

MARSHALL CITY COUNCIL AGENDA

MONDAY – 7:00 P.M.

July 15, 2013



- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) INVOCATION – Richard Gerten, Family Bible Church
- 4) PLEDGE OF ALLEGIANCE
- 5) APPROVAL OF AGENDA – Items can be added or deleted from the Agenda by Council action.
- 6) PUBLIC COMMENT ON AGENDA ITEMS – Persons addressing Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of five (5) minutes on any agenda item.
- 7) CONSENT AGENDA

A. Schedule Public Hearing – Autocam IFT P. 3

City Council will consider the recommendation to schedule a public hearing for August 5, 2013 to hear public comment on the proposed Industrial Facilities Tax Exemption Certificates for Autocam Corporation at 1601 Pratt Avenue and 1511 George Brown Drive.

B. City Council Minutes P. 9

Work Session..... Monday, July 1, 2013
Regular Session..... Monday, July 1, 2013

C. City Bills P. 17

Regular Purchases \$ 56,592.25
Weekly Purchases –6/28/13..... \$ 19,456.01
Weekly Purchases –7/3/13 \$ 9,353.46
Total \$ 85,401.72

8) PRESENTATIONS AND RECOGNITIONS

A. Introduction of Full-Time Firefighter

B. Ambulance Millage Renewal

Mark Burke, Director of Marshall Area Firefighters Ambulance Authority, will be present to discuss the operating millage proposal of .5 mills on the August 6, 2013 ballot.

9) INFORMATIONAL ITEMS

10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

11) OLD BUSINESS

12) REPORTS AND RECOMMENDATIONS

A. Special Land Use #SLU13.01 for 1210 Comstock P. 21

City Council will consider the recommendation to approve the Special Land Use for 1210 Comstock for a Group Child Day Care.

B. DPW Contract P. 22

City Council will consider the recommendation to approve the Teamsters Local 214, Department of Public Works contract.

Mayor:

James Dyer

Council Members:

Ward 1 - David Revore

Ward 2 - Nick Metzger

Ward 3 - Brent Williams

Ward 4 - Jack Reed

Ward 5 - Jody Mankerian

At-Large - Kathy Miller



- C. **DART Contract** P. 25
City Council will consider the recommendation to approve the DART, Teamsters Local 214, General City Employees contract.
- D. **Personnel Policy Revisions** P. 27
City Council will consider the recommendation to approve the changes to the City of Marshall Personnel Manual.
- E. **Schedule Public Hearing – Vacate Section of Green Street** P. 28
City Council will consider the recommendation to schedule a public hearing for August 5, 2013 to hear public comment regarding a vacation of a section of the West Green Street right of way at Kalamazoo Avenue.
- F. **Purchase of Flynn Property at 714 Brewer Street** P. 30
City Council will consider the recommendation to purchase the Flynn property at 714 Brewer Street in the amount of \$325,000 and the seller's closing costs and attorney fees in the amount not to exceed \$1,000.
- G. **Schedule Public Hearing – P.A. 425 Land Transfer with Marshall Township** P. 36
City Council will consider the recommendation to approve the request to schedule a public hearing for August 5, 2013 regarding a P.A. 425 Land Transfer for the parcel at 714 Brewer Street
- H. **Architect Selection for the Marshall Regional Law Enforcement Center** P. 42
City Council will consider the recommendation to approve Redstone Architects Inc. as the professional designer for the Marshall Regional Law Enforcement Center for a bid in the amount of \$714,200.
- I. **Marshall Regional Law Enforcement Center Construction Manager** P. 46
City Council will consider the recommendation to approve the bid from Clark Construction of Lansing as the Construction Manager Representative for the Marshall Regional Law Enforcement Center in the amount of \$401,663.

13) APPOINTMENTS / ELECTIONS

- A. **Planning Commission Appointments**
City Council will consider the recommendation to approve the Mayor's appointments to the Planning Commission to fill the expired term of Keith Mengel with a term ending November 1, 2015 and the unexpired term of Ken Oates with a term ending November 1, 2014.

14) PUBLIC COMMENT ON NON-AGENDA ITEMS

Persons addressing Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of five (5) minutes on any item not on the agenda.

15) COUNCIL AND MANAGER COMMUNICATIONS

16) ADJOURNMENT

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tom Tarkiewicz", is written over a light blue horizontal line.

Tom Tarkiewicz
City Manager

July 15, 2013



ADMINISTRATIVE REPORT
July 15, 2013 – City Council Meeting

REPORT TO: Honorable Mayor and Council Members

FROM: Tom Tarkiewicz, City Manager
Mike Hindenach, Industrial Manager, MAEDA

SUBJECT: Autocam Corporation, 1601 Pratt Avenue,
Industrial Facilities Tax Exemption

BACKGROUND: The City of Marshall has received a request from Autocam Corporation for an Industrial Facilities Tax Exemption Certificate. The requested abatement is to consider \$6,884,225.00 in real and personal property investment. Autocam Corporation is located in the LDFA district.

RECOMMENDATION: Schedule a Public Hearing for August 5, 2013 as required by the Industrial Facilities Tax Exemption Certificate Application.

FISCAL EFFECTS: If the IFT is granted, the LDFA will forego 50% of the taxes affiliated with the project over the next 10 years.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Tom Tarkiewicz".

Tom Tarkiewicz
City Manager

A large, stylized handwritten signature in cursive script, appearing to read "Michael D. Hindenach".

Michael D. Hindenach
Industrial Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of Public Act 189 of 1974, as amended. Filing is mandatory.

INSTRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.

To be completed by Clerk of Local Government Unit	
Signature of Clerk	Date received by Local Unit
STC Use Only	
Application Number	Date Received by STC

APPLICANT INFORMATION

All boxes must be completed.

1a. Company Name (Applicant must be the occupant/operator of the facility) Autocam Corporation		1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 8 Digit Code) 3599	
1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 1601 Pratt Avenue, Marshall, MI 49068		1d. City/Township/Village (indicate which) Marshall	1e. County Calhoun
2. Type of Approval Requested <input checked="" type="checkbox"/> New (Sec. 2(4)) <input type="checkbox"/> Transfer (1 copy only) <input type="checkbox"/> Speculative Building (Sec. 3(8)) <input type="checkbox"/> Rehabilitation (Sec. 3(1)) <input type="checkbox"/> Research and Development (Sec. 2(9))		3a. School District where facility is located Marshall Public Schools	3b. School Code 13110
		4. Amount of years requested for exemption (1-12 Years) 10	

5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed.

Autocam Corporation manufactures and sells precision-machined components. This abatement includes real property improvements and new personal property.

