

### **CALL TO ORDER**

IN REGULAR SESSION, Monday, March 15, 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 (Naples, FL), Gates (Marshall, MI), Rice (Marshall, MI), Schwartz (Dallas, TX), Traver (Marshall, MI), Underhill (Marshall, MI), and Wolfersberger (Marshall, MI).

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: None.

### **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** Wolfersberger, supported Schwartz, to approve the agenda with the addition of the Michigan South Central Power Agency invoice in the amount of \$735,228.36. On a roll call vote – ayes: Gates, Rice, Schwartz, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

### **PUBLIC COMMENT ON AGENDA ITEMS**

Barry Wayne Adams checked to see if his microphone was working after the mishap at the last Council meeting.

### **CONSENT AGENDA**

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

- A. Approve Amendment No. 1 of the Development Agreement Phase 1, in substantial form, between the City and Norfolk Homes of Alwyn Downs, LLC and authorize the Mayor and Clerk to sign the agreement;
- B. Approve the Resolution Authorizing the Issuance and Sale of 2021 Electric Department Fund Bonds in an amount not to exceed \$2,665,000 and to grant the City Manager the authority to sell and deliver the bonds without any further Council action;
- C. Approve the Resolution Authorizing the Issuance and Sale of 2021 South Neighborhood Improvement Authority Bonds in an amount not to exceed \$765,000 and to grant the City Manager the authority to sell and deliver the bonds without any further Council action;
- D. Minutes of the City Council Regular Session held on Monday, March 1, 2021;

- E. Approve city bills in the amount of \$2,411,259.28.

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**

**A. Zoning Amendment Application #RZ21.01 to rezone 410 East Drive from POSD-Professional Office Service District to R-2-Suburban Residential District:**

Planning and Zoning Administrator Nelson provided background regarding the request from the Calhoun County Land Bank for the rezoning request for 410 East Drive.

Mayor Caron opened the public hearing to hear comment on Zoning Amendment Application #RZ21.01 for 410 East Drive.

Hearing no comment, the hearing was closed.

**Moved** Wolfersberger, supported Gates, to approve the recommendation from the Planning Commission to approve Rezoning Request #RZ21.01 for 410 East Drive to rezone 410 East Drive from POSD-Professional Office Service District to R-2-Suburban Residential District. On a roll vote – ayes: Schwartz, Traver, Underhill, Wolfersberger, Mayor Caron, Gates, and Rice; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL  
ORDINANCE #2021- 06**

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 410 EAST DRIVE, PARCEL #53-002-270-00, FROM THE ZONING DISTRICT OF PROFESSIONAL OFFICE SERVICE DISTRICT (POSD) TO SUBURBAN RESIDENTIAL DISTRICT (R-2).

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 Suburban Residential (R-2).



**TAX PARCEL #53-002-270-00 (410 EAST DRIVE.) LEGAL DESCRIPTION**

MARSHALL CITY, PART OF SEC 24-2-6 BEG SE COR LOT 140 EAST DR PLAT NO. 5 W ALG N LI MANN RD TO EAST DR-NLY ALG E LI EAST DR TO S LI EAST DR PLAT NO. 2- ELY ALG S LI EAST DR PLAT NO. 2 & 4 TO W LI EAST DR PLAT NO. 5 S TO POB.

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 15 day of March, 2021.

\_\_\_\_\_  
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 March 15, 2021, 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.

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Trisha Nelson, CITY CLERK

### **OLD BUSINESS**

None.

### **REPORTS AND RECOMMENDATIONS**

#### **A. Oaklawn Hospital Development Agreement:**

**Moved** Schwartz, supported Wolfersberger, to table consideration of the Oaklawn Hospital Development Agreement until the City Attorney has an opportunity to research the issue. On a roll vote – ayes: Traver, Underhill, Wolfersberger, Mayor Caron, Gates, Rice, and Schwartz; nays: none. **MOTION CARRIED.**

#### **B. Bid Award – Audit Services:**

**Moved** Underhill, supported Schwartz, to approve the proposal from Manor-Costerisan of Lansing, MI for the amount of \$28,500 for FY2021 and accept the contract for a term of six (6) years for the audit periods ending June 30, 2021 through June 30, 2026. On a roll vote – ayes: Underhill Wolfersberger, Mayor Caron, Gates, Rice, Schwartz, and Traver; nays: none. **MOTION CARRIED.**

#### **C. Hydro Electric Dam Remediation Project:**

**Moved** Gates, supported Rice, to approve awarding the construction contract for the FERC required remediation of the City of Marshall's Perrin Dam to the low and qualified bidder, Mead Brothers Excavating, Inc. of Springport, MI in the amount of \$1,509,938.00 with a \$226,500 (15%) contingency and authorize the City Clerk to sign the contract. On a roll call vote – ayes: Rice, Schwartz, Traver, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: none. **MOTION CARRIED.**

#### **D. FiberNet Deficit Elimination Plan:**

**Moved** Wolfersberger, supported Underhill, to approve the deficit elimination plan for the FiberNet Fund and to direct the Finance Department to file the plan with the Michigan Department of Treasury. On a roll call vote – ayes: Schwartz, Traver, Underhill, Wolfersberger, Mayor Caron, Gates, and Rice; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN**

