

CALL TO ORDER

IN REGULAR SESSION, Monday, February 7, 2022 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

Mayor Caron led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Wolfersberger, supported Gates, to approve the agenda as presented. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

Mike Beck of 9945 D Drive N, Franke Center Board Chair, urged Council to approve the liquor license request for the Franke Center and feels they bring a lot to the downtown and to Marshall.

CONSENT AGENDA

Moved Underhill, supported Traver, to approve the Consent Agenda:

- A. Schedule a public hearing for February 22, 2022 for discussion and input regarding the proposed July 1, 2022 through June 30, 2028 Capital Improvement Program;
- B. Schedule a public hearing for March 7, 2022 to hear public comment on Rezoning Request #RZ22.01 to rezone 108 N. Park Avenue and 302 W. Michigan Avenue from POSD (Professional Office Service) to B-3 (Neighborhood Commercial District);
- C. Schedule a public hearing for March 7, 2022 to hear public comment on Rezoning Request #RZ22.02 to rezone 111 N. Grand, parcel #53-000-415-00, from POSD (Professional Office Service) to R-3 (Traditional Residential);
- D. Adopt the resolution waiving penalty fees and interest for failure to file a Property Transfer Affidavit;
- E. Adopt the Poverty Exemption Guidelines & Asset Test, utilizing the federal poverty income standard as published each year by the federal DHS and provided by the Michigan Department of Treasury, and concur with the use

- of the annual website guideline version on an ongoing basis;
- F. Adopt the resolution to allow the City Manager to sign off on the Master Agreement to allow for future funding of projects for the City of Marshall Dial-A-Ride and the Albion-Marshall Connector;
- G. Approve the submittal of a First Responder Training and Recruitment Grant Application;
- H. Minutes of the City Council Regular Session held on Tuesday, January 18, 2022 and Special Session held on Wednesday, January 19, 2022;
- I. Approve city bills in the amount of \$1,605,291.89.

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

PRESENTATIONS AND RECOGNITION

None.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Obsolete Property Rehabilitation Exemption for 115 South Eagle Street:

Moved Underhill, supported Gates, to recuse Mayor Caron from voting on the issue. On a voice vote: **MOTION CARRIED.**

In June 2021, Council approved an OPRA exemption for the costs known at that time. Since that original approval, the revised project plan has resulted in construction costs of \$2.3 million compared to the original amount of \$900,000. If we didn't consider this revised request, Schuler's would lose the exemption on the \$1.4 million difference. OPRA is a tool created by the legislature in 2000, to encourage the redevelopment of blighted structures. It works by freezing the taxable value of a property for a period of up to twelve (12) years.

Mayor Pro Tem Traver opened the public hearing to hear public comment regarding the request for a revised 12-year OPRA exemption for Schuler's.

Hearing no comment, the hearing was closed.

Moved Wolfersberger, supported Underhill, to approve the request for a revised 12-year OPRA exemption for the second and third floor of Schuler's building, located at 115 South Eagle Street. On a roll call vote – ayes: Rice, Schwartz, Traver, Underhill, Wolfersberger, and Gates; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2022-05**

**RESOLUTION TO APPROVE AN OBSOLETE PROPERTY REHABILITATION
EXEMPTION CERTIFICATE APPLICATION
PA 146 OF 2000 AS AMENDED**

Minutes of a regular meeting of the Council of the City of Marshall, held on February 7, 2022 at 7:00 PM.

PRESENT: Mayor Caron, Gates, Rice, Schwartz, Traver, Underhill, and Wolfersberger.

ABSENT: None.

The following preamble and resolution were offered by Council Member Wolfersberger, and supported by Council Member Underhill.

**Resolution #2022-05 Approving Obsolete Property Rehabilitation Exemption
Certificate Application for Schuler's Located at 115 South Eagle Street**

WHEREAS, pursuant to PA 146 of 2000, as amended, the City of Marshall is a Qualified Local Governmental Unit eligible to establish one or more Obsolete Property Rehabilitation Districts (OPRA); and

WHEREAS, the City of Marshall legally established the Obsolete Property Rehabilitation District Schuler's Building Obsolete Property Rehabilitation District No. 1 on October 19, 2020, after a public hearing held on October 19, 2020; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 (IFT's) does not exceed 5% of the total taxable value of the City of Marshall; and

WHEREAS, the application was approved at a public hearing as provided by section 4(2) of Public Act 146 of 2000, as amended, on February 7, 2022; and

WHEREAS, Schuler's is not delinquent in any taxes related to the facility; and

WHEREAS, the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000, as amended; and

WHEREAS, the applicant has provided answers to all required questions under the application instructions to the City of Marshall; and

WHEREAS, the City of Marshall requires that rehabilitation of the facility shall be completed by December 31, 2023; and

WHEREAS, the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District; and

WHEREAS, the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000, as amended, and that is situated within an Obsolete Property Rehabilitation District established in the City of Marshall eligible under Public Act 146 of 2000, as amended, to establish such a district; and

WHEREAS, completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to create employment, revitalize urban areas, and increase the number of residents in the community in which the facility is situated; and

WHEREAS, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of Public Act 146 of 2000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marshall and hereby is granted an Obsolete Property Rehabilitation Exemption for the real property (2nd and 3rd floor of 115 South Eagle Street), excluding land, located in Obsolete Property Rehabilitation District Schuler's Building Obsolete Property Rehabilitation District No. 1 at 115 South Eagle Street for a period of 12 years, beginning December 31, 2022, and ending December 30, 2034, pursuant to the provisions of PA 146 of 2000, as amended.

