

CALL TO ORDER

IN REGULAR SESSION, Monday, June 1, 2020, at 7:00 P.M. a webinar meeting was held electronically by utilizing the ZOOM platform, the Marshall City Council was called to order by Mayor Caron.

ROLL CALL

Roll was called:

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

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: Council Member Gates.

Moved McNeil, supported Metzger, to excuse the absence of Council Member Gates. On a roll call vote – ayes: McNeil, Metzger, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

INVOCATION/PLEDGE OF ALLEGIANCE

Richard Gerten of Family Bible Church gave the invocation and Mayor Caron led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved McNeil, supported Traver, approve the agenda with the removal of item 13D Annual Compensation of Administrative Officials to be discussed at work session. On a roll call vote – ayes: McNeil, Metzger, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

CANDIDATES FOR PUBLIC OFFICE

Lynn Afendoulis introduced herself and spoke regarding her candidacy for Congress in 2020.

PUBLIC COMMENT ON AGENDA ITEMS

Matt Uetrecht of Thompson Construction spoke of his displeasure and disappointment with not being chosen as the low bidder for the Eagle and Jefferson Water Main Project.

CONSENT AGENDA

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

- A. Accept the 3rd Quarter Financial Report;
- B. Accept the 3rd Quarter Investment Report;
- C. Accept the 3rd Quarter Cash & Investment Portfolio Report;

- D. Schedule a public hearing for Monday, July 6, 2020 to hear public comment on the vacating of Spruce Street from Kalamazoo Avenue to Sycamore Street and the south 132' of South Sycamore Street right of way;
- E. Receive the FY2021 Administrative Chain of Command Appointments;
- F. Minutes of the City Council Regular Session held on Monday, May 18, 2020;
- G. Approve city bills in the amount of \$1,105,281.23.

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

PRESENTATIONS AND RECOGNITION

None.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Zoning Amendment Application #RZ20.01 to rezone 119 N. Grand Street from POSD-Professional Office Service District to R-3 – Traditional Residential:

Planning and Zoning Administrator Trisha Nelson provided background regarding Zoning Amendment Application #RZ20.01. The owner of 119 N. Grand is seeking to rezone the parcel from the current zoning of POSD to R-3. A rezoning of the property will allow Mr. Vincent to sell the property as a residential home. Planning Commission approved recommending to the City Council on May 13, 2020.

Mayor Caron opened the public hearing to hear public comment regarding Zoning Amendment Application #RZ20.01 to rezone Parcel #53-000-413-01 from POSD-Professional Office Service District to R-3-Traditional Residential.

Eldon Vincent, owner of 119 N. Grand, purchased the property in 2006 and assumed the property had been resumed. He is currently in the process of selling the property pending the approval of the application.

Hearing no further comment, the hearing was closed.

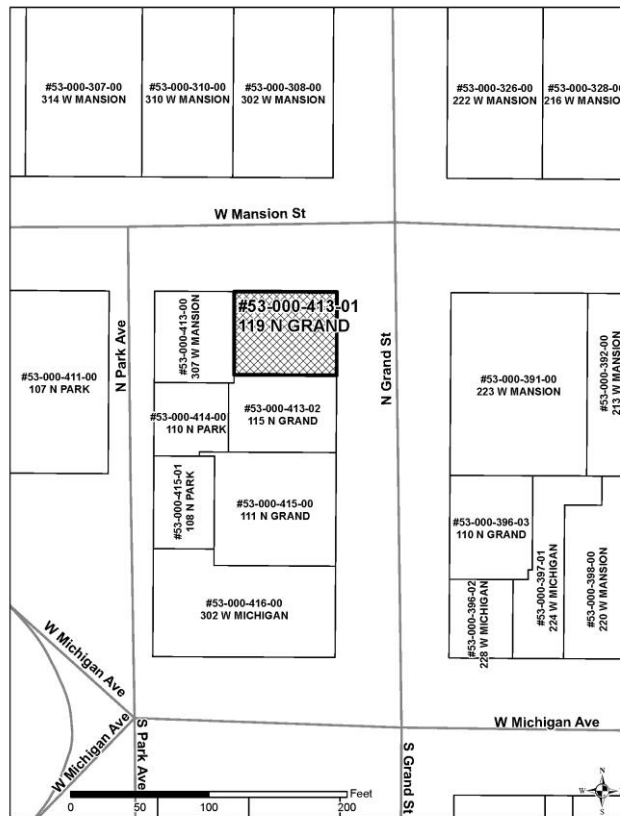
Moved Metzger, supported Traver, to approve the recommendation from Planning Commission for approval of Rezoning Request #RZ20.01 for 119 N. Grand to rezone from Professional Office Service District to R-3 Traditional Residential. On a roll call vote – ayes: Traver, Underhill, Wolfersberger, Mayor Caron, Gates, Metzger, and McNeil; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL
ORDINANCE #2020- 09**

