CITY COUNCIL MINUTES

June 3, 2024
Regular Meeting - 7:00 PM

1) CALL TO ORDER

IN A REGULAR SESSION held on Monday, June 3, 2024 at 7:00 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 Schwartz.

2) ROLL CALL

Roll was called:

Present: Mayor Schwartz, Caron, Chaney-Huggett, Gates, Traver, Underhill, and Wolfersberger

Also Present: Manager Perry and Clerk Eubank

Absent: None

3) INVOCATION

Bill Cole of Maple Grove Bible Church led the invocation.

4) PLEDGE OF ALLEGIANCE

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

Moved by Scott Wolfersberger, supported by Joe Caron to approve the agenda as presented. 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.

Kelly Isaac of N Liberty St and Barry Wayne Adams of 622 W Green St gave public comment.

7) CONSENT AGENDA

Moved by Jacob Gates, supported by Theresa Chaney-Huggett to On a roll call vote:

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

A. <u>City Council Minutes</u>

Regular Session - May 20, 2024

B. <u>City Bills</u>

Purchases 5/17/2024	$78,105.63
Purchases 5/21/2024	$5,048.28
Purchases 5/24/2024	$272,766.29

Purchases 6/4/2024	$30,048.77
Total	**$385,968.97**

C. CRONIN GRANT APPLICATION- ATHLETIC FIELDS EXPANSION

D. SPECIAL EVENT REQUEST- MANDY RUNS MICHIGAN 5K RUN

E. SPECIAL EVENT REQUEST - CHICKEN BBQ

F. SPECIAL EVENT REQUEST - FOUNTAIN STORYTIME SERIES

G. SPECIAL EVENT REQUEST - BEHIND THE ILLUSIONS

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. SHARED SPACES GRANT PROGRAM APPLICATION

Mayor Schwartz opened the public hearing on the shared spaces grant application at 7:17 pm.

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

Mayor Schwartz closed the public hearing on the shared spaces grant application at 7:17 pm.

Moved by Joe Caron, supported by Scott Wolfersberger to approve Resolution 2024-15, A Resolution to Authorize an Application and Implementation of Michigan Shared Streets and Space Grant, and authorize the City Manager and City Clerk to sign all necessary documents on behalf of the City. On a voice vote: **Motion carried.**

CITY OF MARSHALL, MICHIGAN
RESOLUTION NO. 2024-15

A RESOLUTION TO AUTHORIZE AN APPLICATION AND IMPLEMENTATION OF
MICHIGAN SHARED STREETS AND SPACED GRANT

Minutes of a regular meeting of the Council of the City of Marshall, held on June 3, 2024, at 7:00 PM.

PRESENT:

ABSENT:

The following preamble and resolution were offered by __________________, and supported by _____________________.

WHEREAS, the City of Marshall is an incorporated municipality of the State of Michigan and therefore an eligible applicant to apply for the one-time appropriation of Shared Streets and Spaces Grant (SSSG) funding through the Michigan Department of Transportation; and

WHEREAS, the City of Marshall strives for a more walkable, bikeable, and transit-friendly community, and is submitting an application for funding for South Kalamazoo Non-Motorized Connector; and

WHEREAS, the City of Marshall finds that this project uses *innovation* and forward-thinking project planning, design, and construction, considers *equity and accessibility* in the selection of the project, and meets program goals; and

WHEREAS, the City of Marshall has worked across municipal departments to gain broader agency support and *coordination* for *ease of implementation* as desired by the program goals; and

WHEREAS, the City of Marshall has presented the project in a public forum and notified the community at large about this application and exciting opportunity; and

WHEREAS, the City of Marshall authorizes the City Manager, Derek Perry, as representative on behalf of the city to sign a contract upon receipt of a grant funding award; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL hereby submits to the State of Michigan an application for the Shared Streets and Spaces Grant program for the project described herein, and commits to additional funding that may be required over and beyond the grant amount; and

FURTHER RESOLVES, That the City of Marshall hereby agrees to the implementation and continued maintenance of the resulting Shared Streets and Spaces Grant project.

Resolution declared adopted this 3rd day of June 2024.

