

CALL TO ORDER

IN REGULAR SESSION, Monday, September 19, 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, Traver, and Wolfersberger.

Also Present: City Manager Perry and Clerk Nelson.

Absent: Council Members Rice, Schwartz, and Underhill.

INVOCATION/PLEDGE OF ALLEGIANCE

Brandon Crawford of Grace Baptist Church gave the invocation and 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 Traver, to approve the Consent Agenda:

- A. Minutes of the City Council Regular Session held on Monday, August 15, 2022;
- B. Approve city bills in the amount of \$ 2,279,543.49.

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

PRESENTATIONS AND RECOGNITION

Mayor Caron read a proclamation prepared for the Marshall Area Garden Club on the event of their 35th Anniversary.

**IN RECOGNITION OF THE
MARSHALL AREA GARDEN CLUB
35TH ANNIVERSARY**

WHEREAS, the Marshall Area Garden Club began with an article in the local Marshall AdVisor in March of 1987 inviting interested person to form a garden club; and

WHEREAS, on March 31st of that year, eight women attended the first monthly meeting and since that time membership has grown to over ten times that number; and

WHEREAS, since that first meeting, the members of the garden club have spent thousands of volunteer hours planting and maintaining the West Michigan Avenue medians, Carver Park, the Blue Star Highway Marker, the Fountain Circle, the Library, the Post Office, and the downtown planters; and

WHEREAS, in addition to all the volunteer hours spent planting and maintaining the gardens, the Marshall Area Garden Club membership have contributed their own dues and fundraising dollars to support their projects and the projects of others including the American Liberty Elm tree replanting effort throughout the City; and

WHEREAS, the “Welcome to My Garden” annual tour held in July of each year has become a City of Marshall signature event;

NOW, THEREFORE, I, Joe Caron, Mayor of the City of Marshall, do hereby recognize the Marshall Area Garden Club and congratulate them on their 35th Anniversary; and

BE IT FURTHER RESOLVED, the citizens of Marshall be urged to offer their congratulations to the founders, volunteers, and Board Members of the Marshall Area Garden Club, both past and present, and thank them for their substantial contributions these past 35-years toward improving the overall beauty and aesthetics of the Marshall community.

IN WITNESS WHEREOF, I, Joe Caron, Mayor of the City of Marshall have hereunto set my hand and caused the Official Seal of the City of Marshall to be affixed this 19th day of September 2022.

Mayor Joe Caron
City of Marshall

Council Member Ryan Underhill arrived at 7:12 p.m.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

None.

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Schedule Public Hearing – 701 N. Linden Right-of-Way Vacation:

Moved Traver, supported Gates, to schedule a public hearing for Monday, October 17, 2022 to hear public comment regarding the right-of-way vacation at 701 N. Linden. On a voice vote – **MOTION CARRIED.**

B. Special Event – Skeleton Fest:

Moved Wolfersberger, supported Underhill, to approve the MAEDA Skeleton Fest Special Event application for September 24, 2022. On a voice vote – **MOTION CARRIED.**

C. DART Bus Purchase:

Moved Gates, supported Traver, to approve the revised purchase of 2 (two) small Class II buses for the DART program from Hoekstra Transportation in the amount of \$276,440. On a roll call vote – ayes: Underhill, Wolfersberger, Mayor Caron, Gates, and Traver; nays: none. **MOTION CARRIED.**

D. Wastewater Sludge Hauling:

Moved Wolfersberger, supported Traver, to accept the low bid from Nutrigo Environmental for the Wastewater Sludge Hauling contract and authorize the City Clerk to sign the contract. On a roll call vote – ayes: Gates, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

E. Prospect Street Watermain Engineering Contract Modification:

Moved Gates, supported Wolfersberger, to authorize the Director of Public Services to approve the change order to the construction engineering contract with ENG in the amount of \$40,290.70 for the Prospect Street Watermain project. On a roll call vote – ayes: Traver, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: none. **MOTION CARRIED.**

F. Salary Modifications:

Moved Traver, supported Underhill, to approve the salary for the City Clerk in the amount of \$50,000. On a roll call vote – ayes: Wolfersberger, Mayor Caron, Gates, Traver, and Underhill; nays: none. **MOTION CARRIED.**

G. Closed Session:

Moved Traver, supported Underhill, to enter into closed session under section 8(h) of the Open Meetings Act, to consider material exempt from disclosure by state statute, section 13(1)(d)-(e) of the Freedom of Information Act, which exempts from public

disclosure: (d) Records or information specifically described and exempted from disclosure by statute, and (e) A public record or information furnished by the public body originally compiling, preparing, or receiving the record or information to a public officer or public body in connection with the performance of the duties of that public officer or public body, as provided for under Section 33a of Public Act 448 of 1976. On a roll call vote – ayes: Gates, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

Enter into Closed Session at 8:01 p.m.

