
CITY COUNCIL MINUTES

May 6, 2024

Regular Meeting - 7:00 PM

1) **CALL TO ORDER**

IN A REGULAR SESSION held on Monday, May 6, 2024 at 7:08 PM in the Council Chambers of City Hall, 323 West Michigan Ave, Marshall, MI 49068, the Marshall City Council was called to order by Mayor Pro Tem Traver.

2) **ROLL CALL**

Roll was called:

Present: Mayor Pro Tem Ryan Traver, Joe Caron, Theresa Chaney-Huggett, Jacob Gates

Also Present: Manager Perry and Clerk Eubank

Absent: Mayor James Schwartz, Ryan Underhill, and Scott Wolfersberger

Moved by Joe Caron, supported by Theresa Chaney-Huggett to excuse Mayor Schwartz, member Underhill, and member Wolfersberger. On a voice vote: **Motion carried.**

3) **INVOCATION**

4) **PLEDGE OF ALLEGIANCE**

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

Moved by Joe Caron, supported by Jacob Gates 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.

Barry Wayne Adams of 622 W Green St and Regis Klingler of 347 Butler Ct

7) **CONSENT AGENDA**

Moved by Jacob Gates, supported by Joe Caron to approve the consent agenda as submitted. On a roll call vote:

Ayes: Joe Caron, Theresa Chaney-Huggett, Jacob Gates, Ryan Traver

Nays: None

Abstain: None

Motion carried.

A. **City Council Minutes**

Work Session - April 15, 2024

Regular Session - April 15, 2024

- | | | |
|-----------|--------------------------|---------------------|
| B. | <u>City Bills</u> | |
| | Purchases - 4/12/2024 | \$179,993.55 |
| | Purchases - 4/19/2024 | \$213,040.67 |
| | Purchases - 4/24/2024 | \$50.00 |
| | Purchases - 4/26/2024 | \$84,552.84 |
| | TOTAL | \$477,637.06 |
- C. PASTRAMI JOE'S SIDEWALK USE PERMIT**
- D. TRAFFIC CONTROL ORDER REQUESTS 119 and 120**
- E. PARKING LOT DESIGNATION UPDATE FOR MUNICIPAL LOT 6 AND LOT 7**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2024-08**

**RESOLUTION AUTHORIZING THE DESIGNATION OF PARKING
AREAS MUNICIPAL PARKING LOTS**

At a regular meeting of the City Council of the City of Marshall, Michigan, held in the Council Chambers, Town Hall located at 323 W. Michigan Avenue, Marshall, Michigan, on the 6th day of May 2024 at 7 p.m.

PRESENT:

ABSENT:

MOTION BY:

SUPPORTED BY:

WHEREAS, Section 70.008(D)(2) of the Marshall Code of Ordinances, as amended, provides authority for the Traffic Engineer, with the consent of council, to establish designated areas for parking in municipal parking lots; and

WHEREAS, the designated areas for parking set forth in this resolution promote the public health, safety and welfare of the citizens and guests of the City of Marshall;

THEREFORE, BE IT RESOLVED, that the City Council of the City of Marshall hereby authorizes the Traffic Engineer establish the following designated areas for parking in municipal lots:

PARKING LOT NUM	LOCATION	PARKING SPACES TOTAL	15 MINUTE PARKING SPACES TOTAL	HANDICAP NON- OVERNIGHT SPACES TOTAL	HANDICAP OVERNIGHT SPACES TOTAL	OVERNIGHT NON- HANDICAP SPACES TOTAL	EV CHAR/ SPACE TOTAL
Oaklawn- owned lot	122 N. Madison (at N. Madison/E. Mansion-SE corner)	47	0	2	0	0	
1	205 W. Mansion (at W. Mansion/N. Eagle-SW corner)	18	0	1	0	4	
2	W. Mansion-S. side (between Division & N. Eagle)	74	0	4	1	8	
3	E. Mansion/N. Jefferson-SW corner	44	0	0	2	7	
4	111 N. Madison (at N. Madison/E. Mansion-SW corner)	40	0	2	1	5	
5	110 N. Madison (at N. Alley on N. Madison-E. side)	8	0	0	1	7	

