

CALL TO ORDER

IN REGULAR SESSION, Monday, December 6, 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, Schwartz, Traver, Underhill and Wolfersberger.

Also Present: City Manager Tarkiewicz and Clerk Nelson

Absent: None.

INVOCATION/PLEDGE OF ALLEGIANCE

Scott Loughrige of Cross Roads Church & Ministries gave the invocation and Mayor Caron led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Wolfersberger, supported Gates, to approve the agenda with the addition of item 7H. Schedule Special Session. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

Moved Schwartz, supported Rice, to approve the Consent Agenda:

- A. Receive the 2022 City Council Meeting dates;
- B. Receive the listing of the 2022 Board and Commission positions that are scheduled to expire and the term of office;
- C. Approve the resolution authorizing the Clerk to sign the agreement with MDOT for contract number 21-5449 for S. Kalamazoo Avenue from Michigan Avenue to Industrial Road;
- D. Approve the resolution authorizing William Dopp III, Deputy Finance Director and Tom Tarkiewicz, City Manager as legal signers for accounts belonging to the City of Marshall and authorizing Tamera Palodichuk, Payroll/Accounting Clerk, to conduct daily business effective November 1, 2021;
- E. Schedule a public hearing for Monday, January 3, 2022 to consider the submission of a CDBG Application for 105 West Michigan Avenue.
- F. Minutes of the City Council Regular Session held on Tuesday, November 16, 2021 and Special Session held on Thursday, December 2, 2021;
- G. Approve city bills in the amount of \$547,333.83.

On a roll call vote – ayes: Gates, Rice, Schwartz, Traver, Underhill, Wolfersberger,

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

PRESENTATIONS AND RECOGNITION

A. 2021 Annual Financial Audit:

Maner Costerisan presented the FY2021 Financial Audit for the City of Marshall.

B. MAEDA Update:

Jim Durian, MAEDA CEO, updated the City Council on MAEDA programs and activities.

C. Certificates of Appreciation:

Mayor Caron presented certificates of appreciation to past Boards and Commissions member who ended their service in 2021.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Update to LDFA TIF and Development Plan:

Due to the funding proposed for the upcoming Brooks electric substation, an update to the LDFA TIF and Development Plan was deemed necessary.

Mayor Caron opened the Public Hearing to hear public comment regarding the proposed changes to the LDFA TIF and Development Plan.

Hearing no public comment, the hearing was closed.

Moved Gates, supported Wolfersberger, to approve the changes to the Local Development Finance Authority TIP Plan and Development Plan. On a roll call vote – ayes: Rice, Schwartz, Traver, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN

RESOLUTION #2021-42

RESOLUTION APPROVING AMENDMENTS TO THE DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN OF THE LOCAL DEVELOPMENT FINANCE AUTHORITY

A RESOLUTION TO APPROVE:

- Amendment to LDFA Plan to add construction and financing of an electric substation.

WHEREAS, the City of Marshall, County of Calhoun, State of Michigan (the "City") previously established the Local Development Finance Authority of the City of Marshall (the "Authority") under the provisions of Act No. 281, Public Acts of Michigan, 1986 ("Act 281"); and

WHEREAS, Act 281 was repealed and replaced by the Recodified Tax Increment Financing Act, Act No. 57, Public Acts of Michigan, 2018 ("Act 57"); and

WHEREAS, the Authority previously approved a Development Plan, as amended (the "Development Plan") and a Tax Increment Financing Plan, as amended (the "Tax Increment Financing Plan") pursuant to which the Authority has financed infrastructure and other public facilities in the Authority's development area; and

WHEREAS, the Authority intends to acquire and construct additional public facilities (as defined in Part 4 of Act 57) comprised of an electric substation, and other public facilities, in the Authority's development area, together with any appurtenances and attachments thereto and any related site improvements (collectively, the "Project"); and

WHEREAS, the Authority intends to finance the Project through the issuance of tax increment revenue bonds, and to repay the bonds from tax increment revenues collected under the Tax Increment Financing Plan; and

WHEREAS, the Authority has prepared the Plan Amendments presented herewith (the "Plan Amendments") in order to add construction and financing of the Project and to extend the term of the Development Plan and Tax Increment Financing Plan; and

WHEREAS, the City Council has given the taxing jurisdictions levying taxes subject to capture an opportunity to meet with the City Council and to express their views and recommendations regarding the Plan Amendments; and

WHEREAS, the City Council held a public hearing on the Plan Amendments as required by Part 4 of Act 57.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Public Purpose. The City Council hereby determines that the Development Plan and Tax Increment Financing Plan as amended by the Plan Amendments constitutes a public purpose.