6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	▶ <u>\$698,100.00</u> Real Property Costs
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation, plus total	▶ <u>\$6,186,125.00</u> Personal Property Costs
6c. Total Project Costs * Round Costs to Nearest Dollar	▶ <u>\$6,884,225.00</u> Total of Real & Personal Costs

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

	Begin Date (M/D/Y)	End Date (M/D/Y)	
Real Property Improvements	▶ <u>3/1/14</u>	▶ <u>8/5/15</u>	▶ <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Leased
Personal Property Improvements	▶ <u>3/31/13</u>	▶ <u>8/5/15</u>	▶ <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased

8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. Yes No

9. No. of existing jobs at this facility that will be retained as a result of this project. **12** 10. No. of new jobs at this facility expected to create within 2 years of completion. **8**

11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.

a. TV of Real Property (excluding land) _____

b. TV of Personal Property (excluding inventory) _____

c. Total TV _____

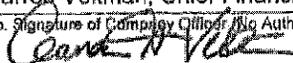
12a. Check the type of District the facility is located in:
 Industrial Development District Plant Rehabilitation District

12b. Date district was established by local government unit (contact local unit) **10/16/79** 12c. Is this application for a speculative building (Sec. 3(8))?
 Yes No

APPLICANT CERTIFICATION - complete all boxes.

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 190 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

13a. Preparer Name Warren Veltman	13b. Telephone Number (616) 541-8153	13c. Fax Number (616) 698-6876	13d. E-mail Address wveltman@autocam.com
14a. Name of Contact Person Warren Veltman	14b. Telephone Number (616) 541-8153	14c. Fax Number (616) 698-6876	14d. E-mail Address wveltman@autocam.com
▶ 15a. Name of Company Officer (No Authorized Agents) Warren Veltman, Chief Financial Officer			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number (616) 698-6876	15d. Date 7/8/13
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 4180 40th Street, Kentwood, MI 49512		15f. Telephone Number (616) 541-8153	15g. E-mail Address wveltman@autocam.com

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

▶ 16. Action taken by local government unit <input type="checkbox"/> Abatement Approved for _____ Yrs Real (1-12), _____ Yrs Pers (1-12) After Completion <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Denied (Include Resolution Denying)	18b. The State Tax Commission Requires the following documents be filed for an administratively complete application: Check or Indicate N/A if Not Applicable <input type="checkbox"/> 1. Original Application plus attachments, and one complete copy <input type="checkbox"/> 2. Resolution establishing district <input type="checkbox"/> 3. Resolution approving/denying application. <input type="checkbox"/> 4. Letter of Agreement (Signed by local unit and applicant) <input type="checkbox"/> 5. Affidavit of Fees (Signed by local unit and applicant) <input type="checkbox"/> 6. Building Permit for real improvements if project has already begun <input type="checkbox"/> 7. Equipment List with dates of beginning of installation <input type="checkbox"/> 8. Form 3222 (if applicable) <input type="checkbox"/> 9. Speculative building resolution and affidavits (if applicable)
16a. Documents Required to be on file with the Local Unit Check or Indicate N/A if Not Applicable <input type="checkbox"/> 1. Notice to the public prior to hearing establishing a district. <input type="checkbox"/> 2. Notice to taxing authorities of opportunity for a hearing. <input type="checkbox"/> 3. List of taxing authorities notified for district and application action. <input type="checkbox"/> 4. Lease Agreement showing applicants tax liability.	
16c. LUCI Code	18d. School Code 13110
17. Name of Local Government Body City of Marshall	▶ 18. Date of Resolution Approving/Denying this Application 08/05/2013

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

19a. Signature of Clerk	19b. Name of Clerk Trisha Nelson	19c. E-mail Address tnelson@cityofmarshall.com
19d. Clerk's Mailing Address (Street, City, State, ZIP Code) 323 W Michigan Ave, Marshall, MI 49068		
19e. Telephone Number (269) 781-5183	19f. Fax Number (269) 781-3835	

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original and one copy of the completed application and all required attachments to:

State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7871

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)

STC USE ONLY				
▶ LUCI Code	▶ Begin Date Real	▶ Begin Date Personal	▶ End Date Real	▶ End Date Personal



ADMINISTRATIVE REPORT
July 15, 2013 – City Council Meeting

REPORT TO: Honorable Mayor and Council Members
FROM: Tom Tarkiewicz, City Manager
Mike Hindenach, Industrial Manager, MAEDA
SUBJECT: Autocam Corporation, 1511 George Brown Drive,
Industrial Facilities Tax Exemption

BACKGROUND: The City of Marshall has received a request from Autocam Corporation for an Industrial Facilities Tax Exemption Certificate. The requested abatement is to consider \$2,711,704.00 in real and personal property investment. Autocam Corporation is located in the LDFA district.

RECOMMENDATION: Schedule a Public Hearing for August 5, 2013 as required by the Industrial Facilities Tax Exemption Certificate Application.

FISCAL EFFECTS: If the IFT is granted, the LDFA will forego 50% of the taxes affiliated with the project over the next 10 years.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Tom Tarkiewicz
City Manager

Michael D. Hindenach
Industrial Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of Public Act 198 of 1974, as amended. Filing is mandatory.

INSTRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.

To be completed by Clerk of Local Government Unit	
Signature of Clerk	Date received by Local Unit
STC Use Only	
Application Number	Date Received by STC

APPLICANT INFORMATION
All boxes must be completed.

1a. Company Name (Applicant must be the occupant/operator of the facility) Autocam Corporation		1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 3599	
1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 1511 George Brown Drive, Marshall, MI 49068		1d. City/Township/Village (Indicate which) Marshall	1e. County Calhoun
2. Type of Approval Requested <input checked="" type="checkbox"/> New (Sec. 2(4)) <input type="checkbox"/> Speculative Building (Sec. 3(8)) <input type="checkbox"/> Research and Development (Sec. 2(9))		3a. School District where facility is located Marshall Public Schools	3b. School Code 13110
<input type="checkbox"/> Transfer (1 copy only) <input type="checkbox"/> Rehabilitation (Sec. 3(1))		4. Amount of years requested for exemption (1-12 Years) 10	

5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed.

Autocam Corporation manufactures and sells precision-machined components. This abatement includes real property improvements and new personal property.

6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	▶ <u>\$50,000.00</u> Real Property Costs
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation, plus total	▶ <u>\$2,711,704.00</u> Personal Property Costs
6c. Total Project Costs * Round Costs to Nearest Dollar	▶ <u>\$2,761,704.00</u> Total of Real & Personal Costs

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

	Begin Date (M/D/Y)	End Date (M/D/Y)	
Real Property Improvements	▶ <u>6/1/14</u>	▶ <u>8/5/15</u>	▶ <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Leased
Personal Property Improvements	▶ <u>3/4/13</u>	▶ <u>8/5/15</u>	▶ <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased

8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. Yes No

9. No. of existing jobs at this facility that will be retained as a result of this project: **16**
10. No. of new jobs at this facility expected to create within 2 years of completion: **0**

11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.

a. TV of Real Property (excluding land) _____
b. TV of Personal Property (excluding inventory) _____
c. Total TV _____

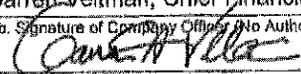
12a. Check the type of District the facility is located in:
 Industrial Development District Plant Rehabilitation District

12b. Date district was established by local government unit (contact local unit): **2/3/1997**
12c. Is this application for a speculative building (Sec. 3(8))?
 Yes No

APPLICANT CERTIFICATION - complete all boxes.

