# CITY COUNCIL MINUTES
January 21, 2025
Regular Meeting - 7:00 PM

**1) CALL TO ORDER**

IN A REGULAR SESSION held on Tuesday, January 21, 2025 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 Wolfersberger.

**2) ROLL CALL**

Roll was called:

Present: Mayor Scott Wolfersberger, Theresa Chaney-Huggett, Jacob Gates, James Hackworth, Ryan Traver

Also Present: Manager Perry and Clerk Eubank

Absent: None

**3) INVOCATION**

**4) PLEDGE OF ALLEGIANCE**

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

**Moved** by Ryan Traver, supported by Jacob Gates 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.

Barry Wayne Adams of 622 W Green St and Regis Klingler of 348 Butler Ct gave public comment.

**7) CONSENT AGENDA**

**Moved** by Ryan Traver, supported by James Hackworth to approve the consent agenda as presented. On a roll call vote:

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

**A. <u>City Council Minutes</u>**
Regular Session - January 11, 2025

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

| | |
|---|---:|
| Purchases 1/3/2025 | $253,402.38 |
| Purchases 1/10/2025 | $1,578,146.01 |

| | |
|---|---|
| December Power Purchase | $804,858.94 |
| **TOTAL** | **$2,636,407.33** |

## 8) PRESENTATIONS AND RECOGNITIONS

## 9) INFORMATIONAL ITEMS

### A. 2025 ACTION PLAN

**Moved** by Jacob Gates, supported by Theresa Chaney-Huggett to receive the 2025 Action Plan. On a voice vote: **Motion carried.**

## 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. JULY 1, 2025 - JUNE 30, 2031, CAPITAL IMPROVEMENT PROGRAM (CIP) ADOPTION

Mayor Wolfersberger opened the public hearing on the July 1, 2025, through June 30, 2031, Capital Improvement Program (CIP) at 7:15 pm.

Barry Wayne Adams and Regis Klingler spoke during the public hearing.

Mayor Wolfersberger closed the public hearing on the July 1, 2025, through June 30, 2031, Capital Improvement Program (CIP) at 7:20 pm.

**Moved** by Jacob Gates, supported by Theresa Chaney-Huggett to Approve the July 1, 2025, through June 30, 2031, Capital Improvement Program (CIP) as presented. On a roll call vote:

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

### B. 100 PAGE STREET/ 500 INDUSTRIAL RD. EXISTING BROWNFIELD PLAN TERMINATION

Mayor Wolfersberger opened the public hearing on Resolution #2025-01, A Resolution to Terminate the Brownfield Plan for Dark Horse Brewing Company Redevelopment at 7:23 pm.

Barry Wayne Adams spoke during the public hearing.

Mayor Wolfersberger closed the public hearing on Resolution #2025-01, A Resolution to Terminate the Brownfield Plan for Dark Horse Brewing Company Redevelopment at 7:27 pm.

**Moved** by Ryan Traver, supported by Jacob Gates to Approve Resolution #2025-01, A Resolution to Terminate the Brownfield Plan for Dark Horse Brewing Company

Redevelopment and authorize the City Manager and City Clerk to sign the necessary documents. On a roll call vote:

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

**CITY OF MARSHALL, MICHIGAN**
**RESOLUTION NO. 2025-01**

**A RESOLUTION TO TERMINATE THE BROWNFIELD PLAN FOR DARK HORSE BREWING COMPANY REDEVELOPMENT**

Minutes of a regular meeting of the Council of the City of Marshall, held on January 21, 2025, at 7:00 PM.

PRESENT:

ABSENT:

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

**WHEREAS,** on March 21, 2016, the Marshall City Council approved a brownfield plan (the "Plan"), under which under the City of Marshall Brownfield Redevelopment Authority (the "BRA") authorized the capture of tax incremental revenues to fund eligible activities to support the redevelopment of the property located at 100 Page Avenue, 515 S Kalamazoo Avenue, 519 S Kalamazoo Avenue & 320 Pearl, Marshall, Calhoun County, Michigan 49068 (Parcel ID Numbers: 53-002-560-00, 53-002-552-01, 53-008-301-00, 53-001-340-00, 53-001-0345-00, 53-001-346-00 & 53-001-347-00); and

**WHEREAS**, under the terms of the Plan, the BRA was to reimburse the developer for Baseline Environmental Assessment (BEA) activities, Due Care and additional response and non-environmental activities to support the redevelopment of the property for an additional parking lot for Dark Horse Brewing Company.; and

**WHEREAS,** the redevelopment of the property and the purposes for which the plan was established was not undertaken within 2 years following the approval of the Plan, and all tax increment collected by the Plan to date has been utilized to pay any outstanding obligations; and

**WHEREAS,** the City Council hereby determined that it is in the best interest of the City to formally terminate the Plan pursuant to the procedure in Section 14(8) of the Act 381 of the Public Acts of 1996, as amended.

