

CALL TO ORDER

IN REGULAR SESSION Monday, April 6, 2020, at 7:00 P.M. was held electronically by telephonic conference, the Marshall City Council was called to order by Mayor Caron.

ROLL CALL

Roll was called:

Present: Council Members: Mayor Caron, Gates, McNeil, Metzger, Traver, Underhill, and Wolfersberger.

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: None.

ESTABLISH RULES FOR REMOTE MEETINGS

Moved McNeil, supported Gates, to adopt the resolution to establish Rules for Remote Meetings conducted under Executive Order 2020-15. On a roll call vote – ayes: Metzger, Traver, Underhill, Wolfersberger, Mayor Caron, Gates, and McNeil; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL

RESOLUTION NO. 2020-14

A RESOLUTION ESTABLISHING RULES FOR REMOTE MEETINGS FOR ATTENDANCE BY CITY COUNCIL MEMBERS, AND OTHER PUBLIC BODIES OF THE CITY, AND MEMBERS OF THE PUBLIC AT REMOTE MEETINGS DUE TO CORONAVIRUS (COVID-19) PANDEMIC

City of Marshall, Calhoun County, Michigan, hereby resolves:

At a regular meeting of the City Council (“Council”) held at City Hall, at 323 West Michigan Avenue, Marshall Michigan, 49068, in the County of Calhoun, State of Michigan, on the 6th day of April, 2020, at 7:00 o'clock in the PM.

The meeting was called to order at 7:00 o'clock in the PM by Mayor Caron.

Present: Mayor Caron, Gates, McNeil, Metzger, Traver, Underhill, and Wolfersberger.

Absent: None.

The following preamble and resolution were offered by Council Member McNeil and supported by Council Member Gates:

WHEREAS, on March 10, 2020, Governor Whitmer, acting under the Michigan Constitution of 1963 and Michigan law, declared a state of emergency across the State of Michigan as a result of the COVID-19 outbreak; and

WHEREAS, the Michigan Department of Health and Human Services (MDHHS) has issued Interim Recommendations for COVID-19 Community Mitigation Strategies; and

WHEREAS, such strategies include encouraging staff to tele-work when feasible and implement social distancing measures, including limiting in-person meetings, and to limit large work-related gatherings; and

WHEREAS, on March 18, 2020, Governor Whitmer issued Executive Order 2020-15 to suspend rules and procedures relating to physical presence at meetings and hearings of public bodies to allow for public bodies to continue to conduct public business during the COVID-19 emergency and the general public to continue to participate in government decision making without unduly compromising public health, safety, and welfare; and

WHEREAS, to implement MDHHS's mitigation strategies and allow the City Council (hereinafter "Council"), and all of its Boards and Commissions (including: Airport Board, Board of Review, Construction Board of Appeals, Marshall Area Farmer's Market Advisory Board, Parks, Recreation & Cemetery Board, Sister City Board, Zoning Board of Appeals, and Planning Commission) and Committees (as applicable, including Ketchum Park Advisory Committee and Brooks Nature Area Board) (hereinafter, collectively: "Public Body") to continue public business, and to allow the public to attend meetings of the Public Body remotely if they desire, consistent and in compliance with Executive Order 2020-15, the Council desires to establish rules to authorize and allow the Public Body and general public to attend Public Body meetings by telephone or other electronic means as set forth in this Resolution; and

WHEREAS: The Council desires to authorize and direct its City Manager and City Staff, and applicable Chairpersons, and those so designated, to take all necessary measures to enable the Public Body to facilitate public meetings as permitted under Executive Order 2020-15, and as may be extended, or by superseding Executive Order of similar effect issued by the Governor.

NOW, THEREFORE, BE IT RESOLVED THAT:

City Council authorizes and directs the City Manager and City Staff, and applicable Chairpersons, and those so designated, to take all necessary measures to enable the Public Body to facilitate public meetings as permitted under Executive Order 2020-15, and as may be extended, or by superseding Executive Order of similar effect issued by the Governor.

City Council immediately authorizes its Public Body members and Staff and members of the general public to attend all meetings of the Public Body by telephone or other electronic means and establishes rules that must be followed in order for remote public meetings of the Public Body to be properly conducted:

A. All Public Body meetings may be held electronically consistent with EO 2020-15, and similar Executive Orders issued by the Governor during this unprecedented time of COVID-19.