6	306 E. Michigan (at E. Michigan/S. Hamilton-SE corner)	20	0	2	0	3
7	313 E. Green (on E. Green-N. side between S. Hamilton & Exchange)	27	2	0	3	5
8	216 E. Michigan (at E. Michigan/S. Hamilton-SW corner)	26	0	1	1	2
9	115 S. Jefferson (on S. Jefferson-E. side between Green & Michigan)	41	0	2	0	7
10	W. Green-N. side (between Eagle & Jefferson)	74	0	5	1	10
11	115/121 W. Green (on W. Green-S. side between Eagle & Jefferson)	88	0	0	4	15

12	202/216/220 W. Green (on W. Green-N. side between Eagle & Grand)	69	0	3	0	1	
13	S. Alley (between Eagle & Grand)	25	0	1	0	14	
14	231 W. Michigan (at W. Michigan/S. Grand-SE corner)	16	0	2	0	0	
15 South	323 W. Michigan (behind City Hall on Green St.)	17	0	0	0	0	
15 North	323 W. Michigan (in front of City Hall on W. Michigan)	8	0	1	0	0	
TOTALS (for all 15 lots)		6422		26		14	88

AYES:

NAYES:

ABSTAINED:

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)

COUNTY OF CALHOUN) ss:

I, the undersigned, the fully qualified Clerk of the City of Marshall, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Marshall at a regular meeting held on the 6th day of May 2024, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto set my official signature this 6th day of May 2024.

Michelle Eubank, City of Marshall City Clerk

F. FY 2025 BUDGET - SCHEDULE A PUBLIC HEARING

G. MARSHALL ROTARY CLUB 100TH ANNIVERSARY

8) PRESENTATIONS AND RECOGNITIONS

A. NATIONAL POLICE WEEK PROCLAMATION

Mayor Pro Tem Traver proclaimed May 12th-18th Police Week in the City of Marshall.

B. NATIONAL PUBLIC WORKS WEEK PROCLAMATION

Mayor Pro Tem Traver proclaimed May 19th-25th Public Works Week in the City of Marshall.

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. CHAPTER 53.03, ELECTRIC RATES ORDINANCE AMENDMENT

Mayor Pro Tem Traver opened the public hearing on Chapter 53.03, electrical rates ordinance amendment.

Barry Wayne Adams of 622 W Green St spoke during the public hearing.

Mayor Pro Tem Traver closed the public hearing on Chapter 53.03, electrical rates ordinance amendment.

Moved by Jacob Gates, supported by Joe Caron to Enact Ordinance 2024-03, An Ordinance to Amend the City of Marshall Code of Ordinances Section 53.03, Electric rates, and direct the City Clerk to publish the ordinance in full. On a roll call vote:

Ayes: Joe Caron, Theresa Chaney-Huggett, Jacob Gates, Ryan Traver
Nays: None
Abstain: None
Motion carried.

City of Marshall, Calhoun County, Michigan

Ordinance No. 2024-03

PREAMBLE

AN ORDINANCE TO AMEND THE CITY OF MARSHALL CODE OF ORDINANCES CHAPTER 53.03, ELECTRIC RATES, PURSUANT TO THE AUTHORIZATION SET FORTH IN ARTICLE IV, LEGISLATION, ARTICLE IX, GENERAL CITY FINANCE, AND ARTICLE XI, PUBLIC UTILITIES, OF THE MARSHALL CITY CHARTER; TO REPEAL ANY ORDINANCE INCONSISTENT THEREWITH; AND TO PROVIDE AN EFFECTIVE DATE THEREOF.

The City of Marshall, Calhoun County, Michigan, ordains:

Section 1. Title. This ordinance shall be known as the " City of Marshall Electric Service Rates by City Resolution" Ordinance.

Section 2. Purpose. The purpose of this Ordinance is to amend the City of Marshall Code of Ordinances, Chapter 53.03, Electric Rates, to set rates by resolution and to strike and delete any provision inconsistent therewith.

Section 3. Amendment of Sec. 53.03 Electric Rates of Chapter 53 of the Marshall Code titled "RATES" shall be amended as follows and deleted as indicated in strikethrough font.