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CHANGE THE ZONING OF A PARCEL OF REAL PROPERTY AT 119 N GRAND STREET, PARCEL #53-000-413-01, FROM THE ZONING DISTRICT OF PROFESSIONAL OFFICE SERVICE DISTRICT (POSD) TO TRADITIONAL RESIDENTIAL (R-3).

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 Professional Office Service District (POSD) to Traditional Residential (R-3).



TAX PARCEL #53-000-413-01 (119 N. GRAND ST.) LEGAL DESCRIPTION

MARSHALL CITY, LOWER VILLAGE BLK 15 N 60 FT OF E 4 1/2 RDS OF LOT 3.

Section 2. 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 1st day of June, 2020.

Joe Caron, MAYOR

Trisha Nelson, CITY CLERK

I, Trisha Nelson, 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 June 1, 2020, 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.

Trisha Nelson, CITY CLERK

B. Amendment to Ordinance 134.30: Fireworks:

Director of Public Safety Scott McDonald and Attorney John Sullivan discovered the Fireworks section of our City code was in need of revision during a review of fire related codes and ordinances. The proposed ordinance includes some changes in definitions, brings the ordinance more in line with state law, and addresses some safety concerns.

Mayor Caron opened the public hearing to hear public comment regarding the proposed changes to City Ordinance 134.30: Fireworks.

Hearing no comment, the public hearing was closed.

Moved Wolfersberger, supported Metzger, to adopt the changes to City Ordinance 134.30: Fireworks. On a roll call vote – ayes: Underhill, Wolfersberger, Mayor Caron, Metzger, McNeil, and Traver; nays: none. **MOTION CARRIED.**

City of Marshall, Michigan
Ordinance #2020-10

AN ORDINANCE AMENDING CITY OF MARSHALL CODE OF ORDINANCES,
SECTIONS 134.30

WHEREAS, The Michigan Fireworks Safety Act, MCL 28.451, et seq, as amended, legalized the sale, possession and use of fireworks in Michigan; and

WHEREAS, Section 134.30 of the Code of Ordinances is in conflict with the Michigan Fireworks Safety Act; and

WHEREAS, the public good is furthered by maintaining consistency and uniformity between the Act and local ordinance; and

WHEREAS, the health, safety and welfare of city residents, and visitors, is furthered by the enactment of an ordinance which regulates the ignition, discharge, and use of fireworks;

NOW, THEREFORE, THE CITY OF MARSHALL ORDAINS that the current version of Section 134.30 be deleted and replaced with the version set forth herein;

§ 134.30 FIREWORKS

(A) Definitions:

AGRICULTURAL AND WILDLIFE FIREWORKS. “Agricultural and wildlife fireworks” means fireworks devices distributed to farmer, ranchers, and growers through a wildlife management program administered by the United States Department of the Interior or the Department of Natural Resources of this state.

ARTICLES PYROTECHNIC. “Articles Pyrotechnic” means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 C.F.R. 172.101.

CONSUMER FIREWORKS. “Consumer fireworks” means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 C.F.R. parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. **CONSUMER FIREWORKS** does not include low-impact fireworks or novelties.

DEPARTMENT. “Department” means the Department of Licensing and Regulatory affairs.

FIREWORK or FIREWORKS. “Firework” or “fireworks” means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks and special effects.

LOW IMPACT FIREWORKS. “Low impact fireworks” means ground and handheld sparkling devices as that phrase is defined under APA Standard 87-1, 3.1, 1.1 to 3.1, 1.8 and 3.5.

MINOR. “Minor” means an individual who is less than 18 years of age.

