

CALL TO ORDER

IN REGULAR SESSION, Monday, September 20, 2021 at 7:00 P.M., in the Council Chambers of City Hall, 323 West Michigan Avenue, 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: Director of Community Services Eric Zuzga and Clerk Nelson.

Absent: Council Member Schwartz.

Moved Wolfersberger, supported Gates, to excuse the absence of Council Member Schwartz. On a voice vote – **MOTION CARRIED.**

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 Traver, to approve the agenda with moving item 7D - METRO Act Permit Application from the Consent Agenda to item 12C for further discussion. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

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

- A. Schedule a public hearing for Monday, October 4, 2021 to consider adoption of the resolution which would create an OPRA District for the property located at 105 West Michigan Avenue;
- B. Approve the purchase of a new DART bus from Hoekstra Transportation in an amount not to exceed \$87,867.00;
- C. Approve the purchase of one (1) Ford Explorer-Interceptor for a total of \$40,777 from Gorno Ford, Woodhaven, MI, who is the MiDeal awarded dealership;
- D. Minutes of the City Regular Session held on Monday, August 16, 2021 and Special Session held on Monday, August 30, 2021;
- E. Approve city bills in the amount of \$3,291,185.65.

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

PRESENTATIONS AND RECOGNITION

Public Safety Director Scott McDonald, Fire Chief Erskine, and Police Chief Lanker recognized various Marshall Fire Fighters and Police Officers.

INFORMATIONAL ITEMS

A. Event Report – Skeleton Fest:

Moved Underhill, supported Gates, to approve the closing of the parking lot at the SW corner of Hamilton Street and Michigan Avenue on Saturday, September 25, 2021 from 1:00 p.m. to 10:00 p.m. On a voice vote – **MOTION CARRIED.**

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

None.

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Special Land Use #SLU21.02 for 205 W. Oliver Drive:

Moved Wolfersberger, supported Traver, to approve Special Land Use Application #SLU21.02 for Gen Two Solutions, LLC for 205 W. Oliver Drive. On a voice vote – **MOTION CARRIED.**

B. Michigan Gas Utility Easement:

Moved Traver, supported Gates, to approve the additional easements for parcel 15-311-015-00, in substantial form, and authorize the City Clerk to sign the documents. On a voice vote – **MOTION CARRIED.**

C. METRO Act Permit Application – ACD.net:

Moved Gates, supported Underhill, to approve the METRO Act Unilateral Permit, in substantial form, for ACD.net for a period of five years. On a voice vote – ayes: 5; nays: 1. **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

A. Downtown Development Authority/Local Development Finance Authority:

Moved Traver, supported Wolfersberger, to approve the reappointment of Mike Beck and Jason LaForge to the DDA/LDFA with terms expiring September 15, 2025. On a voice vote: **MOTION CARRIED.**

B. South Neighborhood Improvement Authority Board:

Moved Gates, supported Underhill, to approve the reappointment of Lucy Blair to the South NIA with a term expiring December 31, 2024. On a voice vote – **MOTION CARRIED.**

C. Northeast Neighborhood Improvement Authority:

Moved Wolfersberger, supported Rice, to approve the reappointment of Lucy Blair and David DeGraw to the Northeast NIA with terms expiring December 31, 2024. On a voice vote – **MOTION CARRIED.**

D. Airport Board:

Moved Gates, supported Underhill, to approve the reappointment of Steve Buller to the Airport Board with a term expiring October 1, 2024. On a voice vote – **MOTION CARRIED.**

E. Parks and Recreation Board:

Moved Underhill, supported Wolfersberger, to approve the reappointment of Gerald Underhill to the Parks and Recreation Board with a term expiring July 1, 2024. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON NON-AGENDA ITEMS

Barry Wayne Adams of 622 W. Green commented regarding his experience paying property taxes. The finance department would not allow him to sign over a check to the city that was made out to him. He feels this was not right and was made to jump through hoops.

Justin Dahlenburger of Grand River Brewery apologized for October Fest and the lack of coordination. His staff has been property trained and assured the city this would not happen again.

Steve Meyer, Lead lineman for the City, publicly stated how lucky the city is for the electric line crew and how he feels they deserve more.

CLOSED SESSION

Closed Session #1:

Moved Wolfersberger, supported Traver, to enter in to closed session under section 8(e) of the Open Meetings Act, to consult with the City Attorney regarding trial or settlement strategy in connection with specific pending litigation, being: Norfolk Homes v City of Marshall et. al., No. 21-2218-CH, as open session would have a detrimental financial effect on the litigating or settlement position of the public body. On a roll call vote – ayes: Gates, Rice, Traver, Underhill, Wolfersberger, and Mayor

Caron; nays: none. **MOTION CARRIED.**

Enter in to Closed Session 8:07 p.m.

Return to Open Session 8:23 p.m.

Closed Session #2:

Moved Traver, supported Wolfersberger, to enter in to closed session under section 8(h) of the Open Meetings Act, to consider material exempt from disclosure by state statute, section 13(1)(g) of the Freedom of Information Act, being confidential attorney-client privileged written communication from its attorney dated September 20, 2021, regarding Marshall House, for the reason that the written communications are exempt from disclosure under State law due to the attorney-client privilege.” On a roll call vote – ayes: Rice, Traver, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: none. **MOTION CARRIED.**

Enter in to Closed Session 8:24 p.m.

Return to Open Session 8:59 p.m.

ADJOURNMENT

The meeting was adjourned at 8:59 p.m.

Joe Caron, Mayor

Trisha Nelson, City Clerk