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 108 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has compiled or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

13a. Preparer Name Warren Veltman	13b. Telephone Number (616) 541-8153	13c. Fax Number (616) 698-6876	13d. E-mail Address wveltm@autocam.com
14a. Name of Contact Person Warren Veltman	14b. Telephone Number (616) 541-8153	14c. Fax Number (616) 698-6876	14d. E-mail Address wveltm@autocam.com
▶ 15a. Name of Company Officer (No Authorized Agents) Warren Veltman, Chief Financial Officer			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number (616) 698-6876	15d. Date 7/8/13
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 4180 40th Street, Kentwood, MI 49512		15f. Telephone Number (616) 541-8153	15g. E-mail Address wveltm@autocam.com

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

▶ 16. Action taken by local government unit <input type="checkbox"/> Abatement Approved for _____ Yrs Real (1-12), _____ Yrs Pers (1-12) After Completion <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Denied (Include Resolution Denying)	16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: Check or indicate N/A if Not Applicable <input type="checkbox"/> 1. Original Application plus attachments, and one complete copy <input type="checkbox"/> 2. Resolution establishing district <input type="checkbox"/> 3. Resolution approving/denying application. <input type="checkbox"/> 4. Letter of Agreement (Signed by local unit and applicant) <input type="checkbox"/> 5. Affidavit of Fees (Signed by local unit and applicant) <input type="checkbox"/> 6. Building Permit for real improvements if project has already begun <input type="checkbox"/> 7. Equipment List with dates of beginning of installation <input type="checkbox"/> 8. Form 3222 (if applicable) <input type="checkbox"/> 9. Speculative building resolution and affidavits (if applicable)
16a. Documents Required to be on file with the Local Unit Check or indicate N/A if Not Applicable <input type="checkbox"/> 1. Notice to the public prior to hearing establishing a district. <input type="checkbox"/> 2. Notice to taxing authorities of opportunity for a hearing. <input type="checkbox"/> 3. List of taxing authorities notified for district and application action. <input type="checkbox"/> 4. Lease Agreement showing applicants tax liability.	16c. School Code 13110
17. Name of Local Government Body City of Marshall	▶ 18. Date of Resolution Approving/Denying this Application 08/05/2013

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

19a. Signature of Clerk	19b. Name of Clerk Trisha Nelson	19c. E-mail Address tnelson@cityofmarshall.com
19d. Clerk's Mailing Address (Street, City, State, ZIP Code) 323 W Michigan Ave, Marshall, MI 49068		
19e. Telephone Number (269) 781-5183	19f. Fax Number (269) 781-3835	

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original and one copy of the completed application and all required attachments to:

State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7971

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)

STC USE ONLY				
▶ LUCI Code	▶ Begin Date Real	▶ Begin Date Personal	▶ End Date Real	▶ End Date Personal

Marshall City Council, Work Session
Monday, July 1, 2013
Unofficial

IN A WORK SESSION Monday, July 1, 2013 at 6:00 P.M. in the Council Chambers of Town Hall, 323 West Michigan Avenue, Marshall, MI, the Marshall City Council was called to order.

Present: Council Members: Mayor Dyer (arrived at 6:17 p.m.), Metzger, Reed, Revore, and Williams

Also Present: City Manager Tarkiewicz, Police Chief Schwartz, and Fire Chief Kiessling.

Absent: Council Members Mankerian and Miller.

A. Council discussed the progress for the Police, Fire, and City Hall Building Renovations.

The meeting was adjourned at 6:50 p.m.

James L. Dyer, Mayor

Trisha Nelson, Clerk

CALL TO ORDER

IN REGULAR SESSION Monday, July 1, 2013 at 7:00 P.M. in the Council Chambers of Town Hall, 323 West Michigan Avenue, Marshall, MI, the Marshall City Council was called to order by Mayor Dyer.

ROLL CALL

Roll was called:

Present: Council Members: Mayor Dyer, Metzger, Reed, Revore, and Williams.

Also Present: City Manager Tarkiewicz.

Absent: Council Members Mankerian and Miller.

Moved Reed, supported Metzger, to excuse the absence of Council Members Mankerian and Miller. On a voice vote – **MOTION CARRIED.**

INVOCATION/PLEDGE OF ALLEGIANCE

Barry Chaffin of Church of Christ gave the invocation and Mayor Dyer led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

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

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

Moved Williams, supported Reed, to approve the Consent Agenda:

- A. Approve minutes of the City Council Regular Session held on Monday, June 17, 2013;
- B. Approve city bills in the amount of \$ 859,836.09.

On a roll call vote – ayes: Metzger, Reed, Revore, Williams, and Dyer; nays: none. **MOTION CARRIED.**

PRESENTATIONS AND RECOGNITIONS

None.

INFORMATIONAL ITEMS

Director of Public Services Carl Fedders updated the Council regarding asphalt failures on the

North Drive Paving Project.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. J & L Manufacturing IFT:

Mike Hindenach, MAEDA Industrial Manager, provided an overview of the Industrial Facilities Tax Exemption Certificate application by J & L Manufacturing.

Mayor Dyer opened the public hearing to hear public comment on the proposed IFT application for J & L Manufacturing.

Hearing no comment, the hearing was closed.

Moved Metzger, supported Williams, to approve the application for an Industrial Facilities Tax Exemption Certificate for J & L Manufacturing. On a roll call vote – ayes: Reed, Revore, Williams, Mayor Dyer, and Metzger; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN
RESOLUTION #2013-32

RESOLUTION

Minutes of a regular meeting of the City Council of the City of Marshall held on July 1, 2013, in the Council Chambers of Town Hall located at 323 West Michigan Avenue, Marshall, Michigan.

Present: Mayor Dyer, Metzger, Reed, Revore, and Williams.
Absent: Mankerian and Miller

The following preamble and resolution were offered by Council Member Metzger and supported by Council Member Williams.

**RESOLUTION TO APPROVE APPLICATION OF
J&L MANUFACTURING
1507 GEORGE BROWN DRIVE, MARSHALL, MI
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR
REAL PROPERTY – BUILDING ADDITION**

WHEREAS, pursuant to P.A. 198 of 1974, MCL 211.551 et seq., after a duly noticed public hearing held on February 3, 1997, the Council by Resolution established Industrial Development District No. D-26 as requested; and

WHEREAS, J&L Manufacturing has filed an application for an Industrial Facilities Exemption Certificate with respect to real property improvements within Industrial Development District D-26; and

WHEREAS, in accordance with Act 334, P.A. 1993 amending Act 198, P.A. 1974, a written agreement shall be executed between the applicant and the City of Marshall allowing, under specific circumstances, the reduction and/or revocation of the certificate and recapture of the taxes abated; and

WHEREAS, before acting on said application, the City of Marshall held a hearing on July 1, 2013 in the Council Chambers of Town Hall, located at 323 West Michigan Avenue, Marshall, Michigan, at 7:00 p.m. at which hearing the applicant, public, Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, the acquisition and installation of the new equipment, had not begun earlier than six (6) months before June 3, 2013, the date of acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, the construction of the building addition is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Marshall; and

WHEREAS, the granting of said certificate shall not have the effect of substantially impeding the operation of the City of Marshall, or impairing the financial soundness of a taxing unit which levies ad-valorem property taxes in the City of Marshall; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Marshall, after granting this certificate, will exceed 5% of an amount equal to the sum of the SEV of the local unit, plus the SEV of personal and real property thus exempted; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marshall that:

1. The City Council find and determine that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974, shall not have the effect of substantially impeding the operation of the City of Marshall, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Marshall.
2. The application of J&L Manufacturing, 1507 George Brown Drive, for an Industrial Facilities Exemption Certificate, with respect to real property improvements and personal property improvements described as new machinery and equipment to be acquired and installed within the Industrial Development District No. D-26 is hereby approved.