**WHEREAS**, at least 30 days prior to the adoption of this resolution, the City provided written notice of the proposed termination of the Plan to the Developer and informed them of the opportunity to be heard regarding the matter at the City Council meeting on January 21, 2025.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL** hereby determined that it is in the best interest of the City to formally terminate the Plan pursuant to the procedure in Section 14(8) of the Act 381 of the Public Acts of 1996, as amended.

The City hereby formally terminates the Plan pursuant to Section 14(8) of the Act.

Resolution declared adopted this 21st day of January 2025.

_________________________
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 January 21, 2025 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

**C. 100 PAGE STREET/ 500 INDUSTRIAL - BROWNFIELD ESTABLISHMENT**

Mayor Wolfersberger opened the public hearing on Resolution #2025-02, A Resolution Supporting the Adoption of a Brownfield Plan of Building Better Spaces, LLC Redevelopment at 7:30 pm.

Barry Wayne Adams spoke during the public hearing.

Mayor Wolfersberger closed the public hearing on Resolution #2025-02, A Resolution Supporting the Adoption of a Brownfield Plan of Building Better Spaces, LLC Redevelopment at 7:33 pm.

**Moved** by Jacob Gates, supported by Ryan Traver to Approve Resolution #2025-02, A Resolution Supporting the Adoption of a Brownfield Plan of Building Better Spaces, LLC Redevelopment and authorize the City Manager and City Clerk to sign the necessary documents. On a roll call vote:

Ayes: James Hackworth, Ryan Traver, Scott Wolfersberger, Theresa Chaney-Huggett, Jacob Gates

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

**CITY OF MARSHALL, MICHIGAN**
**RESOLUTION NO. 2025-02**

**A RESOLUTION SUPPORTING THE ADOPTION OF A BROWNFIELD PLAN OF BUILDING BETTER SPACES, LLC REDEVELOPMENT**

Minutes of a regular meeting of the Council of the City of Marshall, held on January 21, 2025, at 7:00 PM.

PRESENT:

ABSENT:

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

**WHEREAS,** the City of Marshall, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has formally resolved to participate in the Brownfield Redevelopment Authority (BRA) of the City of Marshall (the "Authority") and have designated that all related activities shall proceed through the BRA; and

**WHEREAS,** the Authority, pursuant to and in accordance with Section 13 of the Act, has reviewed, and recommended for approval by the Marshall City Council, the Brownfield Plan (the "Plan") attached hereto, to be carried out within the City of Marshall, relating to the development of property located at 100 Page Street and 500 Industrial Road, Marshall, Michigan 49068 (the "Site"), as shown in Figures 1 and 2 of the Plan and more particularly described in the legal description of the property contained within the attached Plan; and

**WHEREAS**, the Marshall City Council have reviewed the Plan, and have been provided a reasonable opportunity to express their views and recommendations regarding the Plan and in accordance with Section 14(5) of the Act; and

**WHEREAS,** the Marshall City Council have noticed and held a public hearing in accordance with Section 14 (1, 2, 3, 4, and 5) of the Act; and

**WHEREAS,** the City of Marshall Brownfield Redevelopment Authority has passed a resolution supporting the adoption of the Plan; and

**WHEREAS,** the Marshall City Council have made the following determinations and findings:

1. The Plan constitutes a public purpose under the Act;
2. The Plan meets all of the requirements for a Brownfield plan set forth in Section 13 of the Act;
3. The proposed method of financing the costs of the eligible activities, as described in the Plan, was feasible and the Authority has the ability to arrange the financing;
4. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act; and
5. The amount of captured taxable value estimated to result from the adoption of the Plan is reasonable; and

**WHEREAS,** as a result of the review of the Plan the Marshall City Council concur with the approval of the individual Plan.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL:**

1. **Plan Support**. Pursuant to the authority vested in the Marshall City Council, by the Act, the Plan is hereby supported in the form attached to this Resolution.

2. **Severability**. Should any section, clause, or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.

3. **Repeals**. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Resolution declared adopted this 21st day of January 2025.