Sec. 53.03 Electric rates.

- 1. Monthly service rates for electric account groups shall be established by resolution and published in the utility rules and regulations.**
- 2. All necessary additional fees and cost of service charges related to the delivery of electric services shall be established by resolution and published in the utility rules and regulations.**
- 3. The charges for electric services set forth in this chapter and furnished to any premises are a lien on the premises to which this service is provided and those charges which are delinquent for six months or more shall be certified by the city treasurer to the city assessor who shall enter the charges on the next tax roll against the premises to which the services have been rendered. Said charges shall be a lien as of the date services are provided and shall be enforced in the same manner as provided for by the collection of the taxes**

assessed upon the tax roll and the enforcement of the lien for taxes. The city treasurer may certify all charges delinquent for six months or more at any time prior to the date on which the city tax roll is approved.

~~(A) Residential Service Rate "A."~~

- ~~(1) Electric system access: \$7.25 per customer per month; plus~~
- ~~(2) Energy charge: \$0.1141 per kWh plus power supply cost adjustment.~~

~~(B) Residential Rate "A-I."~~

- ~~(1) Electric system access: \$7.25 per customer per month; plus~~
- ~~(2) Energy charge:~~
 - ~~Winter: \$0.1141 per kWh plus power supply cost adjustment for the first 600 kWh (October through May)~~
 - ~~\$0.0741 per kWh plus power supply cost adjustment for all over 600 kWh per month (October through May)~~
 - ~~Summer: \$0.1141 per kWh plus power supply cost adjustment for all kWh (June through September)~~

~~(C) Residential Rate-Life Support "LS."~~

- ~~(1) Electric system access: \$4.25 per customer per month; plus~~
- ~~(2) Energy charge: \$0.1041 per kWh plus power supply cost adjustment.~~

~~(D) Commercial/Industrial Secondary Service "B."~~

- ~~(1) Electric system access: \$15.50 per customer per month; plus~~
- ~~(2) Energy charge: \$0.1124 per kWh plus power supply cost adjustment for all kWh used per month.~~

~~(E) Commercial/Industrial Secondary Service "B1."~~

- ~~(1) Electric System Access: \$15.50 per customer per month; plus~~
- ~~(2) Energy Charge:~~
 - ~~Winter: \$0.0724 per kWh plus power supply cost adjustment.~~
 - ~~Summer: \$0.1124 per kWh plus power supply cost adjustment.~~

~~(F) Commercial/Industrial Secondary Service "C."~~

- ~~(1) Electric system access: \$15.50 per customer per month; plus~~

- ~~(2) Capacity charge: \$10.87 per kW for all billing demand per month; plus~~
- ~~(3) Energy charge: \$0.0706 per kWh plus power supply cost adjustment.~~

~~(G) Industrial Primary Service "D."~~

- ~~(1) Electric system access: \$100.00 per customer per month; plus~~
- ~~(2) Capacity charge: \$9.15 per kW for all billing demand per month (minimum 25 kW); plus~~
- ~~(3) Energy charge: \$0.076 per kWh plus power supply cost adjustment.~~

~~(H) Industrial Primary Service Rate "D-2."~~

- ~~(1) Electric system access: \$100.00 per customer per month; plus~~
- ~~(2) Capacity charge: \$9.15 per kW for all billing demand per month (minimum 1000 kW); plus~~
- ~~(3) Energy charge: \$0.076 per kWh plus power supply cost adjustment.~~

~~(I) Economic Development Rate "E."~~

- ~~(1) Capacity charge: To be determined under special contract.~~
- ~~(2) Energy charge: To be determined under special contract.~~

Section 4. Validity and Severability. The provisions of this Ordinance are severable and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

Section 5. Repealer Clause. All ordinances or parts of ordinances in conflict therewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 6. Savings Clause. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

Section 7. Effective Date. This Ordinance shall become effective immediately upon its publication.

Section 8. 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.

AYES:
NAYES:
ABSTENTIONS:

Mayor

STATE OF MICHIGAN
COUNTY OF CALHOUN

I, the undersigned, the qualified and acting City Clerk of the City of Marshall, Calhoun County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the City Council of the City of Marshall at a meeting called and held on the ____ day of _____, 2024, the original of which is on file in my office.