3. The Industrial Facilities Exemption Certificate, when issued, shall be and remain in force and effect for a period of (12) twelve years under the rules and regulations of Act 198 of Public Acts of 1974, as amended, for the new machinery and equipment from the date of approval by the State Tax Commission.

AYES: Reed, Revore, Williams, Mayor Dyer, and Metzger.

NAYS: None.

Trisha Nelson, 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, Michigan, at a regular meeting held July 1, 2013.

Trisha Nelson, Clerk

B. Progressive Dynamics, Inc. IFT:

Mike Hindenach, MAEDA Industrial Manager, provided an overview of the Industrial Facilities Tax Exemption Certificate application by J & L Manufacturing

Mayor Dyer opened the public hearing to hear public comment on the proposed IFT application for Progressive Dynamics, Inc.

Hearing no comment, the hearing was closed.

Moved Reed, supported Metzger, to approve the application for an Industrial Facilities Tax Exemption Certificate for Progressive Dynamics, Inc. On a roll call vote – ayes: Revore, Williams, Mayor Dyer, Metzger, and Reed; nays: none.
MOTION CARRIED.

CITY OF MARSHALL, MICHIGAN
RESOLUTION #2013-33

RESOLUTION

Minutes of a regular meeting of the City Council of the City of Marshall held on July 1, 2013, in the Council Chambers of Town Hall located at 323 West Michigan Avenue, Marshall, Michigan.

Present: Mayor Dyer, Metzger, Reed, Revore, and Williams.
Absent: Mankerian and Miller

The following preamble and resolution were offered by Council Member Reed and supported by Council Member Metzger.

**RESOLUTION TO APPROVE APPLICATION OF
PROGRESSIVE DYNAMICS, INC.
507 INDUSTRIAL ROAD, MARSHALL, MI
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR
PERSONAL PROPERTY - NEW MACHINERY AND EQUIPMENT**

WHEREAS, pursuant to P.A. 198 of 1974, MCL 211.551 et seq., after a duly noticed public hearing held on March 19, 2012, the Council by Resolution established Industrial Development District No. D-33 as requested; and

WHEREAS, Progressive Dynamics, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to personal property improvements and the acquisition and installation of new machinery and equipment within Industrial Development District D-33; and

WHEREAS, in accordance with Act 334, P.A. 1993 amending Act 198, P.A. 1974, a written agreement shall be executed between the applicant and the City of Marshall allowing, under specific circumstances, the reduction and/or revocation of the certificate and recapture of the taxes abated; and

WHEREAS, before acting on said application, the City of Marshall held a hearing on July 1, 2013 in the Council Chambers of Town Hall, located at 323 West Michigan Avenue, Marshall, Michigan, at 7:00 p.m. at which hearing the applicant, public, Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, the acquisition and installation of the new equipment, had not begun earlier than six (6) months before June 3, 2013, the date of acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, the acquisition of the new equipment and machinery is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Marshall; and

WHEREAS, the granting of said certificate shall not have the effect of substantially impeding the operation of the City of Marshall, or impairing the financial soundness of a taxing unit which levies ad-valorem property taxes in the City of Marshall; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Marshall, after granting this certificate, will

exceed 5% of an amount equal to the sum of the SEV of the local unit, plus the SEV of personal and real property thus exempted; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marshall that:

4. The City Council find and determine that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974, shall not have the effect of substantially impeding the operation of the City of Marshall, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Marshall.
5. The application of Progressive Dynamics, Inc, 507 Industrial Road, Marshall, MI 49068 for an Industrial Facilities Exemption Certificate, with respect to real property improvements and personal property improvements described as new machinery and equipment to be acquired and installed within the Industrial Development District No. D-33 is hereby approved.
6. The Industrial Facilities Exemption Certificate, when issued, shall be and remain in force and effect for a period of (12) twelve years under the rules and regulations of Act 198 of Public Acts of 1974, as amended, for the new machinery and equipment from the date of approval by the State Tax Commission.

AYES: Revore, Williams, Mayor Dyer, Metzger, and Reed.

NAYS: None.

Trisha Nelson, 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, Michigan, at a regular meeting held July 1, 2013.

Trisha Nelson, Clerk

C. Renewable Energy Plan – Biennial Filing:

Carl Fedders, Director of Public Services, provided background on the proposed Renewable Energy Plan.

Mayor Dyer opened the public hearing to hear public comment on the proposed plan.

Hearing no comment, the hearing was closed.

Moved Williams, supported Metzger, to approve the proposed Renewable Energy Plan – Biennial Filing. On a voice vote – **MOTION CARRIED.**

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

None.

APPOINTMENTS / ELECTIONS

Council Member Revore will fill the Council liaison seat for the Zoning Board of Appeals previously filled by Wayne Booton.

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

COUNCIL AND MANAGER COMMUNICATIONS

ADJOURNMENT

The meeting was adjourned at 7:12 p.m.

