

**CALL TO ORDER**

IN REGULAR SESSION, Monday, June 7, 2021 at 7:00 P.M., at the Marshall Regional Law Enforcement Center, 714 Old US 27 N, Marshall, MI 49068. City Council was called to order by Mayor Caron.

**ROLL CALL**

Roll was called:

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

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: Council Member Schwartz.

**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 Underhill, to approve the agenda with the addition of item 7E. Youngish Professionals Summer Fountain Events. On a voice vote – **MOTION CARRIED.**

**PUBLIC COMMENT ON AGENDA ITEMS**

Ian Stewart and Jennifer Conley-Darling spoke regarding the Friday at the Fountain Summer events. A virtual option will be provided. Beginning July 9<sup>th</sup>, the events will be held every other Friday until September. They also requested the fees be waived.

**CONSENT AGENDA**

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

- A. Approve the resolution allowing the Allowing the American Museum of Magic to be recognized as a nonprofit organization for the purpose of obtaining a charitable gaming license;
- B. Schedule a public hearing for Monday, June 21, 2021 to consider the request for a 12-year OPRA exemption for the second and third floors of Schuler's, 115 S. Eagle Street;
- C. Minutes of the City Council Regular Session held on Monday, May 17, 2021;
- D. Approve city bills in the amount of \$266,927.83
- E. Approve the Youngish Professionals Summer Fountain events and to waive the administrative and electric fees.

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

**PRESENTATIONS AND RECOGNITION**

None.

**INFORMATIONAL ITEMS**

None.

**PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**

None.

**OLD BUSINESS**

None.

**REPORTS AND RECOMMENDATIONS**

**A. Fiscal Year 2022 Budget:**

**Moved** Traver, supported Underhill, to adopt the Fiscal Year 2022 budget and related property tax millage rates.

Suggested amendments were presented for the Fiscal Year 2022 budget to be considered individually.

Amendment #1

**Moved** Traver, supported Gates, to remove the Compensation Study and decrease the General Fund Budget. On a roll call vote – ayes: Rice, Traver, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: none. **MOTION CARRIED.**

Amendment #2

**Moved** Traver, supported Rice, to reduce the raises for Non-Union staff from 3% to 2% in the FY22 Budget. On a roll call vote – ayes: Traver, Wolfersberger, Mayor Caron, Gates, and Rice; nays: Underhill. **MOTION CARRIED.**

Amendment #3

**Moved** Traver, supported Wolfersberger, to add back the City Manager vehicle allowance and increase the General Fund Budget. On a roll call vote – ayes: Underhill, Wolfersberger, Mayor Caron, Gates, Rice, and Traver; nays: none. **MOTION CARRIED.**

Amendment #4

**Moved** Gates, supported Underhill, to remove the vacant police patrol detective position from the General Fund Police Department budget. On a roll call vote – ayes: Wolfersberger, Mayor Caron, Gates, Rice, Traver, and Underhill; nays: none.

**MOTION CARRIED.**

Amendment #5

**Moved** Wolfersberger, supported Rice, to remove the vacant administrative assistant position from the Electric Fund budget. On a roll call vote – ayes: Rice and Underhill; nays: Gates, Traver, Wolfersberger, and Mayor Caron. **MOTION DEFEATED.**

Amendment #6

**Moved** Gates, supported Traver, to approve the amendment to reflect the health care savings for switching health care providers for the Fiscal Year 2022. On a roll call vote – ayes: Rice, Traver, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: none. **MOTION CARRIED.**

Amendment #7

**Moved** Traver, supported Wolfersberger, to add the ordinance codification contract to the General Fund budget. On a roll call vote – ayes: Traver, Underhill, Wolfersberger, Mayor Caron, Gates, and Rice; nays: none. **MOTION CARRIED.**

Amendment #8

**Moved** Wolfersberger, supported Traver, to remove the GIS Master Plan and decrease the General Fund Budget. On a roll call vote – ayes: Underhill, Wolfersberger, Mayor Caron, Gates, Rice, and Traver; nays: none. **MOTION CARRIED.**

Amendment #9

**Moved** Underhill, supported Rice, to add in the cost of stump removal and increase the General Fund Budget. On a roll call vote – ayes: Mayor Caron, Gates, Rice, Traver, and Wolfersberger; nays: Wolfersberger. **MOTION CARRIED.**

Amendment #10

**Moved** Wolfersberger, supported Underhill, to remove the Capital Fire Truck funding and decrease the General Fund Budget. On a roll call vote – ayes: Gates, Rice, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

Amendment #11

**Moved** Rice, supported Traver, to remove the vacant lineman position from the Electric Fund Budget. On a roll call vote – ayes: Rice, Traver, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: none. **MOTION CARRIED.**