2. Review of Plans. As required by Part 4 of Act 57, the City Council has taken the following considerations into account in reviewing the Development Plan and Tax Increment Financing Plan as amended by the Plan Amendments:

(a) The Development Plan meets the requirements set forth in Section 415(2) of Part 4 of Act 57, and the Tax Increment Financing Plan meets the requirements of Part 4 of Act 57 as set forth in section 412(1), (2) and (3).

(b) The proposed method of financing the public facilities is feasible and the Authority has the ability to arrange the financing.

(c) The development is reasonable and necessary to carry out the purposes of Part 4 of Act 57.

(d) The estimate of the Captured Assessed Value (as defined in Part 4 of Act 57) to result from adoption of the amendments to the Development Plan and Tax Increment Financing Plan is reasonable.

(e) The land to be acquired under the Development Plan, if any, is reasonably necessary to carry out the purposes of the Development Plan and the purposes of Part 4 of Act 57.

(f) The Development Plan is in reasonable accord with the approved master plan of the City.

(g) Public services, such as fire and police protection and utilities, are or will be adequate to service the property described in the Development Plan.

(h) Changes in zoning, streets, street levels, intersections, and utilities, to the extent required by the Development Plan, are reasonably necessary for the Project and for the City.

3. Approval and Adoption of Plan Amendments. The City Council hereby approves and adopts the Plan Amendments as submitted by the Authority. The City Clerk is hereby directed to make and preserve a record of the public hearing, including all data presented at the public hearing, and to maintain on file in the City Clerk's office a copy of the Development Plan and Tax Increment Financing Plan as amended by the Plan Amendments.

4. Recission. 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 adopted by the City Council of the City of Marshall, State of Michigan, at a Regular Meeting on December 6, 2021, at 7:00 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, 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: Mayor Caron, Gates, Rice, Schwartz, Traver, Underhill, and Wolfersberger and that the following Members were absent: None.

I further certify that Member Gates moved for adoption of said resolution and that Member Wolfersberger supported said motion.

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

Trisha Nelson, City Clerk

B. Zoning Ordinance and Code of Ordinances to repeal Hoop Houses:

Attorney Revore provided background regarding the proposed ordinance amendments. The proposed change will repeal Hoop Houses as a permitted use in the City of Marshall.

Mayor Caron opened the public hearing to hear public comment regarding the proposed amendments to the Zoning Ordinance and Code of Ordinances to repeal Hoop Houses and to prohibit such use.

Hearing no comment, the hearing was closed.

Moved Gates, supported Underhill, to approve the Zoning Ordinance and Code of Ordinance amendment to repeal Hoop Houses and to prohibit such use in the City of Marshall. On a roll call vote – ayes: Schwartz, Traver, Underhill, Wolfersberger, Mayor Caron, Gates, and Rice.; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN

Ordinance No. 2021-09

PREAMBLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2019-06, AS AMENDED, TO REPEAL THE CULTIVATION OF MARIHUANA IN HOOP HOUSES; TO AMEND SECTIONS “DEFINITIONS”, “LOCATION AND ELIGIBILITY”, AND “MARIHUANA CULTIVATION”; TO AMEND ANY SECTIONS INCONSISTENT WITH ORDINANCE NO. 2019-06, AS AMENDED; AND TO ESTABLISH AN EFFECTIVE DATE AS PROVIDED BY LAW.

The City of Marshall, Michigan Ordains:

§ 1. PURPOSE. The purpose of this Ordinance is to amend City Ordinance 2019-06, as amended, and the Code of Ordinances of the City of Marshall, Title XI Business

Regulations, Chapter 121, Commercial Marihuana, as amended, to repeal “Hoop Houses” and delete all such use reference thereto, and to prohibit such “Hoop House” use within the City limits of the City of Marshall and on any property that the City controls under an interlocal governmental agreement.