James L. Dyer, Mayor

Trisha Nelson, City Clerk

User: cheitfeld

DB: Marshall

EXP CHECK RUN DATES 07/18/2013 - 07/18/2013

UNJOURNALIZED

OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
993093	5 STAR SPRINKLER	START UP & REPAIR HEADS	115.00
993097	5 STAR SPRINKLER	SERVICE CALL	125.00
993092	5 STAR SPRINKLER	START UP	75.00
19011	ACTRON INTEGRATED SEC	QTRLY MONITORING FEES	330.00
9242	ALPHA PROMOTIONAL PRO	BANNER	99.00
130610559	AMBS CALL CENTER	ANSWERING CENTER	475.20
12-501818	ARROW UNIFORM	UNIFORM	62.30
120501812	ARROW UNIFORM		26.37
12-501820	ARROW UNIFORM	UNIFORMS	20.00
12-509392	ARROW UNIFORM	UNIFORMS	26.37
12-509400	ARROW UNIFORM	UNIFORMS	20.00
12-509398	ARROW UNIFORM	UNIFORMS	62.30
12-509399	ARROW UNIFORM	UNIFORMS	135.58
12-501819	ARROW UNIFORM	UNIFORMS	135.58
12-501816	ARROW UNIFORM	UNIFORMS	54.56
388-104103-01	AUSTIN-BATTERIES PLUS	BATTERY REBUILT	119.98
388-155651	AUSTIN-BATTERIES PLUS	BATTERIES	174.25
225-327349	AUTO VALUE MARSHALL	OIL	387.85
6/22/13	BAKER TOOL RENTAL & S	RENT CEMENT MIXER	25.00
66826	BOSHEARS FORD SALES I	PARTS	123.67
12-0108	C2AE	STUDY ON FIRE STATION	11,647.60
8511	COURTNEY & ASSOCIATES	RETAINER FOR JUNE	250.00
82830	CRT, INC	BACKUP DR APPLICANCE SERVICE	339.00
82870	CRT, INC	POWER OUTAGE REPAIRS	314.00
82871	CRT, INC	PRINTER	1,153.00
661823052	CRYSTAL FLASH ENERGY		802.44
661823053	CRYSTAL FLASH ENERGY	FUEL	1,124.64
430372	DARLING ACE HARDWARE	CONCRETE SAW BLADES	0.00
430693	DARLING ACE HARDWARE	OUTLET SURGE PROTECTS	64.97
430564	DARLING ACE HARDWARE	FOUNTAIN SUPPLIES	9.99
430330	DARLING ACE HARDWARE	CONCRETE SAW BLADES	30.46
430633	DARLING ACE HARDWARE	JANETORIAL SUPPLIES	17.47
430697	DARLING ACE HARDWARE	FOUNTAIN SUPPLIES	9.99
430650	DARLING ACE HARDWARE	LOW VOLTAGE BOX	2.49
430667	DARLING ACE HARDWARE	SCADA COMPUTER WIRING	51.29
430606	DARLING ACE HARDWARE	ELECTRIC PARTS	8.98
430869	DARLING ACE HARDWARE	PLUMBING REPAIRS	23.46
430823	DARLING ACE HARDWARE	RECREATION SUPPLIES	82.55
0621-13	ELM TRAINING LLC	SAFETY MEETING	180.00
123224	ESRI INC	GIS SOFTWARE	3,200.00
69064	HERMANS MARSHALL HARD	MISC SUPPLIES	23.04
69105	HERMANS MARSHALL HARD	BOLT CUTTERS	29.99
69111	HERMANS MARSHALL HARD	PLUMBING SUPPLIES	15.98
69090	HERMANS MARSHALL HARD	ELECTRIC CONDUIT	19.79
69164	HERMANS MARSHALL HARD	UTILITY KNIFE AND BLADES	8.08
69034	HERMANS MARSHALL HARD	PHOTO EYE	11.49
69035	HERMANS MARSHALL HARD	KEYS	5.97
69067	HERMANS MARSHALL HARD	BROOMS	83.97
6/26/13	HIGLEY'S TREE SERVICE	MUSEUM IMPROVEMENTS	550.00
23668`	HOFFMAN AG SERVICE, L	WEED CONTROL	149.60
23525	HOFFMAN AG SERVICE, L	CHEMICALS	32.25
83641	J & K PLUMBING SUPPLY	PLUMBING REPAIR	32.06
W41254	JACK DOHENY SUPPLIES	REPAIR FOR VACTOR UNIT	5,074.34
215586B	KELLOGG COMMUNITY COL	CLASS FOR AMBROSE	200.00
5347	KELLOGG'S REPAIR GARA	TRUCK REPAIRS	292.59
5372	KELLOGG'S REPAIR GARA	REPAIR PARTS	70.45
5365	KELLOGG'S REPAIR GARA	STARTER	293.45
8278	KITCHEN SHOP OUTLET	COUNTER TOP	50.00
26002	LAKELAND ASPHALT CORP	COLD PATCH	222.56
1027007	LEGG LUMBER	REINFORCING ROD	8.99
SUMMER 2013	MARENGO TOWNSHIP	15-311-015-00	329.37
062513	MARSHALL COUNTRY CLUB	SUMMER PLAYGROUND	920.00
14630	MARSHALL MEDICAL ASSO	DOT PHYSICALS	388.00
062813	MARSHALL PUBLIC SCHOO	PLAYGROUND TRANSPORTATION	243.46
0628	MARSHALL SCHOOL FOOD	PLAYGROUND-BOGAR	78.83
0628	MARSHALL SCHOOLS	PLAYGROUND - MSHL LANES	126.05
8029	MARSHALL TIRE CITY	PARTS	57.00
6213	MARSHALL WELDING & FA	REPAIR POLE CLAMPS	90.00
6224	MARSHALL WELDING & FA	REPAIR TO A MOTOR	4,940.77
53999846	MCMASTER-CARR	ICE MACHINE FILTER	76.57
89314	MICHIGAN METER TECHNO	METER COUPLING & READ-O-WIRE	706.50
1211453	MILLER CANFIELD	ATTORNEY FEES - HCOD	480.40
RINV02220955	MY ALARM CENTER	ALARM MONITORING	78.00
7414202	NELSON TREE SERVICE I	TREE TRIMMING	6,111.76
34030391	NEOPOST USA INC	INK CARTRIDGE	221.99
54500	O'LEARY WATER CONDITI	WATER DELIVERED	36.00
6/27/13	PATINO, JOSEPHINE	RESTORATION MUSEUM	1,800.00

User: cheitfeld

DB: Marshall

EXP CHECK RUN DATES 07/18/2013 - 07/18/2013

UNJOURNALIZED

OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
5744076	POWER LINE SUPPLY	RISER U GUARDS	92.50
5742919	POWER LINE SUPPLY	GLOVES & SLEEVES	591.00
108022	PRECISION PRINTER SER	SERVICE ON PLOTTER	289.00
8431	RADIO COMMUNICATIONS	SPEAKERS	541.62
3324	RADIO SHACK	SCADA KEYBOARD & MOUSE	42.99
JULY	ROBERT LIVERNOIS	CDL LICENSE	52.00
7712	SIGNWORLD CONCEPTS	MUSEUM IMPROVEMENTS	500.00
42693	SOIL AND MATERIAL ENG	NORTH DRIVE	2,289.89
7270053	STANLEY LAWN & GARDEN	GRASS SEED	113.97
698233	STANTEC CONSULTING MI	MANSION STREET	5,713.61
7000691274	STAPLES CONTRACT & CO	TONER	190.39
7000691273	STAPLES CONTRACT & CO	OFFICE SUPPLIES	255.64
JUL STMT	TRU GREEN COMMERCIAL	FOR CITY HALL	155.00
			56,592.25