Amendment #12

**Moved** Underhill, supported Wolfersberger, to move the payroll allocation from the General Fund to the Electric Fund budget to recognize change in staffing. On a roll call vote – ayes: Traver, Underhill, Wolfersberger, Mayor Caron, Gates, and Rice; nays: none. **MOTION CARRIED.**

Restating of original motion:

**Moved** Traver, supported Underhill, to adopt the Fiscal Year 2022 budget as amended and related property tax millage rates. On a roll call vote – ayes: Underhill, Wolfersberger, Mayor Caron, Gates, Rice, and Traver; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN  
RESOLUTION #2021-24

**THE CITY OF MARSHALL**  
**GENERAL APPROPRIATION ACT AND TAX LEVY RESOLUTION**  
**July 1, 2021 – June 30, 2022**

Whereas, City Council has reviewed the City Administrator's proposed budget for FY 2022 for the City of Marshall; and

Whereas, A public hearing has been held to obtain citizen input on the proposed budget; and

Whereas, an annual budget is required for purposes of compliance with City Charter and State of Michigan Uniform Budgeting and Accounting Act (Public Act 2 of 1968, as amended);

THE CITY OF MARSHALL RESOLVES that the following appropriations for the fiscal year, commencing July 1, 2021, and ending June 30, 2022, are hereby appropriated on a departmental level in the General Fund and fund total basis in all other funds as follows:

Marshall City Council, Regular Session  
Monday, June 7, 2021

<b>General Fund Revenues</b>	
Taxes	4,043,281
Licenses & Permits	322,000
Intergovernmental	878,285
Charges for Services	135,730
Fines & Forfeitures	11,800
Interest	6,029
Miscellaneous	180,102
Transfers In	1,768,820
Marshall Regional Law Enforcement Center	328,826
Recreation	452,154
Farmer's Market	22,100
Airport	157,020
<b>Total General Fund Revenues</b>	<b>8,306,147</b>
	<b>FY 2022</b>
	<b>Adopted</b>
<b>General Fund</b>	
City Council	3,017
City Manager	279,310
Assessor	70,098
City Attorney	68,000
Human Resources	96,256
Clerk	61,621
Finance/Treasurer	532,016
City Hall	78,603
Chapel	1,835
Other City Property	56,000
Non-Departmental	897,529
PSB Operations	123,755
Police	2,095,631
Dispatch	191,000
Fire	1,394,280
Cemetery	171,612
Streets	867,880
Engineering	26,582
Compost	45,750
Building Inspection - Code Enforcement	139,488
Planning & Zoning	52,691
Parks	82,118
Capital Improvements	198,500
Marshall Regional Law Enforcement Center	405,714
Recreation	453,521
Farmer's Market	23,066
Airport	155,203
<b>Total General Fund Expenditures</b>	<b>8,571,076</b>

<b>All Funds Revenues</b>	
General Fund	8,306,147
MVH--Major & Trunkline	949,057
MVH--Local	236,034
Municipal Street Fund	594,439
Leaf, Brush and Trash Removal	173,848
NE Neighborhood Improvement Authority	39,768
South Neighborhood Improvement Authority	31,660
Local Development Finance Authority	746,738
Downtown Development Authority	242,614
Marshall House	1,064,020
Fiber to the Premise	1,203,000
Electric	16,668,608
Dial-A-Ride	532,007
Wastewater	1,950,879
Water	2,007,246
Solid Waste	330,900
Data Processing	173,237
Motor Pool	882,595
<b>Total Revenues</b>	<b>\$ 36,132,797</b>

<b>All Funds' Expenditures</b>	
General Fund	8,571,076
MVH--Major & Trunkline	938,099
MVH--Local	587,236
Municipal Street Fund	2,358,627
Leaf, Brush and Trash Removal	150,411
NE Neighborhood Improvement Authority	72,500
South Neighborhood Improvement Authority	24,544
Local Development Finance Authority	593,537
Downtown Development Authority	232,520
Marshall House	950,001
Fiber to the Premise	998,492
Electric	14,696,472
Dial-A-Ride	525,770
Wastewater	2,510,671
Water	2,977,304
Solid Waste	311,543
Data Processing	222,123
Motor Pool	1,396,504
<b>Total Expenditures</b>	<b>\$ 38,117,430</b>

Total fund reserves (not including the capitalization of assets) shall be decreased by

\$1,984,633 based on the FY 2022 revenues and expenditures for All Funds.

RESOLVED, That the City Council does hereby levy a tax of 17.1629 mills, subject to Headlee rollback, for the period of July 1, 2021, through June 30, 2022 on all taxable real and non-exempt personal property in the City of Marshall, according to the valuation of the same. This tax is levied for the purpose of defraying the general expense and liability of the City of Marshall and is levied pursuant to Section 8.01, Article 8 of the Charter of the City of Marshall.