B. NOTICE OF PUBLIC MEETINGS:

1. For a meeting(s) to be held pursuant to this Resolution, City officials or Staff shall post on the homepage of City's website in a conspicuous location and at City Hall at 323 West Michigan Avenue, Marshall Michigan, 49068, the following:
 - a. An explanation of why the meeting is being held remotely.
 - b. The Agenda for the meeting at least 18 hours prior to the meeting.
 - c. Contact information for all members of the Public Body along with information about how the public may contact the member(s) to provide input on any business that will come before the Public Body.
 - d. Procedures for public participation, such as: a link to an electronic link for online meeting participation, or a telephone number for conference calling, or both.
 - e. Procedures to allow for participants with disabilities to participate in the remote meeting.

C. CONDUCT OF THE PUBLIC MEETING:

1. The telephone or other electronic technology being utilized to allow the remote meeting shall allow the Public Body members, Staff, and the general public to communicate.
2. Upon the start of the remote meeting, City officials or Staff shall immediately ensure that that the dial-in number or other means of conducting the meeting remotely is working. If the system is not working properly, the meeting shall either be paused temporarily or adjourned without any decision or deliberation on any matter until such time as the system is working properly.
3. Attendance. Public Body members' remote attendance shall be considered attendance for the purpose of establishing a quorum.
4. Public Body Action. Public Body members may make motions and vote as he or she would during a physical meeting. Any vote by a member

participating remotely pursuant to this Resolution shall be counted in the total number of votes for any matter and shall not be held invalid for the reason that it was cast by a member remotely. All votes taken during the remote meeting shall be completed by roll call vote so the general public will know how each member voted; this information will then be properly recorded in the meeting minutes.

5. Closed Session.
 - a. The Public Body may conduct a closed session portion of the meeting, if necessary, as regulated by the Open Meetings Act, EO 2020-15 and authorized applicable Executive Orders.
 - b. For closed sessions conducted under this Resolution, each Public Body member and authorized attendee of the closed session shall not allow anyone else to hear or view the closed session. Except the person designated to keep minutes of the closed session, individual Public Body members and authorized attendees shall not record or cause to be recorded the closed session other than the official closed session meeting minutes.
 - c. All Public Body members and authorized attendees of the closed session shall affirm, before the start of the closed session, that they are in compliance with this Resolution subsection No. 5.
 - d. A separate call-in number or other electronic means of remotely participating shall be available for the Public Body to utilize for closed session that is not available to the public, and that shall not be recorded other than closed session meeting minutes. A Public Body member or Staff shall clearly indicate during the agenda when the closed session will occur and that the general public will not be able to hear or participate or provide comment during the closed session. The Public Body shall return to the public meeting following closed session to adjourn the meeting or take other action as necessary.
6. Emails, texting, or other forms of electronic communication by or between Public Body members during the meeting are prohibited.
7. Public Body members receiving electronic communications from a member of the public one-half (1/2) hour prior to the start of the remote meeting related to any item on the agenda for the meeting may be read by the member receiving the communication during the agenda item and it shall be addressed by the Public Body as appropriate during the meeting.
8. Adjournment of a meeting shall require a roll call vote of the Public Body.

D. ATTENDANCE BY MEMBERS OF THE PUBLIC:

1. Except for closed session, the general public may tape-record, videotape, broadcast on live radio, or telecast on live television the proceedings of the public meeting without prior approval in accordance with the OMA. Press and other news media are allowed to participate.
2. General public participation will not require registration in order to participate, and names will only be given as is necessary to participate in public comment.
3. Members of the public participating remotely shall be provided an opportunity to provide public comment during a public comment section of the agenda pursuant to the rules of the Public Body on public comment. Such opportunity shall be given by the designated facilitator asking each participant whether they have any public comment.
4. No person may be excluded, unless a breach of the peace is committed during the public meeting and they are excluded by the Public Body under the rules stated under the OMA for disruption.

E. PUBLIC HEALTH, SAFETY, AND WELFARE:

This Resolution is intended to establish rules for and authorize participation by remote access by the Public Body members, Staff, and attendance of the general public in the interest of the public health, safety, and welfare during the Coronavirus (COVID-19) pandemic while preserving meaningful access to meetings and participant communication.

F. CONFLICT:

In the event of a conflict between this Resolution and the Rules of the Public Body, this Resolution shall control.

G. EFFECTIVE:

This Resolution shall be effective immediately and shall remain in effect until April 15, 2020 at 11:59 pm or so long as Executive Order 2020-15 is in effect, extended, or superseded by a similar Executive Order, which shall be acknowledged by the Public Body and the Resolution affirmed at the subsequent public meeting, including remote meetings.