AYES: Gates, Rice, Schwartz, Traver, Underhill, Wolfersberger

NAYS: None.

ABSTAIN: Mayor Caron.

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of the City of Marshall, County of Calhoun, Michigan at a regular meeting held on February 7, 2022.

Clerk

B. Amendments to Chapter 70: Vehicle and Traffic Code:

During a review of these codes, and with some recent complaints, it was felt some updates and changes to our parking codes were warranted. In addition to some changes within the City as a whole due to time and maturation, it was found a lot of the current language was very dated, and/or vague. Overall, the changes include refining definitions, correcting contradictory language, and deleting outdated language.

Discussion took place regarding some changes to parking. Consensus of the Council is to do some further research and bring back at a later date.

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Franke Center Liquor License Resolution:

Moved Wolfersberger, supported Underhill, to recuse Council Member Gates from voting on the issue. On a voice vote: **MOTION CARRIED.**

Moved Traver, supported Rice, to approve the resolution of Local Government Approval for the application for a new on-premise liquor license for the Franke Center for the Arts. On a voice vote: **MOTION CARRIED.**

B. Duncan & Allen Engagement Letter:

Moved Traver, supported Wolfersberger, to authorize the City Clerk to execute the engagement letter with Duncan & Allen for services related to FERC licensing with an amount not to exceed \$5,000. On a roll call vote – ayes: Underhill, Wolfersberger, Mayor Caron, Gates, Rice, Schwartz, and Traver; nays: none. **MOTION CARRIED.**

C. Interconnection Standards for Installation and Parallel Operation of Customer Owned Renewable Electric Generation Facilities:

Moved Wolfersberger, supported Schwartz, to adopt the Interconnection Standards for Installation and Parallel Operation of Customer Owned Renewable Electric Generation Facilities 30 kWAC or less. On a voice vote – **MOTION CARRIED.**

D. Brooks Substation Steel Structures, Control House, and 15 kV Cable:

Moved Wolfersberger, supported Gates, to award the bids for the Brooks Substation steel structure to Resco Galvanizers for \$233,693, control building to Electrical Power Products for \$501,682, and underground cable to Powerline Supply for \$333,465. On a roll call vote – ayes: Schwartz, Traver, Underhill, Wolfersberger, Mayor Caron, Gates, and Rice; nays: none. **MOTION CARRIED.**

E. Special Events:

Discussion took place regarding special event costs for the city. Consensus is to have the Memorial Day Parade and Christmas Parade exempt from fees and for non-profits the first \$1,000 in fees are exempt. Staff will develop a policy and bring back for Council approval at a later date.

F. Treasury Front Desk Position:

Moved Gates, supported Rice, to authorize a Full-Time position consolidating Treasury Front Desk position and a position from FiberNet. On a roll call vote – ayes: Wolfersberger, Mayor Caron, Gates, Rice, Schwartz, Traver, and Underhill; nays: none. **MOTION CARRIED.**

Moved Traver, supported Schwartz, to approve forming a Finance Budget Committee consisting of the Finance Director, Treasurer, Mayor Caron, Council Member Traver, Council Member Schwartz, City Manager, and City Attorney. On a voice vote – **MOTION CARRIED.**

G. City Manager Agreement:

Moved Wolfersberger, supported Rice, to accept the City Manager agreement subject to a satisfactory background check with approval from the City Manager, City Attorney, and the Mayor. On a voice vote – **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

A. Board of Review Appointment:

Moved Gates, supported Underhill, to appoint Georgia Marsh to the Board of Review with a term expiring January 1, 2024 and reappoint Kathy Miller and Desmond Kirkland with terms expiring January 1, 2024. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

CLOSED SESSION

Moved Traver, supported Underhill, to enter into closed session under section 8(d) and 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: City of Marshall v Timothy Ruddock, 37th Circuit Court File No. 20-1928-CZ, 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, Schwartz, Traver,

Marshall City Council, Regular Session
Monday, February 7, 2022

Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

Enter into Closed Session at 8:47 p.m.

Moved Schwartz, supported Rice, to return to open session. On a voice vote –
MOTION CARRIED.

Return to open session at 9:25 p.m.

ADJOURNMENT

The meeting was adjourned at 9:25 p.m.

Joe Caron, Mayor

Trisha Nelson, City Clerk