It is the intent of these provisions to provide for the health, safety and welfare of the citizens of Marshall that quality of life is not impaired, neighborhood character is preserved, commercial activities developed and increased, employment opportunities expanded, and positive planned land use developed.

§ 2. “HOOP HOUSES” REPEALED AND PROHIBITED. That all sections of Ordinance # 2019-06, as amended, and the Code of Ordinances of the City of Marshall, Title XI Business Regulations, Chapter 121, Commercial Marihuana, as amended, shall repeal “Hoop Houses” and all such “Hoop House” cultivation use and reference to, and to prohibit such “Hoop House” cultivation use within the City limits of the City of Marshall and on any property that the City controls under an interlocal governmental agreement.

§ 3. DEFINITIONS. That Ordinance # 2019-06, as amended, Section “DEFINITIONS” and the Code of Ordinances of the City of Marshall, Title XI Business Regulations, Chapter 121, Commercial Marihuana, as amended, is hereby amended to repeal “Hoop Houses” and such use to read as follows:

§ DEFINITIONS. Section “DEFINITIONS” is hereby amended and shall repeal and delete “Hoop Houses” as follows:

HOOP HOUSE. A temporary structure used exclusively for the production and storage of live plants, with no permanent anchoring system or foundation; no storage, temporary or otherwise, of solvents, fertilizers, gases or other chemicals or flammable materials; built according to manufacturer recommendations; no more than 18 feet maximum height. **Notwithstanding this definition, Hoop Houses and such use are prohibited within the City limits of the City of Marshall and prohibited on any property that the City controls under an interlocal governmental agreement.**

§ 4. LOCATION AND ELIGIBILITY. Section “LOCATION AND ELIGIBILITY” is hereby amended and shall repeal and delete “Hoop Houses” as follows:

(D) Marihuana Establishment licenses permitted under this Ordinance are governed by type and location requirements, as follows:

(1) Marihuana Grower License:

b. All grower establishments and operations must be within an enclosed, secured structure, and cultivation of marihuana may occur in an outdoor area confined to a “commercial greenhouse” ~~or “hoop house”~~ that must meet all the following conditions:

- i. Comply with applicable state law, rules and regulations, and City ordinances and City Zoning Ordinance.
- ii. Cultivation of marihuana in a commercial greenhouse ~~or hoop house~~ is only permitted and subject to a Special Land Use for special conditions (special land uses) in the identified Industrial District subject to the provisions of the City’s Zoning Ordinance. A Special land Use permit may be revoked or rescinded by the City Council for violation of the Special Land Use permit, City ordinance, Zoning Ordinance, or state law and regulations, after notice to the permit holder and hearing.
- iii. Cultivation of marihuana in a commercial greenhouse ~~or hoop house~~ must be concealed from public view and must be completely confined and enclosed in a commercial greenhouse ~~or hoop house made of durable translucent material on all sides and top of a hoop house, or constructed of commercial grade building construction materials, that may include~~ glass, glass-like or translucent material **(but not plastic)** on all sides

and top of a commercial greenhouse, **as required under applicable building and construction codes. Hoop houses and** Commercial greenhouses may not exceed 18 feet maximum height.

- iv. Commercial greenhouses ~~and hoop houses~~ must be located on the parcel of the licensed grower facility/establishment, fully enclosed by security fencing and barriers that block outside visibility of the commercial greenhouse, ~~hoop house~~, and marihuana plants from the public view to accomplish complete screening from the road right-of-way and adjacent property. No marihuana plants may grow outside the top of the commercial greenhouse ~~or hoop house~~ and must not be visible above the fence and barrier that is visible to public view. Fencing must comply with the applicable security measures and fencing requirements under city ordinance and LARA/MRA rules, including but not limited to, locked entries only accessible to authorized persons or emergency personnel. Security fencing must be at a minimum of eight (8) feet in height.
- v. After the marihuana is harvested, all drying, trimming, curing, or packaging of marihuana must occur inside a permanent building meeting all the requirements of City ordinance, state statute, codes and LARA/MRA rules and regulations.
- vi. **Commercial Greenhouses** ~~and hoop houses~~ must meet the security requirements and pass the inspections in this ordinance and LARA/MRA rules and any required building and electrical permit pursuant to City ordinance, state statute and LARA/MRA rules.