User: ctanner

DB: Marshall

EXP CHECK RUN DATES 06/01/2013 - 06/28/2013

UNJOURNALIZED

OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
062513	BALLARD, FRANK R	BUILDING INSPECTOR PAY	1,126.25
062113	BEARDSLEE LAW OFFICES	SERVICES THROUGH 6/21/13	1,674.00
JUN 2013	CALHOUN COUNTY TREASU	JUNE TRAILER FEES	80.00
203316464173	CONSUMERS ENERGY	1000 0916 3203	15.96
203583460963	CONSUMERS ENERGY	1000 0916 3708	11.65
201803534774	CONSUMERS ENERGY	1000 0033 5602	773.60
201002738087	CONSUMERS ENERGY	1000 0759 4680	71.89
205452376379	CONSUMERS ENERGY	1000 6710 1772	0.38
203316464175	CONSUMERS ENERGY	1000 0916 3971	83.35
203316464174	CONSUMERS ENERGY	1000 0916 3435	51.37
202337493687	CONSUMERS ENERGY	1000 5741 9077	18.18
062413	FARMER, TERESA	REFUND OVERPAYMENT--SUMMER FUN	15.00
062513	GANO, DARYL	ELECTRICAL INSPECTOR PAY	651.25
061713	GRAND HOTEL	2013 MACKINAC ISLAND TRIP - #2	10,400.00
052313A	GREG MCCOMB	EXPENSE REIMBURSEMENT	324.39
062513	GROSS, JOHN	INSPECTION COMMISSION	541.00
062513	HAGERTY, KAREN	EXPENSE REIMBURSEMENT	123.00
062613	HAZEL, CHAD	JURY DUTY MILEAGE	5.60
062413	JAQUES, SCOTT	REFUND - SUMMER FUN TRIPS	98.00
062513	LAUREN MENGEL	PAYMENT FOR SCOREKEEPING	77.00
9-017400-27	LETNER, GREG & TONYA	REFUND UTILITY DEPOSIT	86.78
062713	MAINS, KATHLEEN	A/C TUNE-UP	50.00
2113-0613	MARSHALL COMMUNITY CU	2113 - TRUDEAU	272.00
062513	MARSHALL LANES	FIELD TRIP - WEEK 1	474.50
S3406986.001	MEDLER ELECTRIC COMPA	MINIATURE LAMPS	32.92
S3410712.002	MEDLER ELECTRIC COMPA	CONTACTS & BUTTONS	261.00
S3410712.001	MEDLER ELECTRIC COMPA	CONTACTS	36.07
062813	MICHIGAN SHIGA SISTER	GOODWILL MISSION -- JACK REED	1,250.00
13974580	NEOPOST USA INC	INK CARTRIDGE	157.99
062513	NORTHWOOD SWIM CLUB	TENNIS COURT RENTAL	250.00
26918	STANDARD PRINTING & O	BUSINESS CARDS	337.91
061313	TROY DEKRYGER	EXPENSE REIMBURSEMENT	8.98
061813	TROY DEKRYGER	EXPENSE REIMBURSEMENT	18.14
062413	TRUDEAU, TERI	EXPENSE REIMBURSEMENT	31.85
062413	U S POSTMASTER	ROLL OF STAMPS	46.00
			19,456.01

Check Date	Bank	Check #	Vendor Code	Vendor Name	Amount	# Invoices
07/05/2013	MAIN	00000096156	6012	WINTERS, SHERRY	4.23	1
07/05/2013	MAIN	00000096155	4354	JAMES TRUDEAU	175.00	1
07/05/2013	MAIN	00000096154	300431	TICE, LUCAS	10.00	1
5/2013	MAIN	00000096153	9628	SPRINT	786.34	1
07/05/2013	MAIN	00000096152	500383	PATRICIA BIRD	210.00	1
07/05/2013	MAIN	00000096151	7733	NYE UNIFORM COMPANY	118.79	1
07/05/2013	MAIN	00000096150	7604	MEDLER ELECTRIC COMPANY	49.50	1
07/05/2013	MAIN	00000096149	6133	MCMASTER-CARR	213.60	1
07/05/2013	MAIN	00000096148	4239	MCFADDEN, RODNEY	10.00	1
07/05/2013	MAIN	00000096147	500377	LESTER GALLAHER	72.12	1
07/05/2013	MAIN	00000096146	6060	LEACH, DOUG	10.00	1
07/05/2013	MAIN	00000096145	500380	KEVIN REEVES	55.82	1
07/05/2013	MAIN	00000096144	500379	JULIA HOEKSTRA	30.25	1
07/05/2013	MAIN	00000096143	500378	JOHNATHAN PIGNARTO	4.50	1
07/05/2013	MAIN	00000096142	500382	JANE HORN	46.11	1
07/05/2013	MAIN	00000096141	2823	FISHER, CHARLIE	10.00	1
07/05/2013	MAIN	00000096140	2218	MORRIS EVANS	10.00	1
07/05/2013	MAIN	00000096139	25123	DRUMM, CODY	10.00	1
07/05/2013	MAIN	00000096138	500381	CONNIE CRUSCIEL	8.46	1
07/05/2013	MAIN	00000096137	7169	CALHOUN COUNTY EQUALIZATION	4,772.00	2
07/05/2013	MAIN	00000096136	20302	BURGHDOFF, CODY	58.66	1
07/05/2013	MAIN	00000096135	9200	BOGAR THEATER	604.75	1
07/05/2013	MAIN	00000096134	4558	BATTLE CREEK UNLIMITED, INC.	2,083.33	1

Num Checks: 23 Num Invoices: 24 Total Amount: 9,353.46



ADMINISTRATIVE REPORT
July 15, 2013 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members

FROM: Natalie Huestis, Director of Community Services
Tom Tarkiewicz, City Manager

SUBJECT: Approve Special Land Use #SLU13.01 for 1210
Comstock, Group Child Day Care

BACKGROUND: On July 10, 2013 the Planning Commission held a public hearing on a Special Land Use request from Chelsy Jones, the owner of 1210 Comstock, to have a Group Child Day Care. Ms. Jones currently runs a Family Child Day Care out of her home Monday-Friday which is a permitted use in the R-2 District. She is seeking a Special Land Use permit to expand her child care facility from 6 children to a maximum of 12 children.

Group Child Care Homes are regulated through their own section in the ordinance (§156.194). Commissioners assured that the applicant met all requirements in this section including licensing through the state; a large enough fenced outdoor play area, and felt that she could provide adequate parking for her day care. The applicant meets separation requirements from other residential facilities in Marshall. Her day care will be open Monday-Friday from 6:30 a.m. to 6:30 p.m. and does not require signage. Commissioners talked with the owner and felt that the ordinance was satisfied. During the public hearing, no one came forward to speak.

Motion by Davis, supported by Burke Smith, to recommend that City Council approve Special Land Use #13.01 for 1210 Comstock to have a Group Child Day Care. On a voice vote; MOTION CARRIED.

RECOMMENDATION: The Planning Commission recommends that City Council approve Special Land Use #13.01 for 1210 Comstock, Group Child Day Care.

FISCAL EFFECTS: None at this time.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

Natalie Huestis
Director of Community Services

Tom Tarkiewicz
City Manager



ADMINISTRATIVE REPORT
July 15, 2013 – City Council Meeting

TO: Honorable Mayor and City Council

FROM: Tom Tarkiewicz, City Manager
Tracy Hall, Human Resources Coordinator

SUBJECT: Department of Public Works Contract
Teamsters Local 214

BACKGROUND: The City of Marshall has completed negotiations with the International Brotherhood of Teamsters, Chauffeurs, Warehouseman and Helpers of America and its Local 214, Department of Public Services, Public Works Division. We have reached mutual agreement on the collective bargaining agreement. Attached is a Fact Sheet summarizing the major changes made to the Agreement.