The City Council does hereby levy a tax of .7480 mills, subject to Headlee rollback, for the period of July 1, 2021, through June 30, 2022, on all taxable real and non-exempt personal property in the City of Marshall, according to the valuation of the same. This tax is levied for the purpose of defraying the expense of operating the Leaf, Brush and Trash Removal Services of the City of Marshall as authorized by a vote of the citizens on August 4, 2020.

The City Council does hereby levy a tax of 2.4935 mills, subject to Headlee rollback, for the period of July 1, 2021, through June 30, 2022, on all taxable real and non-exempt personal property in the City of Marshall, according to the valuation of the same. This tax is levied for the purpose of municipal street reconstruction for the City of Marshall as authorized by a vote of the citizens on November 3, 2020.

The City Council does hereby levy a tax of .9147 mills, subject to Headlee rollback, for the period of July 1, 2021, through June 30, 2022, on all taxable real and non-exempt personal property in the City of Marshall, according to the valuation of the same. This tax is levied to operate the Dial-A-Ride Transportation System in the City of Marshall as authorized by a vote of the citizens on August 5, 1975.

The City Council does hereby levy a tax of .9147 mills, subject to Headlee rollback, for the period of July 1, 2021, through June 30, 2022, on all taxable real and non-exempt personal property in the City of Marshall, according to the valuation of the same. This tax is levied for the purpose of defraying the expense of operating the Recreation Department of the City of Marshall as authorized by a vote of the citizens on April 4, 1959.

The City Council does hereby levy a tax of 1.5939 mills, subject to Headlee rollback, for the period of July 1, 2021, through June 30, 2022, on all taxable real and non-exempt personal property in the City of Marshall, according to the valuation of the same in a district known as the Downtown Development District. This tax is levied for the purpose of defraying the costs of the Downtown Development Authority.

Marshall City Council, Regular Session  
Monday, June 7, 2021

	Proposed FY22 Rates	Actual FY21 Rates	Difference
General Operating	17.1629	17.1629	-
Leaf, Brush and Trash Removal Services	0.7480	0.4882	0.2598
Recreation	0.9147	0.9171	(0.0024)
Municipal Street Fund	2.4935	-	2.4935
Dial-A-Ride	0.9147	0.9171	(0.0024)
Downtown Development Authority	1.5939	1.5981	(0.0042)
<b>TOTAL</b>	<b>23.8277</b>	<b>21.0834</b>	<b>2.7443</b>

RESOLVED, that the City Manager is authorized to make budgetary transfers within the appropriation centers established through this budget, and that all transfers between departments or funds may be made by the City Manager in an amount not to exceed \$20,000 per occurrence without prior Council approval pursuant to Section 19.2 of the provisions of the Michigan Uniform Accounting and Budgeting Act.

The City Council of the City of Marshall did give notice of the time and place when a public hearing on adoption of the budget would be held in accordance with Public Act 43 of 1963, proof of publication of the Notice of Public Hearing is now on file, and which Public Hearing was duly held pursuant to said notice and in conformity therewith. A copy of the budget proposal was on file with the City Clerk and on the City's website and available for public inspection at least one week prior to adoption of the budget; and

Further, the City Council of the City of Marshall did give notice of the time and place when a public hearing would be held in conformity with the provisions of Public Act 5 of 1982 authorizing a tax rate in excess of the present authorized tax rate for General Operating, Recreation, Municipal Streets, Leaf & Brush, Dial-A-Ride and Downtown Development Authority tax levies, proof of publication of Notice of Public Hearing is now on file, and which Public Hearing was duly held pursuant to said notice and in conformity therewith; and

This Resolution shall take effect July 1, 2021.

Dated: June 7, 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 June 7, 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

**B. Drunch LLC, et al v BHD Properties LLC, and the City of Marshall, Case No. 21-86-CK (109.5 E. Michigan Avenue, Marshall, MI):**

**Moved** Wolfersberger, supported Underhill, to accept the Settlement Agreement and Stipulation to Dismiss the lawsuit and authorize the City Attorney to execute and any related documents. On a roll call vote – ayes: Underhill, Wolfersberger, Mayor Caron, Gates, Rice, and Traver; nays: none. **MOTION CARRIED.**

**C. 532 Clinton Street Property Damage:**

**Moved** Gates, supported Underhill, to authorize litigation to abate any nuisance and effectuate clean-up of the fire-damaged property at 532 Clinton Street and take lawful measures to effectuate the same. On a voice vote – **MOTION CARRIED.**

**D. Purchase Agreement for the Sale of City Property to Michigan Electric Transmission Company, LLC:**

**Moved** Gates, supported Traver, to approve the Purchase Agreement for the sale of City property, being 6.397 acres, part of 53-003-150-01, on 17 Mile Road, to the Michigan Electric Transmission Company, LLC. On a roll call vote – ayes: Underhill, Mayor Caron, Gates, Rice, and Traver; nays: Underhill. **MOTION CARRIED.**