Return to Open Session at 8:38 p.m.

H. Project VI Power Sales Agreement Resolution:

Moved Traver, supported Gates, to approve the Resolution approving MSCPA Project VI (Hart Solar Project) and Supplemental Power Sales Contract. On a roll call vote – ayes: Underhill, Wolfersberger, Mayor Caron, Gates, and Traver; nays: none. **MOTION CARRIED.**

RESOLUTION APPROVING PROJECT VI AND
SUPPLEMENTAL POWER SALES CONTRACT
CITY OF MARSHALL, MICHIGAN
RESOLUTION #2022-25

Minutes of a regular meeting of the City Council of the City of Marshall, County of Calhoun, State of Michigan, held in the City Hall on the 19th day of September, 2022 at 7:00 p.m., Eastern Daylight Time.

PRESENT: Members: Mayor Caron, Gates, Traver, Underhill, and Wolfersberger.

ABSENT: Members: Rice and Schwartz.

The following preamble and resolution were offered by Member Traver and supported by Member Gates.

WHEREAS, the City of Marshall (the “City”) is a member, along with the Cities of Hillsdale and Coldwater, and the Village of Clinton (collectively, the “Members”), of the Michigan South Central Power Agency (the “Agency”), a Joint Agency formed by its Members under and pursuant to Act 448, Public Acts of Michigan, 1976 (the “Act”); and

WHEREAS, the Agency and each of its Members have agreements in place under which the Agency is to supply to the Member and the Member is to purchase from the Agency, all bulk power needs of the Member related to its municipal electric utility system; and

WHEREAS, the Agency and the Members endeavor to arrange for reliable, reasonably priced supplies of electric power and energy for ultimate delivery to their customers; and

WHEREAS, the Agency and the City have determined that the acquisition, construction, furnishing and equipping of the Hart Solar project, which is a proposed solar electric generating facility of Hart Solar Partners, LLC, a Delaware limited liability company (the "Seller"), used to generate electricity utilizing renewable solar power from the photovoltaic modules located at the site located in Oceana County, Michigan, including Seller's Interconnection Facilities (as such term is defined in the Hart Contract) and any and all additions, replacements or modifications, and all related appurtenances and attachments ("Project VI"), is necessary and in the best interests of the Agency and the City; and

WHEREAS, it is intended that Project VI shall constitute an additional "Project" under the Power Sales Contract, dated as of September 15, 1979, as amended (the "Power Sales Contract"), between the Agency and its Members; and

WHEREAS, it is intended that the City will receive a 9.81% Entitlement Share in the Agency's interest in Project VI; and

WHEREAS, in order to provide for the sale by the Agency and purchase by the City of capacity and output of Project VI, a proposed Supplemental Power Sales Contract (the "Supplemental Power Sales Contract") has been prepared, which would supplement the Power Sales Contract; and

WHEREAS, the proposed form of the Supplemental Power Sales Contract has been reviewed by this body and this body has been advised on the same; and

WHEREAS, it is necessary and desirable for the City Council to approve of Project VI and the Supplemental Power Sales Contract at this time.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby approves the acquisition of Project VI by the Agency for the partial benefit of the City.
2. The Supplemental Power Sales Contract, a copy of which is on file with the City Clerk, is hereby approved, and the Mayor and the City Clerk are authorized and directed to execute on behalf of the City a final form of the Supplemental Power Sales Contract substantially in the form approved by this resolution with such completions and changes therein as may be necessary and approved by the City Manager.
3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.
4. This resolution shall take immediate effect.

AYES:Members: Mayor Caron, Gates, Traver, Underhill, and Wolfersberger.

NAYS: None.

RESOLUTION DECLARED ADOPTED.

Trisha Nelson, City Clerk

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, State of Michigan, at a regular meeting held on September 19, 2022, 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 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Trisha Nelson, City Clerk

APPOINTMENTS/ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

COUNCIL AND MANAGER COMMUNICATIONS

ADJOURNMENT

The meeting was adjourned at 8:52 p.m.

Joe Caron, Mayor

Trisha Nelson, City Clerk