____
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 the resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on June 3, 2024 and that the said meeting was conducted and that the minutes of the meeting were kept and will be or have been made available.

____
Michelle Eubank, City Clerk

11) OLD BUSINESS

12) REPORTS AND RECOMMENDATIONS

A. 117 EAST MICHIGAN AVENUE OPRA - SET PUBLIC HEARING

Moved by Joe Caron, supported by Theresa Chaney-Huggett to set a public hearing for June 17, 2024, at 7 PM to consider the creation of an OPRA district for 117 East Michigan Avenue. On a voice vote: **Motion carried.**

B. NORTHEAST NEIGHBORHOOD IMPROVEMENT AUTHORITY - NOTICE OF INTENT TO SELL BONDS

Moved by Scott Wolfersberger, supported by Jacob Gates to Approve Resolution 2024-18, A Notice of Intent Resolution for Capital Improvement Bonds for Northeast Neighborhood Improvement Authority Infrastructure Improvements, and authorize the City Manager and City Clerk to sign and publish the necessary documents. On a roll call vote:

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

City of Marshall
County of Calhoun, State of Michigan

Resolution 2024-18

A NOTICE OF INTENT RESOLUTION
CAPITAL IMPROVEMENT BONDS FOR
NORTHEAST NEIGHBORHOOD IMPROVEMENT AUTHORITY
INFRASTRUCTURE IMPROVEMENTS

A RESOLUTION TO PROVIDE FOR:

- Publication of a Notice of Intent to Issue Bonds and Right of Referendum for up to $2,750,000 of bonds to construct infrastructure improvements in the Northeast Neighborhood Development Authority development area.
- When the Notice is published in *The Marshall Advisor/Chronicle*, voters will have a 45-day referendum period during which they could petition for referendum.

PREAMBLE

WHEREAS, the City of Marshall, County of Calhoun, State of Michigan (the "City") determines it to be necessary for the best interests of the public and the welfare of the City and its residents to increase the supply of affordable housing in the City; and

WHEREAS, under the provisions of Part 8 of the Recodified Tax Increment Financing Act, Act No. 57, Public Acts of Michigan, 2018, a city may create a neighborhood improvement authority to promote residential and economic growth, and under these statutory provisions the City created the City of Marshall Northeast Neighborhood Improvement Authority (the "Authority") in order to develop infrastructure necessary to attract housing developers to the Authority's development area; and

WHEREAS, the Authority plans to acquire and construct infrastructure for housing in the Authority's development area, including streets and roads and related signage, streetlights, sidewalks, underground infrastructure including a water supply system and stormwater and sanitary sewer systems, and electric and fiber optic service together with any appurtenances and attachments thereto, and any related easement or site improvements (collectively, the "Capital Improvements"), and to pay for the Capital Improvements from tax increment revenues collected under the Northeast Neighborhood Improvement Authority's tax increment financing plan (the "Tax Increment Revenues"); and

WHEREAS, Bendzinski & Co., Registered Municipal Advisors with the Municipal Securities Rulemaking Council (the "Municipal Advisor") has recommended that the City sell bonds to finance the Capital Improvements, and the Authority has agreed to forward the Tax Increment Revenues to the City to pay debt service on the City's bonds; and

WHEREAS, under the provisions of Section 517 of Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34"), a City may issue municipal securities to pay the cost of any capital improvement items within the limitations provided by law; and

WHEREAS, the issuance by the City of bonds under Section 517 of Act 34 in an amount not to exceed Two Million Seven Hundred Fifty Thousand Dollars ($2,750,000) (the "Bonds") for the purposes of financing costs of acquisition and construction of the Capital Improvements appears to be the most practical means to that end; and

WHEREAS, Act 34 requires that the aggregate outstanding balance of municipal securities issued under Section 517 of Act 34 by a City shall not exceed 5% of the state equalized valuation of the property assessed in that City, and after the issuance of the Bonds the outstanding balance of all municipal securities issued under Section 517 of Act 34 by the City will not exceed this limit; and

WHEREAS, a notice of intent to issue the Bonds must be published in order to comply with the requirements of Section 517 of Act 34 and Section 5(g) of the Home Rule Cities Act, Act 279, Public Acts of Michigan, 1909, as amended.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue the Bonds in *The Marshall Advisor/Chronicle*, a newspaper of general circulation in the City.

