

**CALL TO ORDER**

IN REGULAR SESSION, Tuesday, January 19, 2021, at 7:00 P.M., via Electronic Meeting format utilizing ZOOM. City Council was called to order by Mayor Caron.

**ROLL CALL**

Roll was called:

Present: Council Members: Mayor Caron (Marshall, MI), Gates (Marshall, MI), Rice (Marshall, MI), Schwartz (Naples,FL), Traver (Marshall, MI), Underhill (Marshall, MI), and Wolfersberger (Marshall, MI).

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: None.

**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** Wolfersberger, supported Schwartz, to approve the agenda with the removal of item 12D Solid Waste Contract. On a roll call vote – ayes: Gates, Rice, Schwartz, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

**PUBLIC COMMENT ON AGENDA ITEMS**

None.

**CONSENT AGENDA**

**Moved** Gates, supported Underhill, to approve the Consent Agenda:

- A. Schedule a public hearing for Monday, February 1, 2021 to hear public comment regarding the proposed July 1, 2021 through June 30, 2027 Capital Improvement Program;
- B. Adopt the resolution designating Marguerite Davenport as Street Administrator;
- C. Approve the Police Officer Weapons and Accessories Purchase Program for 2021 which allows certified Police Officers to purchase a weapon and make up to 52 bi-weekly installment payments through payroll deduction;
- D. Minutes of the City Council Work Session and Regular Session held on Monday, January 4, 2021;
- E. Approve city bills in the amount of \$1,546,356.17.

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

**PRESENTATIONS AND RECOGNITION**

None.

**INFORMATIONAL ITEMS**

None.

**PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**

None.

**OLD BUSINESS**

None.

**REPORTS AND RECOMMENDATIONS**

**A. FiberNet Rates:**

**Moved** Traver, supported Gates, to adopt the resolution which implements a 10% increase in Residential Tier 1 and 2 service level rates for the FiberNet project per the 2017 Cost Benefit Analysis effective March 1, 2021. On a roll vote – ayes: Schwartz, Traver, Underhill, Wolfersberger, Mayor Caron, Gates, and Rice; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN  
RESOLUTION #2021-02**

**RESOLUTION TO ESTABLISH A FEE SCHEDULE FOR  
FIBER TO THE PREMISE SERVICE**

**WHEREAS**, Article XI, Section 11.04 of the Marshall City Charter provides that the rates for public utility services within the city, shall be set by the city council and shall be at uniform and reasonable prices.

**THEREFORE, BE IT RESOLVED** that the City Council of the City of Marshall hereby adopts the following fee schedule for Fiber to the Premise service with an effective date of March 1, 2021.

Residential			Commercial		
Download/Upload			Download/Upload		
Tier	Speed (Mbps)	Price/Mo.	Tier	Speed (Mbps)	Price/Mo.
1*	50/50	\$44	1*	60/60	\$60
2*	150/150	\$66	2*	250/250	\$99
3*	250/250	\$99	3**	150/150	\$150
4*	500/500	\$150	4**	300/300	\$300
5*	1Gbps/1Gbps	\$200	5**	500/500	\$500
			6**	1Gbps/1Gbps	\$1,000
			7**	10Gbps/10Gbps	\$10,000

\* 1 NO STATIC IP ADDRESS  
 \*\* INCLUDES STATIC IP (5 USEABLE)

•COMMERCIAL TIER REQUIRED FOR ALL NON-RESIDENTIAL PREMISES

Adopted and signed this 19<sup>th</sup> day of January, 2021.

I, Trisha Nelson, being duly sworn as the Clerk for the City of Marshall, hereby certify that foregoing is a true and complete copy of a resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on January 19, 2021, and that said meeting was conducted and that the minutes of said meeting were kept and will be or have been made available

\_\_\_\_\_  
 Trisha Nelson, City Clerk

**B. Marview 2 Subdivision:**

**Moved** Gates, supported Underhill, to approve the aware of the Marview #2 Subdivision Street Construction to Quality Excavators Inc. of Marshall, MI in the amount \$546,506 with a contingency of \$54,650 for a total of \$601,156. On a roll vote – ayes: Traver, Underhill, Wolfersberger, Mayor Caron, Gates, Rice, and Schwartz; nays: none. **MOTION CARRIED.**

**Moved** Traver, supported Underhill, to approve the issuance of Capital Improvement Bonds in the amount of an amount not to exceed \$900,000 over a 15-year term with the first 4 years consisting of interest only payments. On a roll call vote - ayes: Underhill, Wolfersberger, Mayor Caron, Gates, Rice, Schwartz, and Traver; nays: none. **MOTION CARRIED.**

**Moved** Gates, supported Traver, to approve the Development Agreement Phase 1, in substantial form between the City and Norfolk Homes of Alwyn Downs, LLC and authorize the Mayor and City Clerk to sign the agreement. On a roll call vote - ayes: Wolfersberger, Mayor Caron, Gates, Rice, Schwartz, Traver, and Underhill; nays: none. **MOTION CARRIED.**

**City of Marshall  
County of Calhoun, State of Michigan**

Resolution #2021-04

**NOTICE OF INTENT RESOLUTION  
CAPITAL IMPROVEMENT BONDS**

**A RESOLUTION TO PROVIDE FOR:**

- Publication of a Notice of Intent to Issue Bonds and Right of Referendum for up to \$900,000 of bonds to construct infrastructure improvements in the South 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 Act No. 61, Public Acts of Michigan, 2007, as repealed and replaced by 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 South 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 roads and underground infrastructure, sidewalks, 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 South 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 Nine Hundred Thousand Dollars (\$900,000) (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 Nine Hundred Thousand Dollars (\$900,000) for the purposes of paying costs to acquire and construct infrastructure for housing in the development area of the South Neighborhood Improvement Authority, including roads and underground infrastructure, sidewalks, 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 South 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.