___________________________
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 January 21, 2025 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. 2014 BUILDING AUTHORITY BONDS - REDEMPTION AUTHORIZATION

**Moved** by Ryan Traver, supported by Theresa Chaney-Huggett to authorize the Marshall Building Authority to proceed with the 2014 Building Authority Bonds Redemption and authorize the City Manager and City Clerk to sign the necessary documents. On a voice vote: **Motion carried.**

### B. RTAP REIMBURSEMENT GRANT REQUEST

**Moved** by Jacob Gates, supported by James Hackworth to approve the submission of a MDOT RTAP Grant Request in the amount of $7,500 and authorize the City Manager and City Clerk to sign the necessary Rural Transit Assistance Program (RTAP) Third Party Contract FY25 Addendum documents. On a voice vote: **Motion carried.**

### C. DART FISCAL YEAR 2026 OPERATION APPLICATION TO MDOT

**Moved** by Ryan Traver, supported by Jacob Gates to approve Resolution No. 2025-03, A Resolution of Intent to Apply for State Formula Operating Assistance for Fiscal Year 2026 under Act 51 of the Public Acts of 1951, as amended and authorize the City Manager and City Clerk to sign the necessary documents. On a roll call vote:

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

### D. CONSTRUCTION CONTRACT - ATHLETIC FIELDS EXPANSION/ EATON PARK

**Moved** by Ryan Traver, supported by James Hackworth to approve a construction contract with Freedom Construction for Athletic Fields Expansion - Eaton Park Project in the amount of $2,121,325.80 with a contingency of $212,132.58 and a maintenance fund allocation of $212,132.58 for a total funded amount of $2,545,590.96 and authorize the City Manager and City Clerk to sign the necessary documents. On a roll call vote:

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

### E. MDOT TRAFFIC CALMING PROJECT - RESOLUTION OF SUPPORT

**Moved** by Ryan Traver, supported by James Hackworth to approve Resolution No. 2025-06, A Resolution of Support for the Marshall Traffic Calming Project and authorize the City Manager and City Clerk to sign the necessary documents. On a roll call vote:

Ayes: James Hackworth, Ryan Traver, Scott Wolfersberger, Theresa Chaney-Huggett, Jacob Gates

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

**CITY OF MARSHALL, MICHIGAN**
**RESOLUTION NO. 2025-6**

**A RESOLUTION OF SUPPORT FOR THE**
**MARSHALL TRAFFIC CALMING PROJECT**

Minutes of a regular meeting of the Council of the City of Marshall, held on January 21, 2025, at 7:00 PM.

PRESENT:

ABSENT:

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

**WHEREAS**, the Michigan Department of Transportation's (MDOT) has proposed the Marshall Traffic Calming project which includes converting I-94 Business Loop (Michigan Avenue) from Kalamazoo Avenue to Marshall Avenue, from its existing four-lane configuration to a three-lane configuration with a pavement preservation project of 2025; and

**WHEREAS**, the scope of the project will include applying a micro surface over the existing section of road; and

**WHEREAS,** MDOT recommends that I-94 Business Loop be converted from four lanes to three lanes, and that the three-lane configuration would have a single east bound travel lane, a single west bound travel lane, and a center turn lane, with an additional 5.5-foot buffer between the travel lanes and the existing parking lane; and

**WHEREAS,** this type of conversion is a recognized traffic calming measure to provide safety improvements from motorists and pedestrians; and

**WHEREAS,** MDOT requires that the local unit of government acknowledge and formally support the proposed project for it to be considered; and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL** hereby authorizes the Marshall City Manager, Derek N. Perry and City Clerk Michelle Eubank to sign Resolution 2025-6 as well as any supporting documents that include necessary certifications and assurances.

Resolution declared adopted this 21st day of January, 2025.

___________________________
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 October 7, 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

**F. CONSTRUCTION CONTRACT - COSMOPOLITAN AVENUE WATERMAIN LINING**

**Moved** by Jacob Gates, supported by Ryan Traver to approve the Cosmopolitan Avenue Watermain Lining Contract in the amount of $131,745.00 with a contingency of $13,255 for a total project funded amount of $145,000 and authorize the City Manager and City Clerk to sign the necessary documents. On a roll call vote:

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

**13) APPOINTMENTS / ELECTIONS**

**A. PLANNING COMMISSION APPOINTMENT**

**Moved** by Ryan Traver, supported by James Hackworth to approve the appointment of Karl Sievertsen to the Planning Commission for a term ending on December 31, 2027. 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.

Regis Klingler and Barry Wayne Adams gave public comment.

**15) COUNCIL AND MANAGER COMMUNICATIONS**

**16) ADJOURNMENT**

The meeting was adjourned at 8:38 pm.

Respectfully submitted by,

Michelle Eubank
City Clerk