- vii. Commercial greenhouses ~~and hoop houses~~ shall meet setback requirements of the City's Zoning Ordinance.
- viii. Odor Control. A grower or a processor shall install and maintain in operable condition a system which precludes the emission of unreasonable marihuana odor from the property.

- i. All buildings, commercial greenhouses, ~~hoop houses~~, and structures shall be subject to inspection at any time by the City Fire Department to insure compliance with all applicable statutes, codes and ordinances.

§ 5. MARIHUANA CULTIVATION. Section "MARIHUANA CULTIVATION" is hereby amended and shall repeal and delete "Hoop Houses" as follows:

- (A) Cultivation, generally.
 - (1) Marihuana cultivation shall be conducted consistent with this Ordinance, the MRTMA, including but not limited to MCL 333.27961, and any LARA rules, within an enclosed, secured structure, and as permitted in a commercial greenhouse ~~or hoop house~~ **house** under city ordinances and **subject to a** Special Land Use permit; and

§ 6. SEVERABILITY. It is the legislative intent of the City adopting this Ordinance that all provisions hereof shall be liberally construed to protect the public health, safety and general welfare of the inhabitants of the City and all other persons affected by this Ordinance. Consequently, should any provision of this Ordinance be held to be unconstitutional, invalid or of no effect, such holding shall not be construed as affecting the validity of any of the remaining provisions of this Ordinance or Zoning Code, it being the intent of the City Council that this Ordinance shall stand and remain in effect, notwithstanding the invalidity of any provision thereof.

§ 7. CONFLICTING ORDINANCE AND CODE PROVISIONS REPEALED. Any City of Marshall Ordinance, parts of Ordinances, or any Marshall Code provision in conflict or inconsistent with any of the provisions of this Ordinance shall be and is hereby repealed, and all other provisions of the Marshall Ordinances shall remain in full force and effect.

§ 8. SAVINGS. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

§ 9. PUBLICATION. This Ordinance [or a summary thereof as permitted by MCL 125.3401] shall be published in the *Marshall Advisor*, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk.

§ 10. CODE EDITS. That the editors of the Marshall Zoning Code are hereby authorized to update and revise the Marshall Zoning Code to effectuate the provisions of this Ordinance.

§ 11. EFFECTIVE DATE. This Ordinance is declared to be effective seven (7) days after publication or as provided by law.

Adopted and signed this 6 day of December, 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 December 6, 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.

Trisha Nelson, CITY CLERK

**CITY OF MARSHALL, MICHIGAN
ORDINANCE #2021-10**

AN ORDINANCE TO AMEND THE CITY OF MARSHALL ZONING CODE, TO REPEAL CERTAIN SECTIONS OF ORDINANCE NO. 2020-14; TO AMEND CHAPTER 2.0, DEFINITIONS, SECTION 2.2, AND CHAPTER 4.0 USE STANDARDS, SECTION 4.16, COMMERCIAL GREENHOUSES, NURSERIES AND GARDEN CENTERS. REPEAL ANY ORDINANCES IN CONFLICT THEREOF; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

THE CITY OF MARSHALL, CALHOUN COUNTY, HEREBY ORDAINS:

Section 1. Purpose. The purpose of this Ordinance is to amend the City Zoning Ordinance and Ordinance No. 2020-14 to repeal “Hoop Houses” and delete all such use reference thereto, and to prohibit such “Hoop House” use within the City limits of the City of Marshall and on property that the City controls under an interlocal governmental agreement.

It is the intent of this Ordinance to provide for the health, safety and welfare of the citizens of Marshall so that quality of life is not impaired, neighborhood character is preserved, and positive planned land use developed.