2. The notice of intent shall be published as a one-quarter (1/4) page display advertisement as required by Section 517 of Act 34, and shall be in substantially the following form:

NOTICE TO ELECTORS AND TAXPAYERS
OF THE CITY OF MARSHALL
OF INTENT TO ISSUE BONDS SECURED BY THE
TAXING POWER OF THE CITY AND RIGHT OF REFERENDUM THEREON

PLEASE TAKE NOTICE that the City Council of the City of Marshall, County of Calhoun, State of Michigan, intends to issue and sell general obligation capital improvement bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in the maximum aggregate principal amount not to exceed Two Million Seven Hundred Fifty Thousand Dollars ($2,750,000) for the purposes of paying costs to acquire and construct infrastructure for housing in the development area of the Northeast Neighborhood Improvement Authority, including streets and roads and related signage, streetlights, sidewalks, underground infrastructure including a water supply system and stormwater and sanitary sewer systems, and electric and fiber optic service, together with any appurtenances and attachments thereto, and any related easement or site improvements. The bonds may be issued in one or more series and may be combined with bonds issued for other purposes as shall be determined by the City Council. The bonds will mature in annual installments not to exceed the maximum permitted by law, with interest on the unpaid balance from time to time remaining outstanding on said bonds to be payable at rates to be determined at sale of the bonds but in no event to exceed such rates as may be permitted by law. Bond proceeds may be used for capitalized interest to the extent permitted by law.

SOURCE OF PAYMENT OF BONDS

The City intends to pay all or part of the principal of and interest on the bonds from the tax increment revenues collected under the Northeast Neighborhood Improvement Authority's tax increment financing plan. In case of the insufficiency of these revenues, the principal of and interest on the bonds shall be payable from the general funds of the City lawfully available for such purposes including property taxes levied within existing charter, statutory and constitutional limitations.

RIGHT OF REFERENDUM

THE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A VALID PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS RESIDING WITHIN THE CITY IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. If such petition is filed, the bonds may not be issued without an approving vote of a majority of the qualified electors of the City voting thereon.

THIS NOTICE is given pursuant to the requirements of Section 517 of Act 34, Public Acts of Michigan, 2001, as amended, and Section 5(g), Act 279, Public Acts of

Michigan, 1909, as amended. Further information concerning the matters set out in this notice may be secured from the City Clerk's office.

Michelle Eubank
City Clerk, City of Marshall

3. The City Council does hereby determine that the foregoing form of notice of intent to issue the Bonds, and the manner of publication directed, is adequate notice to the electors of the City and is the method best calculated to give them notice of the City's intent to issue the Bonds, the purpose of the Bonds, the source of payment of the Bonds, the security for the Bonds, and the right of referendum of the electors with respect thereto. The City Council does hereby determine that the newspaper named for publication will reach the largest number of persons to whom the notice is directed.

4. The City hereby requests that Bendzinski & Co., Registered Municipal Advisors with the Municipal Securities Rulemaking Board, continue to serve the City as Municipal Advisor for the Bonds to advise the City on the marketing and sale of the Bonds.

5. The City hereby requests Miller, Canfield, Paddock and Stone, P.L.C. to continue as bond counsel to the City for the Bonds. The City Council acknowledges that Miller, Canfield, Paddock and Stone, P.L.C., represents many municipal bond underwriters, banks, and financial institutions in connection with matters unrelated to issuance of the Bonds by the City.

6. The officers, administrators, agents and attorneys of the City are authorized and directed to take all other actions necessary and convenient to facilitate sale of the Bonds.

7. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the City Council of the City of Marshall, County of Calhoun, State of Michigan, at a Regular meeting held on ___________, 2024 at ___:___ o'clock __.m., Eastern Time, 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, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act 267.

I further certify that the following Members were present at said meeting: Members ____ and that the following Members were absent: ___________________________.

I further certify that Members _______________ moved for adoption of said Resolution and that Members _______________ supported said motion.