Trisha Nelson  
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 may incur expenditures for the Capital Improvements prior to receipt of proceeds of the Bonds, and may advance moneys for that purpose from the general fund, to be reimbursed from proceeds of the Bonds when available. The Finance Director shall keep a specific record of all such expenditures.

5. In case any portion of the Bonds can be issued on a tax-exempt basis, the City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) As of the date hereof, the City reasonably expects to reimburse itself with the proceeds of debt to be incurred by the City for costs of the Capital Improvements that were or will be paid subsequent to sixty (60) days prior to the date hereof.
- (b) The maximum principal amount of debt expected to be issued for the Capital Improvements is the amount shown in the foregoing notice of intent.
- (c) The expenditures described above are "capital expenditures" as defined in Treasury Regulation § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

6. 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.

7. 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.

8. 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.

9. 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 January 19, 2021 at 7:00 o'clock p.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 Gates, Rice, Schwartz, Traver, Underhill, Wolfersberger, and Mayor Caron and that the following Members were absent: None.

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

I further certify that the following Members voted for adoption of said Resolution: Members Gates, Rice, Schwartz, Traver, Underhill, Wolfersberger, and Mayor Caron. The following Members voted against adoption of said Resolution: None.

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City Clerk

**C. 2021 Water and Sewer Rates:**

**Moved** Underhill, supported Gates, to approve the Water/Sewer Rate fee schedules for implementation on February 1, 2021. On a roll call vote - ayes: Gates, Rice, Schwartz, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN**

**RESOLUTION #2021-05**

**WHEREAS**, Chapter 53; Sections 53.01 and 53.02 of the Code of Ordinances, as amended, otherwise known as the Water Rates and Sewer Rates, references that charges for various services shall be established by Resolution.



**BE IT RESOLVED** that the Marshall City Council does hereby set the following Water Rates and Sewer Rates for services as indicated in Chapter 53; Sections 53.01 and 53.02:

**§ 53.01 WATER RATES.**

Readiness to Serve Charge (per Meter, per Month)

Meter Size	Monthly Readiness to Serve Charge: February 1, 2021
1" or smaller	\$ 20.95
1.5"	\$ 53.83
2"	\$ 97.12
3"	\$ 218.69
4"	\$ 409.35
6"	\$ 880.39

Commodity Charge (per 100 Cubic Foot)

Cubic Foot (cft)		Commodity Charge: February 1, 2021
Up to	3,000	\$ 3.44
Next	12,000	\$ 2.75
Beyond	15,000	\$ 2.06

**§ 53.02 SEWER RATES.**

**Readiness to Serve Charge (per Water Meter, per Month)**

Water Meter Size	Readiness to Serve Charge: February 1, 2021
1" or smaller	\$ 17.96
1.5"	\$ 41.04
2"	\$ 66.81
3"	\$ 134.16
4"	\$ 263.47
6"	\$ 506.65

**Commodity Charge (per 100 Cubic Foot)**

Usage (100 cft)	Commodity Charge: February 1, 2021
within Corporate Limits	\$ 4.25
outside Corporate Limits	\$ 4.25

**Flat Rate Charge (per Month)**

Flat Rate Charge:  February 1, 2021
\$43.46

This resolution and the charges set forth herein shall take effect **February 1, 2021**.

Dated: January 19, 2021

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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 a resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on January 19, 2021 and that said meeting was conducted and that the minutes of said meeting were kept and will be or have been made available.

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Trisha Nelson, City Clerk

**D. Marshall House Broker:**

**Moved** Wolfersberger, supported Schwartz to approve the release of an RFP for a broker that would represent the City in possible sale of the Marshall House Apartments. On a roll call vote - ayes: Rice, Schwartz, Traver, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: none. **MOTION CARRIED.**

**E. Finance and Accounting Services:**

**Moved** Gates, supported Underhill, to accept the proposal from The Woodhill Group of Royal Oak, MI to provide Finance and Accounting Services. On a roll call vote - ayes: Schwartz, Traver, Underhill, Wolfersberger, Mayor Caron, Gates, and Rice; nays: none. **MOTION CARRIED.**

**APPOINTMENTS/ELECTIONS**

None

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

Barry Wayne Adams spoke regarding the overreaching of government.

**ADJOURNMENT**

The meeting was adjourned at 8:08 p.m.

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Joe Caron, Mayor

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Trisha Nelson, City Clerk