The bargaining unit voted to ratify the contract at a July 9, 2013 meeting. The three-year agreement will expire June 30, 2016.

RECOMMENDATION: We respectfully request that City Council approve the Contract as presented.

FISCAL EFFECTS: The costs associated with implementation of contract provisions.

ALTERNATIVES: As suggested by City Council.

Respectfully submitted,

Tom Tarkiewicz
City Manager

Tracy Hall
Human Resources Coordinator

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

**Negotiation Summary
City of Marshall DPW**

Wages

Increase wages 1% July 1 of each year from July 1, 2013 – June 30, 2016

Health Insurance

Add Article 26 Section 1 "(e) *Effective January 1, 2013 the City will offer both an HRA and an HSA insurance plan. The City will fund up to 100% of the HRA deductible and 90% of the HSA deductible as long as the total cost is below the State Hard Cap. In the event that the total cost is above the State Hard Cap the City contribution will be lowered to stay at the hard cap amount.*"

Health Insurance - new employees shall pay 20% of the monthly premium.

Add to Section 2 "*Employees hired on or after July 1, 2013 shall pay twenty percent (20%) of health insurance premiums charged to the City.*"

Health Insurance – opt out

The payment in lieu of insurance coverage has been reduced from 40% of the monthly premium to the following schedule for any employee not currently participating in the opt out program.

Single person Coverage	\$125 per month
Two person coverage	\$200 per month
Family coverage	\$250 per month

If an employee elects to drop his/her dependents or spouse for the City's coverage, the payment has been reduced from 40% of the savings to 25% of the savings.

Longevity will not be available to new hires

Add to Article 25 "(c) *Full time employees hired on or after July 1, 2013 are not eligible to receive longevity payments.*"

Pension plan contribution for new hires

Add "*Employees hired on or after July 1, 2013 shall participate in a Defined Contribution plan through MERS. The employee shall pay 7.70% of the employee's total, annual gross compensation and the employer shall pay 10.00% of the employee's total, annual gross compensation.*"

Supervisor's Pay

Increase the premium pay for acting supervisor from \$2/hr to 10% above the employees base wage.

Boot allowance

The boot allowance has been increased from \$300 for a 3 year contract to \$500 for the 3 year contract.

PA 152 Language

Language was added to the contract regarding PA 152 that allows the City, in its absolute discretion, to determine if we meet the hard cap, elect to pay a maximum of eighty (80%) percent, or elect to be exempt from the requirements of the Act for the next succeeding year.

Right to Work Language

Article 4 – Union Security has been replaced with Article 4 – Union Membership, Dues, Fees. This language was changed to comply with the Michigan Right to Work Act.



ADMINISTRATIVE REPORT
July 15, 2013 – City Council Meeting

TO: Honorable Mayor and City Council

FROM: Tom Tarkiewicz, City Manager
Tracy Hall, Human Resources Coordinator

SUBJECT: General City Employees Contract
Teamsters Local 214

BACKGROUND: The City of Marshall has completed negotiations with the International Brotherhood of Teamsters, Chauffeurs, Warehouseman and Helpers of America and its Local 214, General City Employees. We have reached mutual agreement on the collective bargaining agreement. Attached is a Fact Sheet summarizing the major changes made to the Agreement.

The bargaining unit voted to ratify the contract at a July 9, 2013 meeting. The three-year agreement will expire June 30, 2016.

RECOMMENDATION: We respectfully request that City Council approve the Contract as presented.

FISCAL EFFECTS: The costs associated with implementation of contract provisions.

ALTERNATIVES: As suggested by City Council.

Respectfully submitted,

Tom Tarkiewicz
City Manager

Tracy Hall
Human Resources Coordinator

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

**Negotiation Summary
City of Marshall General City Employees**

Wages

Increase wages 1% July 1 of each year from July 1, 2013 – June 30, 2016

Health Insurance

Add Article 26 Section 1 *"(e) Effective January 1, 2013 the City will offer both an HRA and an HSA insurance plan. The City will fund up to 100% of the HRA deductible and 90% of the HSA deductible as long as the total cost is below the State Hard Cap. In the event that the total cost is above the State Hard Cap the City contribution will be lowered to stay at the hard cap amount."*

Health Insurance - new employees shall pay 20% of the monthly premium.

Add to Section 2 *"Employees hired on or after July 1, 2013 shall pay twenty percent (20%) of health insurance premiums charged to the City."*

Longevity will not be available to new hires

Add to Article 25 *"(c) Full time employees hired on or after July 1, 2013 are not eligible to receive longevity payments."*

Pension plan contribution for new hires

Add *"Employees hired on or after July 1, 2013 shall participate in a Defined Contribution plan through MERS. The employee shall pay 7.70% of the employee's total, annual gross compensation and the employer shall pay 10.00% of the employee's total, annual gross compensation."*

Holidays

Dial-A-Ride employees will get two floating holidays in lieu of President's Day and the Manager's Designated Day. Also, language will be added stating if the City elects to operate the Dial-A-Ride on Good Friday and/or the Day after Thanksgiving, the hours shall first be filled with part-time employees.

PA 152 Language

Language was added to the contract regarding PA 152 that allows the City, in its absolute discretion, to determine if we meet the hard cap, elect to pay a maximum of eighty (80%) percent, or elect to be exempt from the requirements of the Act for the next succeeding year.

Right to Work Language

Article 4 – Union Security has been replaced with Article 4 – Union Membership, Dues, Fees. This language was changed to comply with the Michigan Right to Work Act.



ADMINISTRATIVE REPORT
July 15, 2013 CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: Tom Tarkiewicz, City Manager
Tracy Hall, HR Coordinator

SUBJECT: Personnel Policy Manual revisions

BACKGROUND: Administration would like to propose amendments to the City of Marshall Personnel Policy Manual. Changes to the Personnel Policy Manual are dealt with in Section 1.05 *"These policies are subject to change upon approval by City Council."*

1. The November 2012 election separated the Clerk-Treasurer position into two positions. The reference of either Clerk or Treasurer needs to be cleaned up throughout the manual. There are other references throughout the manual that need to be amended as a result of a shift in job responsibilities.
2. Appendix B – Substance Abuse and Alcohol/Drug Testing Policy currently lists a minimum blood/alcohol leave of .07. This minimum level will be changed to .02.
3. Longevity Pay – Full-time employees hired on or after September 1, 2013 will not be eligible to receive longevity payments.
4. MERS Retirement – Employees hired on or after September 1, 2013 shall participate in a Defined Contribution plan through MERS. The employee shall pay 7.7% of the employee's total, annual gross compensation and the employer shall pay 10% of the employee's total, annual gross compensation.

A full copy of the manual is available upon request.

RECOMMENDATION: We respectfully request that Council approve the above mentioned changes to the City of Marshall Personnel Policy Manual

ALTERNATIVES: As suggested by Council.

FISCAL EFFECTS: Future savings will be seen with a Defined Contribution plan and no longevity payments to new hires.

