Server 2022 Remote Desktop Services - 1 User CAL (Perp Pre-Paid)                                                                       |         | \$145.00          | \$725.00           |
| <b>SQL Licensing</b>                                       |                                                                                                                                                |         |                   | <b>\$7,888.00</b>  |
| 2                                                          | SQL Server 2022 Standard Core - 2 Core License Pack                                                                                            |         | \$3,944.00        | \$7,888.00         |
| <b>Office License</b>                                      |                                                                                                                                                |         |                   | <b>\$2,255.00</b>  |
| 5                                                          | Office LTSC Standard 2021 - Commercial                                                                                                         |         | \$451.00          | \$2,255.00         |
| <b>Network Cable</b>                                       |                                                                                                                                                |         |                   | <b>\$54.00</b>     |
| 6                                                          | Tripp Lite Cat6 Gigabit Snagless Molded (UTP) Ethernet Cable (RJ45 M/M) PoE Blue 7 ft. (2.13 m) - 7ft - 1 x RJ-45 Male - 1 x RJ-45 Male - Blue |         | \$9.00            | \$54.00            |
| <b>Installation, Configuration and Project Management:</b> |                                                                                                                                                |         |                   | <b>\$7,680.00</b>  |
| 1                                                          | Server (Estimated 46 - 48 hours)                                                                                                               |         | \$7,680.00        | \$7,680.00         |
|                                                            |                                                                                                                                                |         | <b>SubTotal:</b>  | <b>\$42,801.00</b> |
|                                                            |                                                                                                                                                |         | <b>Shipping:</b>  | <b>\$125.00</b>    |
|                                                            |                                                                                                                                                |         | <b>Sales Tax:</b> | <b>\$0.00</b>      |
|                                                            |                                                                                                                                                |         | <b>Total:</b>     | <b>\$42,926.00</b> |

# ITEM: 12.C

## ADMINISTRATIVE REPORT

---



**TO:** Honorable Mayor and City Council  
**FROM:** Derek N. Perry, City Manager  
Marguerite Davenport, Director of Public Services  
**DATE:** August 21, 2023  
**SUBJECT:** **WATER, WASTEWATER, AND FIBERNET UTILITY RATE STUDY**

---

The City issued a request for proposals to perform a utility rate study on July 28, 2023 and received three bids on August 14, 2023. The bid results are as follows:

| Company                     | Location             | Bid Amount                        |
|-----------------------------|----------------------|-----------------------------------|
| Raftelis                    | Kansas City, MO      | \$24,216                          |
| Utility Financial Solutions | Holland, MI          | \$48,000 (plus onsite visit cost) |
| Hubbell, Roth, & Clark      | Bloomfield Hills, MI | \$55,000                          |

The RFP included rate sufficiency analysis for the Water, Wastewater, and FiberNet utilities as well as connection fee analysis for the Water and Wastewater utilities. Raftelis, with offices throughout the country, is based out of Kansas City, Missouri. The project team described in their proposal, however, is currently based in Kalamazoo, Michigan which is one of the reasons the company bid on this work.

The City sought assistance from Stantec for drafting the RFP and analyzing the results. Stantec's financial services group is well acquainted with Raftelis and indicates the firm is capable of performing the work as bid. The only hesitancy in the bid from Raftelis by both City staff and Stantec was the difference in price compared to the other bids. City staff took time to reach out to Raftelis to ensure the scope of work in their proposal met the requirements of the RFP. After review of the information, staff are comfortable the bid from Raftelis includes all tasks as outlined in the RFP.

### **BUDGET IMPACT:**

The cost will be split amongst the three enterprise funds: Water, Wastewater, and FiberNet. The Water and Wastewater portion of the work is \$9,000 each, while the FiberNet portion of the work is \$6,216. The water and wastewater departments budgeted \$25,000 each in the FY 2023 budget for a professional rate study, and a budget amendment will be needed to use those funds in FY 2024 instead. FiberNet did not plan for a rate study, but has \$10,000 budgeted for Professional Services in FY 2024. They may need a budget amendment in the future, but that will only be brought to the Council if necessary.

### **RECOMMENDATION:**

Accept the Utility Rate Study proposal from Raftelis in the amount of \$24,216 with a contingency of \$2,784 for a total funded amount of \$27,000 and authorize the City Manager and City Clerk to sign the necessary documents.

Approve a budget amendment for Water and Wastewater Funds in the amount of \$9,000 each from fund balance to the Professional Services line in the FY 2024 budget to fund the project.

# ITEM: 13.A

## ADMINISTRATIVE REPORT

---



**TO:** Honorable Mayor and City Council  
**FROM:** James Schwartz, Mayor  
Derek N. Perry, City Manager  
**DATE:** August 21, 2023  
**SUBJECT:** **CONSTRUCTION BOARD OF APPEALS APPOINTMENTS**

---

Chapter 150, Section 150.02 of the Marshall City Code of Ordinances prescribes that the Construction Board of Appeals shall be created in conformance with the State Construction Code Act (MCL 125.1514) to hear appeals related to decisions made by the City building and other inspectors enforcing their applicable construction codes.

The members of the Board of Appeals shall be appointed for 2-year terms by the Mayor and shall be qualified by experience or training to perform the duties of members of the Board of Appeals. The Board shall be composed of not less than three and not more than seven members, and they do not need to be residents of the City.

Current Construction Board of Appeals members include Joe Booton, Marcia Strange and Eric Dale. As we are allowed up to seven members, we are recommending that Joe Booton and Marcia Strange be reappointed and Rick Bolek and Scott Pukett be newly appointed. You will notice that the recommended appointments are for a shorter than the allowable two-year term. This is to permit us to get as many Board and Commission appointments on a consistent schedule going forward and revisit them each November/December prior to the January 1st term ending.

**BUDGET IMPACT:**

Members of the Construction Board of Appeals are not compensated.

**RECOMMENDATION:**

Approve the appointment of Scott Puckett and Rick Bolek to the Construction Board of Appeals with a term ending on January 1, 2024 and reappoint Joe Booton and Marcia Strange with a term ending on January 1, 2025.