**E. Access Easement Agreement for Brooks Substation:**

**Moved** Gates, supported Rice, to approve in substantial form the Access Easement Agreement between the City of Marshall and the Michigan Electric Transmission Company, LLC, for property located on 17 Mile Road, effective only after the sale and purchase of the 6.397 acres, part of 53-003-150-01, subject to approval by the City Manager for any necessary revision to effectuate the Agreement. On a roll call vote – ayes: Wolfersberger, Mayor Caron, Gates, Rice, Traver, and Underhill; nays: none. **MOTION CARRIED.**

**F. Green Street Engineer:**

**Moved** Traver, supported Rice, to approve the design engineering proposal from Progressive AE for the Green Street Reconstruction project in the amount of \$36,500, with \$18,250 paid from the Streets millage and \$18,250 being paid by the Downtown

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

**G. Industrial Road Watermain Engineering:**

**Moved** Wolfersberger, supported Underhill, to approve the design engineering proposal from Vriesmen & Korhorn in the amount of \$37,700 to be expensed from the Water Department Professional Services line item 591-539-801.00. On a roll call vote – ayes: Rice, Traver, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: none. **MOTION CARRIED.**

**H. Mansion Street, East Drive, and North Drive Construction Engineering:**

**Moved** Wolfersberger, supported Traver, to accept the construction engineering services proposal from ENG, Inc., in the amount of \$83,138.93 to be expensed from the Major Streets Capital Outlay line item 202-900-970.00. On a roll call vote – ayes: Traver, Underhill, Wolfersberger, Mayor Caron, Gates, and Rice; nays: none. **MOTION CARRIED.**

**I. Brooks Industrial Substation Engineering:**

No action taken. Council will consider at a later date.

**J. Excessive Force Resolution:**

**Moved** Gates, supported Underhill, to adopt the resolution prohibiting the use of excessive force against non-violent demonstrators as required to receive CDBG assistance. On a voice vote – **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN  
RESOLUTION NO. 2021-25**

A RESOLUTION OF THE CITY COUNCIL OF MARSHALL, ADOPTING A POLICY PROHIBITING THE USE OF EXCESSIVE FORCE AGAINST NON-VIOLENT CIVIL RIGHTS DEMONSTRATORS.

WHEREAS the Congress of the United States has passed the Armstrong/Walker “Excessive Force” Amendment (Section 104 (L)(1) of Title I of the Housing and Community Development Act of 1974 as amended) prohibiting the use of excessive force by a local law enforcement agency against any individual engaged in nonviolent civil rights demonstration within its jurisdiction;

AND WHEREAS the City of Marshall has applied for a Michigan Community Development Block Grant and is required to comply with the Armstrong/Walker “Excessive Force” Amendment;

AND WHEREAS the use of excessive force against demonstrators may cause the CITY to lose its grant or eligibility for future federal grants;

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF MARSHALL, MICHIGAN: It is POLICY of the City that the use of excessive force is prohibited by local law enforcement agencies against individuals engaged in lawful and nonviolent civil rights demonstrations within the City.

The City will adopt and enforce a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within jurisdictions

The City Council directs the Police Chief to implement this Resolution by amending applicable police department procedures.

Motion by Council Member Underhill, with support by Council Member Wolfersberger to approve Resolution #2021-25 as presented.

Ayes: Mayor Caron, Gates, Rice, Traver, Underhill, and Wolfersberger.

Nays: None.

Absent: Schwartz.

I, Trisha Nelson, hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Council of the City of Marshall, County of Calhoun, Michigan, at a regular meeting held on June 7, 2021.

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Trisha Nelson, City Clerk

## **APPOINTMENTS/ELECTIONS**

### **A. Sister City Appointments:**

**Moved** Underhill, supported Wolfersberger, to approve the following appointments and term expirations dates for the Sister City Committee:

Mike Sullivan	10-16-23
Jack Reed	10-16-23
Charlie Cook	10-16-23
Shirley Cook	10-16-23
Sally Garman	10-16-22
Gabriella Radulescu	10-16-22
Sue Rosco	10-16-22
Candi Putman	10-16-22
Andrei Radulescu	10-16-21

On a voice vote – **MOTION CARRIED.**

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

None.

**CLOSED SESSION**

**Moved** Traver, supported Wolfersberger, to enter into 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: Rice, Traver, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: None. **MOTION CARRIED.**

Enter into Closed Session at 9:13 p.m.

Return to Open Session at 9:55 p.m.

**ADJOURNMENT**

The meeting was adjourned at 9:59 p.m.

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Joe Caron, Mayor

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Trisha Nelson, City Clerk