**RESOLUTION # 2021-14**

**WHEREAS**, the City of Marshall's **FiberNet Fund** has an unrestricted net position deficit of \$4,575,818 on June 30, 2020; and

**WHEREAS**, Public Act 140, of 1971, as amended, requires that a Deficit Elimination Plan be formulated and approved by the City of Marshall, and filed with the Michigan Department of Treasury; and

**WHEREAS**, this is the second year of a five-year deficit elimination plan with the Michigan Department of Treasury; and

**WHEREAS**, a rate increase was approved by the City Council in January of 2021 of 10% for residential customers;

**NOW THEREFORE BE IT RESOLVED**, that the City of Marshall Council adopts the following as the City of Marshall **FiberNet Fund** Deficit Elimination Plan:

<b>FIBERNET</b>			
	3rd year of Deficit Elimination Plan	4th year of Deficit Elimination Plan	5th year of Deficit Elimination Plan
	FY2021	FY2022	FY2023
<b>Unrestricted Net Position (Deficit) July 1</b>	<b>(4,575,818)</b>	<b>(4,462,469)</b>	<b>(4,129,104)</b>
<b>Revenue</b>			
Residential Sales	862,827	995,000	995,000
Commercial Sales	161,148	173,000	173,000
Penalties Income	18,025	35,000	35,000
Interest	0	0	0
Miscellaneous Revenue	0	0	0
<b>Total Revenue</b>	<b>1,042,000</b>	<b>1,203,000</b>	<b>1,203,000</b>
<b>Expenditures</b>			
Salaries and Fringes	347,539	326,020	338,752
Material and Supplies/Rent	80,570	70,288	70,369
Contracted Services	285,360	212,000	216,240
Insurance	5,000	5,100	5,202
Maintenance	51,000	52,000	53,000
Administrative	20,500	25,600	20,500
Loan Interest	84,000	84,000	80,543
Depreciation	137,750	137,750	137,750
Other Expenses	19,873	59,818	68,894
Transfers Out	34,809	34,809	34,809
<b>Total Expenditures</b>	<b>1,066,401</b>	<b>1,007,385</b>	<b>1,026,059</b>
<b>Add Back Depreciation</b>	<b>137,750</b>	<b>137,750</b>	<b>137,750</b>
<b>Unrestricted Net Position (Deficit) June 30</b>	<b>(\$4,462,469)</b>	<b>(\$4,129,104)</b>	<b>(\$3,814,413)</b>
<b>FIBERNET</b>			
	3rd year of Deficit Elimination Plan	4th year of Deficit Elimination Plan	5th year of Deficit Elimination Plan
	FY2021	FY2022	FY2023
<b>Current Assets - Current Liab. (Deficit)-not including accrued interest-July 1</b>	<b>(\$145,433)</b>	<b>(\$32,084)</b>	<b>\$301,281</b>
<b>Revenues</b>	<b>1,042,000</b>	<b>1,203,000</b>	<b>1,203,000</b>
<b>Expenditures</b>	<b>(1,066,401)</b>	<b>(1,007,385)</b>	<b>(1,026,059)</b>
<b>Add Back Depreciation</b>	<b>137,750</b>	<b>137,750</b>	<b>137,750</b>
<b>Current Assets - Current Liab. (Deficit)-not including accrued interest-June 30</b>	<b>(\$32,084)</b>	<b>\$301,281</b>	<b>\$615,972</b>

**BE IT FURTHER RESOLVED** that the City of Marshall's Interim Finance Director is directed to submit the Deficit Elimination Plan to the Michigan Department of Treasury for certification.

**CERTIFICATION OF CITY CLERK**

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Marshall at a regular meeting held on the 15th day of March, 2021.

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

\_\_\_\_\_  
Date

**E. Electric Deficit Elimination Plan:**

**Moved** Traver, supported Rice, to table any action on the deficit elimination plan for the Electric Fund until more discussion can take place with Courtney and Associates and Karen Lancaster. On a roll call vote – ayes: Rice, Schwartz, Traver, Underhill, Mayor Caron, and Gates; nays: Wolfersberger. **MOTION CARRIED.**

**F. 2021 Street Improvements #1 Construction bids:**

**Moved** Rice, supported Underhill, to accept the bid from Michigan Paving & Materials of Jackson, MI for the 2021 Street Improvements #1 in the amount of \$953,143.00 with an additional contingency of \$98,857 for a total funded amount of \$1,052,000. On a roll call vote – ayes: Traver, Underhill, Wolfersberger, Mayor Caron, Gates, Rice and Schwartz; nays: none. **MOTION CARRIED.**

**APPOINTMENTS/ELECTIONS**

None.

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

Barry Wayne Adams feels Zoom does not comply with OMA. Mr. Adams provided some credible information to City Council on the chat function and he also believes that mask wearing is ineffective.

**ADJOURNMENT**

The meeting was adjourned at 8:43 p.m.

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Joe Caron, Mayor

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Trisha Nelson, City Clerk