ROLL CALL VOTE:

AYES: Metzger, Traver, Underhill, Wolfersberger, Mayor Caron, Gates, and

McNeil.

NAYS: None.

Resolution declared adopted this 6th day of April, 2020.

Clerk, City of Marshall

The undersigned duly qualified and acting Clerk of the City of Marshall, hereby certifies that the foregoing is a true and complete copy of a Resolution adopted by the City Council at a Regular meeting held on the 6th of April, 2020, the original of which is a part of the City's minutes and further certifies that notice of the meeting was given to the public pursuant to the provisions of the Open Meetings Act, 1976 PA 267, as amended.

Clerk, City of Marshall

INVOCATION/PLEDGE OF ALLEGIANCE

Kris Tarkiewicz of Family Bible Church gave the invocation and Mayor Caron led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Traver, supported Metzger, to approve the agenda with the addition of item 14D. Reciprocal Law Enforcement Agreement. On a roll call vote – ayes: Gates, McNeil, Metzger, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none.
MOTION CARRIED

CANDIDATES FOR PUBLIC OFFICE

None.

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

Moved Metzger, supported McNeil, to approve the Consent Agenda:

- A. Minutes of the City Council Regular Session held on Monday, March 16, 2020;
- B. Approve city bills in the amount of \$517,220.56;

On a roll call vote – ayes: Traver, Underhill, Wolfersberger, Mayor Caron, Gates, McNeil, and Metzger; nays: none. **MOTION CARRIED.**

PRESENTATIONS AND RECOGNITION

None.

INFORMATIONAL ITEMS

None.

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. MDOT Bridge Program Application:

Moved Wolfersberger, supported Metzger, to approve the resolution authorizing the application to the Local Bridge Program for the South Marshall Avenue Bridge over Rice Creek. On a roll call vote – ayes: Underhill, Wolfersberger, Mayor Caron, Gates, McNeil, Metzger, and Traver; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2020-16**

**RESOLUTION FOR MICHIGAN DEPARTMENT OF TRANSPORTATION LOCAL
BRIDGE PROGRAM GRANT FOR S. MARSHALL AVENUE BRIDGE
REPLACEMENT**

WHERE AS, the City of Marshall is preparing a Local Bridge Program Grant for replacement of the S. Marshall Avenue Bridge over Rice Creek, and

WHERE AS, the City of Marshall may be eligible for a maximum of up to 95 percent participation from Federal and/or State sources, and

WHERE AS, the condition of the bridge listed below has deteriorated to such an extent that replacement is necessary and

WHERE AS, the budget of the City of Marshall will not allow replacement of this bridge without additional funds from other sources.

THEREFORE, BE IT NOW RESOLVED that the City of Marshall request local bridge program funds for replacement of the S. Marshall Avenue Bridge over the Rice Creek for the year 2023.

Dated: April 6, 2020

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed seal of said City of Marshall, this the 6th day of April A.D., 2020.

ATTEST:

Trisha Nelson
Clerk

Dated: April 6, 2020

B. Dial-A-Ride Transit Application for State and Federal Financial Assistance for 2020-2021 Fiscal Year:

Moved Metzger, supported Gates, to approve the recommendation to adopt the resolution of intent to authorize the City of Marshall to seek financial assistance from the State of Michigan for its public transportation service, DART and AMC. On a roll call vote – ayes: McNeil, Metzger, Traver, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: none. **MOTION CARRIED.**

C. COVID 19 Update:

Moved Metzger, supported Gates, to approve the recommendation to extend the action taken at the March 16th City Council Meeting based on the Governor's Executive Orders and to approve closing DART and AMC until April 17th. On a roll call vote – ayes: Wolfersberger, Mayor Caron, Gates, McNeil, Metzger, Traver, and Underhill; nays: none. **MOTION CARRIED.**

D. Reciprocal Law Enforcement Agreement:

Moved Metzger, supported Underhill, to approve the Director of Public Safety to execute the proposed Calhoun County Emergency Reciprocal Law Enforcement Agreement in substantial form for the duration of the COVID-19 pandemic and State declaration of Emergency during the term of the current serving Calhoun County Sheriff. On a roll call vote – ayes: McNeil, Metzger, Traver, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: none. **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

Marshall City Council, Regular Session
Monday, April 6, 2020

ADJOURNMENT

The meeting was adjourned at 8:27 p.m.

Joe Caron, Mayor

Trisha Nelson, City Clerk