Section 2. “Hoop House” and Hoop House Use Repealed; Hoop Houses Prohibited. The City Zoning Ordinance and its amending ordinances are hereby and shall be amended to repeal “Hoop Houses” and to prohibit such “Hoop House” use within the City limits of the City of Marshall and on property that the City controls under an interlocal governmental agreement.

Section 3. That Chapter 2.0, Definitions of the Marshall City Zoning Code, Section 2.2 “Definitions”, is hereby and shall be amended as follows:

Hoop House. A temporary structure used exclusively for the production and storage of live plants, with no permanent anchoring system or foundation; no storage, temporary or otherwise, of solvents, fertilizers, gases or other chemicals or flammable materials; built according to manufacturer recommendations; no more than 18 feet maximum height. **Notwithstanding this definition, Hoop Houses and such use are prohibited within the City limits of the City of Marshall and prohibited on property that the City controls under an interlocal governmental agreement.**

Section 4. That Chapter 3.0, Zoning Districts of the Marshall City Zoning Code, Section 3.1.12 “I-1 Research and Technical District”, is hereby and shall be amended to delete “hoop houses” from Chapter 3.0, Zoning Districts of the Marshall City Zoning Code, Section 3.1.12 “I-1 Research and Technical District” as follows:

- v. Commercial greenhouses, ~~hoop houses~~, nurseries, and garden centers.

Section 5. That Chapter 4.0 Use Standards of the Marshall City Zoning Code, Section 4.16 “Commercial Greenhouses, Nurseries and Garden Centers”, is hereby and shall be amended to delete “Hoop Houses” and such use and reference from Chapter 4.0 Use Standards of the Marshall City Zoning Code, Section 4.16 as follows:

~~Hoop Houses~~ and Commercial Greenhouses for marihuana cultivation are permitted as special land uses in the I-1 district with no limits on square footage.

~~1. Hoop House. The following shall apply:~~

~~A. Setbacks shall be 1500 feet from any residential structure, 250 feet from the road right of way centerline, and 50 feet from any rear or side property line.~~

~~B. Limited duration not to exceed three (3) years.~~

~~C. If a Hoop House contains any device subject to the electrical code or any mechanical equipment subject to the mechanical code, a permit shall be required for the device, system or fixture only. If the hoop house is connected to a potable water system, a permit shall be required for the backflow prevention devices only.~~

2. Commercial Greenhouse. The following shall apply:

A. Setbacks shall be required under Section 3.1.12(D).

3. ~~Hoop House~~ and Commercial Greenhouse cultivation of marihuana. The following shall apply:

A. Comply with applicable LARA/MRA rules and regulations, City ordinances and City Zoning Ordinance.

B. Subject to a Special Land Use permit under Section 6.2, permit and for special conditions as may be necessary based upon the uniqueness of the property, subject to a public hearing, review and recommendation by the Planning Commission, and approval by the City Council in accordance with the procedures and conditions specified in Section 6.2. of the Zoning Ordinance. A Special land Use permit may be revoked or rescinded by the City Council for violation of the SUP, City ordinance, Zoning Ordinance, or state law and regulations, after notice to the SUP holder and hearing.

C. As permitted in this section, the area containing the cultivation of marihuana plants must be completely confined and enclosed in a ~~Hoop House~~ or Commercial Greenhouse made of durable construction to include metal framing materials and durable translucent material on all sides and top of a ~~Hoop House~~, or glass, **building materials that may include** glass-like or translucent material on all sides and top of a

Commercial Greenhouse. ~~Hoop Houses and~~ Commercial Greenhouses may not exceed 18 feet maximum height.