NOVELTIES. “Novelties” means that term as defined under APA standard 87.1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4 and 3.2.5 and include all of the following:

- A. Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.
- B. Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph A are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.
- C. Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.
- D. Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer’s name and the quantity contained in each box are printed on the box, and toy smoke devices.

PERSON. “Person” means an individual, association, charitable organization, company, limited liability company, corporation or any other legal or commercial entity.

SPECIAL EFFECTS. “Special effects” means a combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion

picture, radio, television, theatrical or opera production or live entertainment

- (B) No person shall ignite, discharge or use homemade fireworks at any time. A person who violates this section is responsible for a municipal civil infraction and shall be fined \$1000 for each violation and no other fine or sanction shall be imposed. \$500 of the fine shall be remitted to the Marshall Police Department.
- (C) No person shall ignite, discharge or use consumer fireworks except on the following days after 11:00 a.m.
- (1) December 31 until 1:00 a.m. on January 1.
 - (2) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
 - (3) June 29 to July 4 until 11:45 p.m. on each of those days.
 - (4) July 5, if that date is a Friday or Saturday, until 11:45 p.m.
 - (5) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

A person who violates this section is responsible for a municipal civil infraction and shall be fined \$1,000 for each violation and no other fine or sanction shall be imposed. \$500 of the fine shall be remitted to the Marshall Department of Public Safety.

- (D) No person shall ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises. A person who violates this section is responsible for a municipal civil infraction and shall be fined \$500.
- (E) No person shall discharge, ignite, or use consumer fireworks or low impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance. A person who violates this section is responsible for a municipal civil infraction and shall be fined \$1,000.
- (F) No person shall smoke or use smoking materials within 50 feet of any area where fireworks or any other pyrotechnic materials are present. A person who violates this section is responsible for a municipal civil infraction and shall be fined \$500.

- (G) A minor shall not possess, use, discharge or ignite consumer fireworks at any time unless supervised by a parent or legal guardian. A person who violates this section is responsible for municipal civil infraction and shall be fined \$500.
- (H) No person shall discharge, set off or use an unmanned free-floating device (sky lanterns) which requires fire underneath for propulsion and which is not moored to the ground while aloft. A person who violates this section is responsible for a municipal civil infraction and shall be fined \$500.
- (I) No person shall ignite, discharge, or use consumer fireworks or low-impact fireworks in a manner that is intended to harass, scare, or injure livestock. A person who violates this section is responsible for a municipal civil infraction and shall be fined \$500.
- (J) If the police or fire investigator determines that a person has violated this ordinance, or the Michigan Fireworks Safety Act, the fireworks associated with the violation may be seized and stored as evidence. If the person subject to criminal or civil proceedings is found guilty or responsible, the person shall be required to pay the storage expenses for the evidence seized.
- (K) Notwithstanding the days and times permitting the ignition, discharge or use of consumer fireworks under § (B)(1)-(5), if the environmental concerns based on the Michigan Department of Natural Resources Fire Division criteria are elevated to extreme fire conditions or if the environmental concerns based on the Fire Division criteria are elevated to very high for 72 consecutive hours, the Director of Public Safety, or their designee, in consultation with the Michigan Department of Natural Resources, has the authority to enforce a no-burning restriction that includes a ban on the ignition, discharge, and use of consumer fireworks and display fireworks within the City. If a no-burning restriction is instituted under this section, the Director of Public Safety, or their designee, shall ensure that adequate notice of the restriction is provided to the public. Not more than 24 hours after the fire condition is downgraded from extreme or very high fire condition, the Director of Public Safety, or their designee, shall inform the public that the restriction has been lifted in the same manner that the restriction was announced or otherwise made known to the public. A person who violates this section is guilty of a misdemeanor.
- (L) The City reserves to itself the ability granted by the Act at MCLA § 28.466, to approve the use of articles pyrotechnic and display fireworks for public or private display by organizations and individuals within the City.
 - (1) The City Clerk, upon application in writing on forms provided by the Michigan Department of licensing and regulatory affairs, or its

successor agency, and payment of a fee to be established by resolution, may grant a permit for the use of articles pyrotechnic or display fireworks for public or private display within the City by organizations or individuals approved by the City Clerk, and compliance with the Michigan Fireworks Safety Act. A permit granted under this subsection is not transferable and shall not be issued to a minor.

