

**CALL TO ORDER**

IN REGULAR SESSION, Monday, August 1, 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 Perry and Clerk Nelson.

Absent: None.

**INVOCATION/PLEDGE OF ALLEGIANCE**

Mayor Caron led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

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

**PUBLIC COMMENT ON AGENDA ITEMS**

None.

**CONSENT AGENDA**

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

- A. Schedule a public hearing for Monday, August 15, 2022 to hear public comment on the request for a PA 425 Conditional Land Transfer for property located at 15998 West Michigan Avenue;
- B. Schedule a public hearing for Monday, August 15, 2022 to hear public comment on the request for a PA 425 Conditional Land Transfer for property located at 902 S. Kalamazoo Avenue;
- C. Adopt the resolution authorizing the City Clerk and/or Mayor to sign MDOT contracts on behalf of the City;
- D. Minutes of the City Council Work Session and Regular Session held on Monday, July 18, 2022;
- E. Approve city bills in the amount of \$ 1,047,773.02.

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**

None.

**OLD BUSINESS**

None.

**REPORTS AND RECOMMENDATIONS**

**A. Authorization for Use of Perrin Dam Bond Proceeds:**

**Moved** Wolfersberger, supported Gates, to adopt the Resolution to Amend Resolution Authorizing the Sale of General Obligation Limited Tax Bonds, Series 2021A. On a roll call vote – ayes: Schwartz, Traver, Underhill, Wolfersberger, Mayor Caron, Gates, and Schwartz; nays: none. **MOTION CARRIED.**

**City of Marshall, Michigan  
County of Calhoun, State of Michigan**

**RESOLUTION #2022-22**

**RESOLUTION TO AMEND  
RESOLUTION AUTHORIZING ISSUANCE AND SALE OF  
GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2021A**

WHEREAS, the City of Marshall, County of Calhoun, State of Michigan (the “City”) issued its \$2,665,000 General Obligation Limited Tax Bonds, Series 2021A dated as of June 2, 2021 (the “Bonds”) pursuant to the Resolution Authorizing Issuance and Sale for the Bonds adopted by the City Council of the City on March 15, 2021 (the “Resolution”); and

WHEREAS, the Bonds were issued for the purpose of constructing improvements to the Perrin Dam including but not limited to clearing and grubbing the dam crest and upstream and downstream embankment slopes, placement of embankment fill on the upstream and downstream slopes, installation of a geomembrane liner on the upstream slope, placement of heavy riprap on the upstream slope, installation of a toe drain system with manholes at the downstream toe of slope, cast-in-place concrete abutment wall extensions, installation of geogrid and welded wire forms near the abutment walls, and concrete repair of spillway walls, together with related improvements (collectively, the “Capital Improvements”); and

WHEREAS, the Capital Improvements to the Perrin Dam have been completed on budget without the need to use the budgeted contingency, which remains in the Project Fund; and

WHEREAS, the Resolution provides in Section 5 that any balance remaining in the Project Fund after completion of the Capital Improvements may be used for any other capital improvements of the City if bond counsel advises the City that such use is permitted by state law and will not cause the interest on the bonds to be included in gross income for federal income tax purposes within the meaning of the Internal Revenue Code; and

WHEREAS, the City wishes to use the balance remaining in the Project Fund for other capital improvements for the City's electric utility system comprised of replacement of utility poles, replacement of transformers, repair of bearings on Marshall Hydroelectric Project Generating Unit #3, and rebuilding the air compressors used in the operation of the power plant's reciprocating engine generating units (collectively, the "Additional Capital Improvements").

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City hereby determines to use the balance remaining in the Project Fund for the Additional Capital Improvements based upon the advice of Miller, Canfield, Paddock and Stone, P.L.C., as bond counsel, that such use is permitted by state law and will not cause the interest on the Bonds to be included in gross income for federal income tax purposes within the meaning of the Internal Revenue Code. The City hereby amends the Resolution to provide that the costs of the Additional Capital Improvements may be paid from the moneys in the Project Fund.

2. 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 City of Marshall, State of Michigan, at a Regular Meeting on August 1, 2022, 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 Wolfersberger moved for adoption of said resolution and that Member Gates supported said motion.

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

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City Clerk

**B. Website and Related Software Purchase:**

**Moved** Underhill, supported Wolfersberger, to award the contract for development of a new website to CivicPlus, including the purchase of CivicClerk and CivicHR applications. On a roll call vote – ayes: Gates, Rice, Schwartz, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

**APPOINTMENTS/ELECTIONS**

**A. Marshall Farmers Market Advisory Board Appointment:**

**Moved** Gates, supported Rice, to approve the appointment of Cherie Riser to the Marshall Farmers Market Advisory Board with a term expiring October 20, 2025. On a voice vote – **MOTION CARRIED.**

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

None.

**COUNCIL AND MANAGER COMMUNICATIONS**

**CLOSED SESSION**

**Moved** Traver, supported Gates, 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 August 1, 2022 regarding Marshall House. On a roll call vote – ayes: Gates, Rice, Schwartz, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

Enter into Closed Session at 7:41 p.m.

Return to Open Session at 8:19 p.m.

**ADJOURNMENT**

The meeting was adjourned at 8:19 p.m.

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Joe Caron, Mayor

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Trisha Nelson, City Clerk