- D. ~~Hoop Houses and~~ Commercial Greenhouses must be located on the parcel of the grower establishment or facility, fully enclosed by property security fencing. Security fencing must be at a minimum of eight (8) feet in height.
- E. Site Plan approval. ~~Hoop Houses and~~ Commercial Greenhouses are subject to site plan review and must receive approval.
- F. Screening shall comply with Section 5.15.8, and also include the means, including walls and plantings, to accomplish complete visual screening from the road right-of-way and adjacent property. ~~Hoop Houses and~~ Commercial Greenhouses must have greenbelt barriers that block outside visibility of the marihuana plants from the public view, with no marihuana plants growing outside the top of the ~~Hoop House or~~ Commercial Greenhouse nor above the fence and barrier that is visible to the public eye and the fences must be secured and comply with the applicable security measures in City ordinances and LARA/MRA rules and regulations, including but not limited to, locked entries only accessible to authorized persons or emergency personnel.
- G. After the marihuana is harvested, all drying, trimming, curing, or packaging of marihuana must occur inside a permanent building meeting all the requirements of City ordinance, state statute, codes and LARA/MRA rules and regulations.
- H. ~~Hoop Houses and~~ Commercial Greenhouses must meet the security requirements and pass inspections required under City ordinance and LARA/MRA rules and regulations and any necessary building permit pursuant to City ordinance, state statute, code and LARA/MRA rules and regulations.
- I. Odor Control. A grower or a processor shall install and maintain in operable condition a system which precludes the emission of unreasonable marihuana odor from the property.

Section 6. Severability. It is the legislative intent of the City adopting this Ordinance that all provisions hereof shall be liberally construed to protect the public health, safety and general welfare of the inhabitants of the City and all other persons affected by this Ordinance. Consequently, should any provision of this Ordinance be held to be unconstitutional, invalid or of no effect, such holding shall not be construed as affecting the validity of any of the remaining provisions of this Ordinance or Zoning Code, it being the intent of the City Council that this Ordinance shall stand and remain in effect, notwithstanding the invalidity of any provision thereof.

Section 7. Conflicting Ordinance and Code Provisions Repealed. Any City of Marshall Ordinance, parts of Ordinances, or any Marshall Code provision in conflict or inconsistent with

any of the provisions of this Ordinance shall be and is hereby repealed, and all other provisions of the Marshall Zoning Ordinance shall remain in full force and effect.

Section 8. Savings. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 9. Publication. This Ordinance [or a summary thereof as permitted by MCL 125.3401] shall be published in the *Marshall Advisor*, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk.

Section 10. Code Edits. That the editors of the Marshall Zoning Code are hereby authorized to update and revise the Marshall Zoning Code to effectuate the provisions of this Ordinance.

Section 11. Effective Date. This Ordinance is declared to be effective seven (7) days after publication or as provided by law.

Adopted and signed this 6th day of December, 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 December 6, 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.

Trisha Nelson, CITY CLERK

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Repayment Schedule of FiberNet Advances:

Moved Traver, supported Gates, to approve the resolution setting the new debt service schedule for the repayment advances from Fibernet to the Electric,

Wastewater, LDFA, and General Funds. On a voice vote - **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION # 2021-43**

WHEREAS, in March of 2017, the City Council voted to fund the construction of the Fibernet system with advances of money from various City funds;

WHEREAS, the City of Marshall's FiberNet Fund has agreements to repay advances from the General Fund, Electric Fund, Wastewater Fund and the LDFA with a 2% simple interest rate; and

WHEREAS, the FiberNet Fund has been unable to make payments in accordance with those agreements due to cash flow issues; and

WHEREAS, the FiberNet Fund is in the third year of a five-year deficit elimination plan with the Michigan Department of Treasury; and

WHEREAS, a restructuring of the advances owed to other funds was necessary to ensure payments are being made on a timely, consistent basis;

WHEREAS, the LDFA approved the loan restructuring outlined below at their November 2021 meeting;

NOW THEREFORE BE IT RESOLVED, that the City of Marshall Council adopts the following **FiberNet Fund** advance repayment plan using a 2% simple interest rate:

		Advances to FiberNet				
		LDFA	General Fund	Wastewater	Electric	Total
		\$ 1,000,000.00	\$ 1,000,000.00	\$ 500,000.00	\$ 1,700,000.00	\$ 4,200,000.00
	Accrued Interest through 6/30/21	\$ 85,000.00	\$ 85,000.00	\$ 42,500.00	\$ 94,166.67	\$ 306,666.67
	Accrued Interest to Start of Payments	\$ 120,000.00	\$ 240,000.00	\$ 100,000.00		\$ 460,000.00
Total Owed		\$ 1,205,000.00	\$ 1,325,000.00	\$ 642,500.00	\$ 1,794,166.67	\$ 4,966,666.67
		Debt Payments by Fund				Total
	1 FY2022				\$334,911.11	\$ 334,911.11
	2 FY2023				\$328,930.56	\$ 328,930.56
	3 FY2024				\$322,950.00	\$ 322,950.00
	4 FY2025				\$316,969.45	\$ 316,969.45
	5 FY2026				\$310,988.89	\$ 310,988.89
	6 FY2027				\$305,008.33	\$ 305,008.33
	7 FY2028	\$325,350.00				\$ 325,350.00
	8 FY2029	\$319,325.00				\$ 319,325.00
	9 FY2030	\$313,300.00				\$ 313,300.00
	10 FY2031	\$307,275.00				\$ 307,275.00
	11 FY2032			\$334,100.00		\$ 334,100.00
	12 FY2033			\$327,675.00		\$ 327,675.00
	13 FY2034		\$357,750.00			\$ 357,750.00
	14 FY2035		\$351,125.00			\$ 351,125.00
	15 FY2036		\$344,500.00			\$ 344,500.00
	16 FY2037		\$337,875.00			\$ 337,875.00

BE IT FURTHER RESOLVED that the City of Marshall’s Interim Finance Director is directed to begin repayments in accordance with this schedule effective immediately.

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 6th day of December, 2021.

Trisha Nelson, City Clerk

Date

B. FiberNet Deficit Elimination Plan:

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

**CITY OF MARSHALL, MICHIGAN
RESOLUTION # 2021-44**

WHEREAS, the City of Marshall's **FiberNet Fund** has an unrestricted net position deficit of \$4,401,667 on June 30, 2021; 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 third year of a five-year deficit elimination plan with the Michigan Department of Treasury; and

WHEREAS, the analysis below shows the City improving its Current Assets vs. Current Liabilities at the end of the fourth year meeting the State's requirements;

WHEREAS, the FiberNet Fund is still obligated to repay the loan advances from various City funds;

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

FIBERNET		
	4th year of Deficit Elimination Plan	5th year of Deficit Elimination Plan
	FY2022	FY2023
Unrestricted Net Position (Deficit) July 1	(4,401,667)	(4,059,409)
Revenue		
Residential Sales	995,000	995,000
Commercial Sales	173,000	173,000
Penalties Income	35,000	35,000
Interest	0	0
Miscellaneous Revenue	0	0
Total Revenue	1,203,000	1,203,000
Expenditures		
Salaries and Fringes	320,111	338,752
Material and Supplies/Rent	70,288	70,369
Contracted Services	212,000	216,240
Insurance	5,100	5,202
Maintenance	52,000	53,000
Administrative	25,600	20,500
Loan Interest	84,000	80,543
Depreciation	137,750	137,750
Other Expenses	56,834	68,894
Transfers Out	34,809	34,809
Total Expenditures	998,492	1,026,059
Add Back Depreciation	137,750	137,750
Unrestricted Net Position (Deficit) June 30	(\$4,059,409)	(\$3,744,718)
	4th year of Deficit Elimination Plan	5th year of Deficit Elimination Plan
	FY2022	FY2023
Current Assets - Current Liab. (Deficit)-not including accrued interest-July 1	\$113,743	\$456,001
Revenues	1,203,000	1,203,000
Expenditures	(998,492)	(1,026,059)
Add Back Depreciation	137,750	137,750
Current Assets - Current Liab. (Deficit)-not including accrued interest-June 30	\$456,001	\$770,692

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 6th day of December, 2021.