- (2) Before a permit for articles pyrotechnic or display fireworks ignition is issued, the person applying for the permit shall furnish proof of financial responsibility by a bond or insurance in an amount, character and form deemed necessary as set from time to time by resolution to protect the public and to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person or an agent or employee of the person.
- (3) Before granting a permit, the Director of Public Safety shall rule on the competency and qualifications of an articles pyrotechnic and display fireworks operator, as furnished by the operator on the operator's application form, in accordance with the requirements provided under NFPA 1123, and on the time, place and safety aspects of the display of articles pyrotechnic or display fireworks.

(Prior Code, § 18-117) (Ord. passed 8-21-1978; Am. Ord. passed 9-17-1979; Am. Ord. passed 7-1-1985; Am. Ord. passed 5-16-1988; Am. Ord. 99-1, passed 1-4-1999; Am. Ord. 99-9, passed 10-4-1999, AM. Ord. 2020-10, passed 6-1-2020)

Statutory reference:

Michigan Fireworks Safety Act, M.C.L.A §§ 28.451 et seq., as amended.

REPEALER

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect, and the City of Marshall City Code shall remain in full force and effect, amended only as specified above.

SEVERABILITY

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void or illegal by any Court of competent jurisdiction, such section, clause or provision shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

ENACTMENT

This ordinance is declared to have been enacted by the City Council of the City of Marshall at a meeting called and held on the 1st day of June, 2020, and ordered to be given publication in the manner prescribed by law.

AYES: Mayor Caron, McNeil, Metzger, Traver, Underhill, and Wolfersberger.

NAYES: None.

ABSTENTIONS: None.

Mayor
STATE OF MICHIGAN
COUNTY OF CALHOUN

City Clerk

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 1st day of June, 2020, the original of which is on file in my office.

Clerk

Adopted: 6/1/2020

Published: 6/6/2020

C. Amendment to Ordinance 95.03: Prohibited Burning and the Repealing of Ordinances 95.04, 95.05, 95.06, and 95.99

Director of Public Safety Scott McDonald and Attorney John Sullivan discovered Chapter 95 of the code of ordinances was in need of updating during a review of fire related codes and ordinances. The proposed ordinance includes some changes in definitions, defining more thoroughly what is prohibited to burn, and addresses some safety concerns.

Mayor Caron opened the public hearing to hear public comment regarding the proposed changes to Chapter 95 of the Marshall City Code of Ordinances.

Hearing no comment, the public hearing was closed.

Moved McNeil, supported Underhill, to adopt the amendments to the City Ordinances 95.03, and repeal Ordinances 95.04, 95.05, 95.06 and 95.99. On a roll call vote – ayes: Wolfersberger, Mayor Caron, Metzger, McNeil, Traver, and Underhill; nays: none. **MOTION CARRIED.**

City of Marshall, Michigan
Ordinance #2020-11

AN ORDINANCE AMENDING CITY OF MARSHALL CODE OF ORDINANCES, SECTION 95.03 AND DELETING SECTIONS 95.04, 95.05, 95.06 AND 95.99

WHEREAS, the burning and combustion of materials directly into the environment causes the release of pollutants into the air which negatively impacts the human sight and respiratory systems; and

WHEREAS, the burning and combustion of materials directly into the environment increases the risk of uncontrolled fire, and generally creates a nuisance; and

WHEREAS, the health, safety and welfare of city residents, and visitors, is furthered by the enactment of this ordinance;

NOW, THEREFORE, THE CITY OF MARSHALL ORDAINS that the current versions of Section 95.03, 95.04, 95.05, 95.06 and 95.99 be deleted and replaced with 95.03 as set forth herein;

§ 95.03 PROHIBITED BURNING.

(A) Definitions:

BURN OR BURNING. “Burn” or “burning” means the ignition or combustion of material where smoke and other emissions are released directly into the air.

GARBAGE. “Garbage” means rejected organic waste including waste from the accumulation of animal, fruit, or vegetable matter used or intended for the use in the preparation, use, cooking, processing or storing of meat, fish, fowl, fruit, vegetable or other food; accumulations of leaves, branches, cut grass or other vegetation.

LITTER. “Litter” means all rubbish, refuse, garbage, trash, debris and waste material of any kind.