I further certify that the following Members voted for adoption of said Resolution: Members ____. The following Members voted against adoption of said Resolution: ____________________.

____
City Clerk

C. MICHIGAN PA 152 HARD CAP EXEMPTION

Moved by Theresa Chaney-Huggett, supported by Ryan Underhill to approve Resolution #2024-17, A Resolution to Adopt the Annual Exemption Option as set forth in Public Act 152, the Publicly Funded Health Insurance Contribution Act and authorize the City Manager and City Clerk to sign the necessary documents. On a voice vote: **Motion carried.**

CITY OF MARSHALL, MICHIGAN
RESOLUTION NO. 2024-17

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

Minutes of a regular meeting of the Council of the City of Marshall, held on June 3, 2024, at 7:00 PM.

PRESENT:

ABSENT:

The following preamble and resolution were offered by __________________, and supported by ____________________.

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

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

WHEREAS, the three options are as follows:

1. Section 3 - "Hard Caps" Option - limits a public employer's total annual health care costs for employees based on coverage levels, as defined in the Act;

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

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

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

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL elects to comply with the requirements of 2011 Public Act 152, the Publicly Funded Health Insurance Contribution Act, by adopting the annual Exemption option for the medical benefit plan coverage year July 1, 2024, through June 30, 2025.

Resolution declared adopted this 3rd day of June 2024.

____
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 the resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on June 3, 2024 and that the said meeting was conducted and that the minutes of the meeting were kept and will be or have been made available.

____
Michelle Eubank, City Clerk

D. LIQUOR CONTROL COMMISSION BANQUET FACILITY PERMIT APPLICATION- SCHULER'S RESTAURANT INC.

Joe Caron asked to be recused from the vote as it involved his employer.
Motion by Scott Wolfersberder, supported by Jacob Gates to recuse member Caron from item 12D. On a voice vote: **Motion carried.**

Moved by Scott Wolfersberger, supported by Ryan Traver to approve Resolution 2024-16 authorizing the MLCC Banquet Facility Permt application for a Banquet Facility Permit for Schuler's Restaurant Inc. at their 19 Zero 9 event venue located at 112 N. Eagle St. On a roll call vote:

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

E. DIRECTIONAL BORING FOR MAJOR SITE ELECTRIC DISTRIBUTION EXTENSION

Moved by Jacob Gates, supported by Ryan Traver to approve the MAJOR Electric Distribution Extension directional boring bid to J. Ranck Electric, of Mount Pleasant, Michigan in the amount of $486,415.00 and authorize the City Manager and City Clerk to sign the necessary documents. On a roll call vote:

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

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.

Rebekah Sebring of Fredonia Township, Bob Overly of Old US 27 S, Kelly Isaac of N Liberty St, Angela Whitesell of W Michigan Ave, Barry Wayne Adams of 622 W Green St, and Matt Saxton of Forest St gave public comment.

15) COUNCIL AND MANAGER COMMUNICATIONS

16) CLOSED SESSION Pursuant to section 8(a) of the Open Meetings Act, to consider a periodic personnel evaluation of an employee, if the named individual requests a closed hearing.

A. CITY MANAGER REVIEW

Moved by Scott Wolfersberger, supported by Joe Caron to meet in closed session under section 8(a) of the Open Meetings Act, to consider a periodic personnel evaluation of an employee, as requested by the City Manager. On a roll call vote:

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

Council moved to close session at 8 pm

17) POST CLOSED SESSION ACTION To consider potential action items following the closed session.

A. CITY MANAGER EMPLOYMENT AGREEMENT

Motion by Joe Caron, supported by Scott Wolfersberger to return to open session. On a voice vote: **Motion carried.**

City Council returned to open session at 8:34 pm.

Moved by Scott Wolfersberger, supported by Joe Caron to approve the amended contract for the City Manager with the addition that the pay raise to be retroactive to his anniversary with the city and he receive his bonus of $2,500. On a roll call vote:

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

Nays: None
Abstain: None
Motion carried.

18) ADJOURNMENT

The meeting was adjourned at 8:37 pm.

Respectfully submitted by,

Michelle Eubank
City Clerk