Michelle Eubank, Clerk

Adopted:

Published:

11) OLD BUSINESS

12) REPORTS AND RECOMMENDATIONS

A. DANGEROUS BUILDINGS OFFICIAL APPOINTMENT

Moved by Joe Caron, supported by Theresa Chaney-Huggett to approve Resolution 2024-09, which appoints Robert J. Vertalka as the Dangerous Building Hearing Officer for the City of Marshall. On a voice vote: **Motion carried.**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION NO. 2024-09**

A RESOLUTION TO APPOINT HEARING OFFICER

At a regular meeting of the Council of the City of Marshall, held on May 6th, 2024, at 7:00 PM.

PRESENT:

ABSENT:

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

WHEREAS, the house structure located at 107 N. Fountain Street within the City of Marshall has sustained significant damage as a result of fire; and

WHEREAS, the City of Marshall's Building and Code officials have determined that the structure at 107 N. Fountain Street is uninhabitable, unsafe, and fire damaged beyond repair; and

WHEREAS, the City of Marshall has adopted ordinance # 05-02, Code Section 150.110, being the adoption of dangerous and unsafe buildings and provisions of the housing law, being Sections 137 through 142 of the Housing Law of Michigan (Act 167 of 1917) (the, "Act"), as amended) for the purposes of regulating dangerous and unsafe buildings; and

WHEREAS, section 140(4) of the Act requires appointment of a hearing officer by the Mayor of a person who has expertise in housing matters; and

WHEREAS, Robert J. Vertalka, MAI, SRA, JD, is a Licensed Real Estate Broker, a Licensed Certified Real Estate Appraiser, State of Michigan, and a licensed attorney with a focus in real estate and property matters, desires appointment as a hearing officer; and

WHEREAS, Mayor James Schwartz hereby appoints Robert J. Vertalka as a hearing officer, subject to the approval of the city council; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL, that Robert J. Vertalka is hereby approved and appointed as a hearing officer for the purposes of hearing in the matter of 107 N. Fountain Street and other properties as may be brought under City ordinance # 05-02, Code Section 150.110, et al.

AYES:

NAYES:

ABSTAINED:

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
COUNTY OF CALHOUN) ss:

I, the undersigned, the fully qualified Clerk of the City of Marshall, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Marshall at a regular meeting held on the 6th day of May, 2024, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto set my official signature this 6th day of May, 2024.

Michelle Eubank, City of Marshall City Clerk

B. POLICE GRANT SUBMITTAL REQUESTS

Moved by Theresa Chaney-Huggett, supported by Joe Caron to approve the grant submission for the MCOLES Public Safety Academy Assistance Program grant, the COPS Hiring Program (CHP) grant, and the Dash Camera and Body Camera Replacement grant, the Project Consultant for Building and Camera Project grant, and the Community Camera Project grant as presented and within the outlined budget restrictions for each grant. On a voice vote: **Motion carried.**

C. VERIZON WATER TOWER SITE LEASE EXTENSION

Moved by Jacob Gates, supported by Theresa Chaney-Huggett to approve the second amendment to lease for water tower space with Verizon Wireless as presented and authorize the City Manager and City Clerk to sign the necessary documents. On a voice vote: **Motion carried.**

13) APPOINTMENTS / ELECTIONS

14) PUBLIC COMMENT ON NON-AGENDA ITEMS Persons addressing City Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of two (2) minutes. Comments shall address NON-AGENDA ITEM topics. Public Hearing items shall be addressed during the PUBLIC HEARING portion (Item 10) of the meeting agenda. Agenda items should be addressed during the PUBLIC COMMENT-AGENDA ITEMS (Item 6) portion of the meeting agenda.

Rebecca Sebring of Fredonia Twp, Lynn Slythe of 507 Fair St, Barry Wayne Adams of 622 W Green St, and Rick Sadler of Squaw Creek gave public comment.

15) COUNCIL AND MANAGER COMMUNICATIONS

16) ADJOURNMENT

The meeting was adjourned at 7:58 pm.

Respectfully submitted by,

Michelle Eubank
City Clerk