OWNER. “Owner” means:

- (1) Every person or entity holding legal or equitable title to a property or to real improvements on a property solely, jointly, by the entireties, in common, or as land contract vendee.
 - (2) Every person or entity who in fact has been empowered to act on behalf of, or receive process for, or as agent of the owner; or
 - (3) Every person or entity who has, or exercises, care, custody, dominion or control over any property;
 - (4) Every person or entity who is a record owner as demonstrated by a deed or other document of title recorded at the office of the Register of Deeds or otherwise substantiated; or
 - (5) Every person or entity listed as the taxpayer by assessor's records.
- (B) No person shall burn paper, garbage, litter, trees, leaves, stumps, brush, refuse, household waste, commercial waste, building materials or debris, construction materials or debris, demolition waste or debris, remodeling waste or debris, tires, furniture or any other wanted or unwanted material, except as otherwise provided herein. A person who violates this section is responsible for a municipal civil infraction and shall be fined as follows:
- (1) For a first offense, a fine of \$100;
 - (2) For a second offense, a fine of \$300;
 - (3) For a third or subsequent offense, a fine of \$500.
- (C) No owner shall knowingly permit a person to burn paper, garbage, litter, trees, leaves, stumps, brush, refuse, household waste, commercial waste, building materials or debris, construction materials or debris, demolition waste or debris, remodeling waste or debris, tires, furniture or any other wanted or unwanted material on their property, or on property occupied by them or under their control, including the gutter or curb area adjacent to the property, except as otherwise provided herein. A person who violates this section is responsible for a municipal civil infraction and shall be fined as follows:
- (1) For a first offense, a fine of \$100;
 - (2) For a second offense, a fine of \$300;
 - (3) For a third or subsequent offense, a fine of \$500.
- (D) For buildings or structures other than one and two-family dwellings, no person shall use barbecue grills, char broilers, smokers, deep fryers, and similar cooking or heat generating devices or appliances on balconies, decks, under any overhanging portion of a structure or within 10 feet of any structure, nor shall any person store said items on a balcony or deck. A person who violates this section is responsible for a municipal civil infraction and shall be fined as follows:

- (1) For a first offense, a fine of \$100;
 - (2) For a second offense, a fine of \$300;
 - (3) For a third or subsequent offense, a fine of \$500.
- (E) The following activities are excepted from the prohibitions set forth in (B), (C) and (D) above:
- (1) The burning of buildings or other structures pursuant to fire suppression training authorized by the Director of Public Safety, or his or her designee.
 - (2) Burning authorized by a written permit issued by the Director of Public Safety, or his or her designee. Burning under this section shall only occur under the following circumstances:
 - a) The burn is supervised and controlled by the Marshall Fire Department;
 - b) The burn is of short duration;
 - c) The windspeed is less than 15 mph;
 - d) The Director of Public Safety, or his or her designee, may prohibit or delay permitted burns when atmospheric conditions or other circumstances are such that a fire would constitute a fire hazard or would endanger the life or property of any person.
 - e) Costs incurred for services provided by the Marshall Fire Department incident to permits issued to private persons or entities under this section shall be paid by the person or entity.
 - (3) Recreational fires under the following conditions:
 - a) The fire area shall be at least 25 feet from any building, structure or combustible material, and at least 15 feet from any property line;
 - b) The windspeed shall be 15 mph or less;
 - c) The fire area or pit shall not exceed 4 feet in diameter;
 - d) Only seasoned firewood, charcoal, compressed wood logs, compressed wood bricks or compressed wood barbecue pellets may be used in the fire;
 - e) The fire area must be supervised at all times by an adult.
 - f) A water supply, such as a garden hose, shall be readily available to suppress the fire;

- g) The duration of the fire shall not exceed four hours;
- h) The fire shall be fully extinguished before it is left unattended.
- i) The Director of Public Safety, or his or her designee, may prohibit recreational fires when atmospheric conditions or other circumstances are such that a fire would constitute a fire hazard or would endanger the health or property of any person.

(Prior Code, § 10-13) (Ord. passed 10-15-1984, Am. Ord. 2020-11, passed 6-1-2020)

REPEALER

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect, and the City of Marshall City Code shall remain in full force and effect, amended only as specified above.