Trisha Nelson, City Clerk

Date

C. Electric Deficit Elimination Plan:

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

**CITY OF MARSHALL, MICHIGAN
RESOLUTION # 2021-45**

WHEREAS, the City of Marshall's **Electric Fund** has an unrestricted net position deficit of \$3,136,362 on June 30, 2021; 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 third year of a five-year deficit elimination plan with the Michigan Department of Treasury; and

WHEREAS, the deficit elimination plan reflects the revenues and expenditures from the cost-of-service study by Courtney & Associates including a rate increase;

NOW THEREFORE BE IT RESOLVED, that the plan includes a 12% rate increase effective July 1, 2021 and an additional rate 11% increase effective July 1, 2022 as well as expenditure reductions to improve its financial position;

BE IT FURTHER RESOLVED that a plan for repayment of Fibernet Fund Advance of \$1,700,000 from the Electric Fund be executed as soon as possible;

BE IT FURTHER RESOLVED that the City of Marshall Council adopts the following as the City of Marshall **Electric Fund** Deficit Elimination Plan:

ELECTRIC		
	4th year of Deficit Elimination Plan	5th year of Deficit Elimination Plan
	FY2022	FY2023
Unrestricted Net Position (Deficit) July 1	(3,136,362)	(1,425,182)
Revenue		
Charges for Services	60,000	60,000
Residential Sales	3,813,886	4,115,678
Commercial Sales	4,321,033	4,710,063
Commercial Sales Marihuana	2,947,523	3,139,930
Industrial Sales	4,468,625	4,905,442
Street & Highway Lighting	57,141	57,487
Security & Resort Lighting	54,000	54,000
Penalties Income	64,105	64,105
Interest	20,000	20,000
Rents	6,401	6,401
Miscellaneous Revenue	104,381	104,381
Total Revenue	15,917,095	17,237,487
Expenditures		
Salaries and Fringes	2,792,239	2,900,720
Material and Supplies	343,401	353,703
Purchased Power	9,179,159	9,130,738
Contracted Services	419,852	432,448
Insurance	56,000	57,680
Other Services and Charges	402,733	414,815
Bond Interest	189,200	189,628
Depreciation	396,536	408,432
Transfers Out	823,331	823,331
Total Expenditures	14,602,451	14,711,495
Add Back Depreciation	396,536	408,432
Unrestricted Net Position (Deficit) June 30	(\$1,425,182)	\$1,509,242
ELECTRIC		
	4th year of Deficit Elimination Plan	5th year of Deficit Elimination Plan
	FY2022	FY2023
Current Assets - Current Liab. (Deficit)-not including accrued interest-July 1	(\$2,244,230)	(\$533,050)
Revenues	15,917,095	17,237,487
Expenditures	(14,602,451)	(14,711,495)
Add Back Depreciation	396,536	408,432
Current Assets - Current Liab. (Deficit)-not including accrued interest-June 30	(\$533,050)	\$2,401,374

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 6th day of December, 2021.

Trisha Nelson, City Clerk

Date

D. Activation Zone Concept Plan:

Moved Underhill, supported Rice, to approve the Activation Zone Concept Plan as presented. On a roll call vote – ayes: Rice, Traver, Underhill. Wolfersberger, Mayor Caron, and Gates; nays: Schwartz. **MOTION CARRIED.**

E. Marshall House Warranty Deed:

Moved Traver, supported Schwartz, to accept the warranty deed from the Marshall Building Authority for Marshall House Apartments in order to facilitate the sale of the property. On a voice vote – **MOTION CARRIED.**

F. Radio Replacement Project:

Moved Rice, supported Underhill, to approve the radio replacement project in the amount of \$193,698.70 and utilize fund reserves from each impacted fund to fund the project. On a voice vote – **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

A. Sister City Committee Appointments:

Moved Schwartz, supported Underhill, to appoint Kimber Thompson to the Sister City Committee with a term expiring October 16, 2024 and reappoint Andrei Radulescu with a term expiring October 16, 2024. On a voice vote – **MOTION CARRIED.**

B. Local Advisory Committee:

Moved Underhill, supported Rice, to reappoint Helen Starkey to the Local Advisory

Committee with a term expiring February 1, 2024. On a voice vote – **MOTION CARRIED.**

C. Marshall Farmers Market Advisory Board:

Moved Gates, supported Wolfersberger, to appoint Amy Zerbe and Didik Soekarmoen to the Marshall Farmers Market Advisory Board with terms expiring October 20, 2024 and the reappointment of Patty Parker with a term expiring October 20, 2024. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

ADJOURNMENT

The meeting was adjourned at 8:45 p.m.

Joe Caron, Mayor

Trisha Nelson, City Clerk