SEVERABILITY

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void or illegal by any Court of competent jurisdiction, such section, clause or provision shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

ENACTMENT

This ordinance is declared to have been enacted by the City Council of the City of Marshall at a meeting called and held on the 1st day of June, 2020, and ordered to be given publication in the manner prescribed by law.

AYES: Mayor Caron, McNeil, Metzger, Traver, Underhill, and Wolfersberger.

NAYES: None.

ABSTENTIONS: None.

Mayor

City Clerk

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 1st day of June, 2020, the original of which is on file in my office.

Clerk

Adopted: 6/1/2020
Published: 6/6/2020

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Eagle and Jefferson Water Main Bids:

Moved Metzger, supported McNeil, to approve the bid for the Eagle and Jefferson Street Water Main Improvements to Hunter Prell in the amount of \$620,446.75 with an additional contingency amount of \$69,553.25 for a total of \$690,000; also, the remaining FY2020 budgets in the Water Fund Capital Outlay (591-900-970.00) and Major Street Capital Outlay (202-900-970.00) be carried over into the FY2021 budgets. On a roll call vote – ayes: Traver, Underhill, Wolfersberger, Mayor Caron, Metzger, and McNeil; nays: none. **MOTION CARRIED.**

B. Michigan Department of Transportation Sidewalk Café Resolution:

Moved Metzger, supported McNeil, to approve the resolution in support of the submittal to the Michigan Department of Transportation by Veritas Vineyard LLC – DBA Grand River Brewery for a sidewalk café permit. On a roll call vote – ayes: Underhill, Wolfersberger, Mayor Caron, Metzger, McNeil, and Traver; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2020-20**

**RESOLUTION FOR MICHIGAN DEPARTMENT OF TRANSPORTATION
SIDEWALK CAFÉ AUTHORIZATION**

WHEREAS, Grand River Brewery is located at 101 West Michigan Avenue within the City of Marshall, and

WHEREAS, Veritas Vineyard LLC - DBA Grand River Brewery has requested a sidewalk café permit from the Michigan Department of Transportation, and

WHEREAS, the City of Marshall is the municipal entity that has jurisdiction over the site, and

WHEREAS, the City of Marshall has agreed to enforce compliance with the sidewalk café permit, and

WHEREAS, the permit requires a resolution from the City Council,

NOW THEREFORE BE IT RESOLVED, the City Council hereby resolves that the City of Marshall supports the permit submittal to the Michigan Department of Transportation by Veritas Vineyard LLC - DBA Grand River Brewery Marshall.

Dated: June 1, 2020

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed seal of said City of Marshall, this 1st day of June A.D., 2020.

Trisha Nelson, City Clerk

C. East End Gallery Easement:

Moved Underhill, supported Wolfersberger, to approve the sale of a 26.5' x 2.5' strip of land to East End Studio and Gallery and authorize the conveyance of the warranty deed to East End Studio and Gallery in substantial form subject to a reverter clause to deed back the property to the City if construction does not occur within 12 months. On a roll call vote – ayes: Wolfersberger, Mayor Caron, McNeil, Metzger, Traver, and Wolfersberger; nays: none. **MOTION CARRIED.**

Moved McNeil, supported Metzger, to enter into an easement agreement with East End Studio and Gallery in substantial form to include a reverter clause for the construction of the elevator within 12 months. On a roll call vote – ayes: McNeil, Metzger, Traver, Underhill, Wolfersberger and Mayor Caron; nays: none. **MOTION CARRIED.**

Moved Traver, supported McNeil, to authorize the City Clerk to execute the final documents of the deed and easement agreement for East End Gallery. On a roll call vote – ayes: Metzger, Traver, Underhill, Wolfersberger, Mayor Caron, and McNeil; nays: none. **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

CLOSED SESSION

Moved Metzger, supported Wolfersberger, for City Council to convene in closed session under section 8(c) of the Open Meetings Act, to discuss strategy for a collective bargaining agreement. On a roll call vote – ayes: Traver, Underhill, Wolfersberger, Mayor Caron, McNeil, and Metzger; nays: none. **MOTION CARRIED.**

Enter into Closed Session at 8:20 p.m.

Return to Open Session and Adjourn at 9:00 p.m.

ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

Joe Caron, Mayor

Trisha Nelson, City Clerk