Respectfully submitted,

Tom Tarkiewicz
City Manager

Tracy Hall
HR Coordinator

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com



**ADMINISTRATIVE REPORT
JULY 15, 2013 - CITY COUNCIL MEETING**

REPORT TO: Honorable Mayor and City Council
FROM: Tom Tarkiewicz, City Manager
SUBJECT: Schedule a Public Hearing for August 5, 2013 to vacate a section of the West Green Street right of way at Kalamazoo Avenue

BACKGROUND: The proposed fire department addition to City Hall will require the building to extend 10' into the right of way of West Green Street. Green Street has an 82.5' right of way, which is wider than the standard 66' right of way. The street curb will remain in the same location but the sidewalk will be closer to the road.

It is necessary to vacate this section of right of way described as:

A portion of W. Green Street (82.5 feet wide) dedicated to the public and now being vacated and reverted to adjoining land owners, being described more particularly as: The Northerly 10 feet of W. Green Street, lying East of S. Kalamazoo and West of the West line of Lot 4 as extended of Block 22, plat of the City of Marshall, Lower Village, as recorded in plat of Calhoun County Register of Deeds.

A public hearing is required and could be scheduled for August 5, 2013.

RECOMMENDATION: It is recommended that the City Council schedule a public hearing for August 5, 2013 to hear public comment regarding a vacation of a section of the West Green Street right of way at Kalamazoo Avenue.

FISCAL EFFECTS: None.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

CITY OF MARSHALL, MICHIGAN
RESOLUTION # 2013-

RESOLUTION TO VACATE A SECTION OF WEST GREEN STREET

WHEREAS, a request has been received to vacate a portion of the right-of-way of West Green Street between South Kalamazoo Avenue and South Park Avenue in the plat of the Lower Village, City of Marshall, and

WHEREAS, the City has the authority to vacate streets within the City under Article 7, Section 31 of the Michigan Constitution of 1963, and under Section 4h of Michigan's Home Rule City Act, and Section 2.23 of the City of Marshall Charter, as amended, and

WHEREAS, the City has conducted hearings on vacating the said portion of the said street, and has determined that the police and fire departments believe that the vacation will not adversely affect public safety, and

WHEREAS, Notice of the Public Hearing for vacating a portion of West Green Street between South Kalamazoo avenue and South Park Avenue was published by the City of Marshall on July _____, 2013, with a notice of the hearing mailed via first class mail to all property owners of record for any property adjoining the parcel in question; and

WHEREAS, the City has determined that the street right of way recommended for vacation is not needed by the city by Department of Public Services, Department of Public Works, or Public Safety Department.

NOW THEREFORE BE IT RESOLVED, the City of Marshall hereby vacates that portion of West Green Street between South Kalamazoo Avenue and South Park Avenue and more particularly described as:

A portion of West Green Street (82.5 feet wide) dedicated to the public and now being vacated and reverted to adjoining land owners, being described more particularly as: The Northerly 10 feet of W. Green Street, lying East of S. Kalamazoo and West of the West line of Lot 4 as extended of Block 22, plat of the City of Marshall, Lower Village, as recorded in plat of Calhoun County Register of Deeds.

BE IT FURTHER RESOLVED, that the vacated right-of-way shall become part of the adjacent property to the North of West Green Street; and

BE IT FURTHER RESOLVED, that the city Clerk shall be, and hereby is, authorized for and on behalf of the city to execute and deliver any documents necessary or appropriate.

Dated: August _____, 2013

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed seal of said City of Marshall, this _____ day of August, 2013.

Trisha Nelson, City Clerk



ADMINISTRATIVE REPORT
July 15, 2013 – CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: James Schwartz, Police Chief
Tom Tarkiewicz, City Manager

SUBJECT: Purchase of the Flynn Property at 714 N. Brewer Street

BACKGROUND: The City of Marshall will require land to build the new Marshall Regional Law Enforcement Center. The City of Marshall looked at several sites throughout the area that would be suitable to build a building of this size. There is also consideration to have extra land available should there be a need to expand the building at a later date.

As a result of the search the City identified a parcel of land at 17035 17 Mile Road (714 North Brewer Street). This parcel of land is in Marshall Township but is adjacent to the City. This parcel is also located directly west of the Marshall High School and the Walters Elementary School. It is the intent of the City to bring this property into the City through a PA425 land transfer agreement with Marshall Township.

An option agreement was developed and agreed upon on May 11, 2013 between the City of Marshall and Elizabeth Flynn. The agreement allows, the City to purchase the 10+/- acres of property for \$325,000. The City is also obligated to pay seller's closing costs and seller's attorney fees not to exceed \$1,000.

RECOMMENDATION: The Chief of Police and the City Manager recommend exercising the option agreement to purchase the Flynn Property as described.

FISCAL EFFECTS: The costs for the property will be used from sale of bonds to finance the new Marshall Regional Law Enforcement Center. .

ALTERNATIVES: As decided by City Council

Respectfully Submitted,

James Schwartz
Police Chief

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

OPTION AGREEMENT

Elizabeth H. Flynn, survivor of herself and Patrick C. Flynn, of 17035 19 Mile Road, Marshall, Michigan, the seller, and The City of Marshall, a Michigan municipal corporation, of 323 W. Michigan Ave., Marshall, Michigan, the buyer, enter into this option agreement subject to the following conditions:

1. Grant of the option. In consideration of Five Thousand and No/100 Dollars (\$5,000.00) paid by the buyer to the seller, receipt of which the seller acknowledges, the seller grants the buyer an exclusive option to purchase the real property described in the attached Exhibit A with all easements, rights, and appurtenances. The option shall remain in effect until 5:00 p.m. local time on April 15, 2014. Seller represents that she is the record owner of the property described on Exhibit A and that she has the ability to convey marketable title to the buyer, with the exception that seller represents that the deed to her and her late husband dated March 20, 1990, contained a reservation of one-half (1/2) of the mineral rights. On date hereof seller is unaware of whether or not her grantor has taken any actions under MCL 524.291 to preserve such reservation. Until the title commitment clarifies this issue, seller can agree only to a quit claim deed as to any such reserved rights. Seller agrees to assign all splits, if applicable, to buyer. The conveyance may include "farm use in the neighborhood" notice language, if applicable to this land.
2. Purchase price. The purchase price for the premises under this option is Three Hundred Twenty Five Thousand and No/100 Dollars (\$325,000.00). In addition, buyer shall pay seller's closing costs, including but not by way of limitation, transfer taxes, title insurance and attorney fees which seller may incur in connection with this transaction up to \$1,000. Provided, however, that attorney fees incurred by seller to clear title, as described in 7.a. below shall be seller's expense. The purchase price shall be paid in full at the closing with certified funds. The consideration for this option shall be credited to the purchase price for the premises at the closing if the buyer exercises the option.
3. Exercise of the option. The buyer may exercise this option by giving written notice signed by the buyer to the seller, either personally, or at her address stated above, by certified mail, return receipt requested. If the notice is exercised by mail, it shall be sent not less than 36 hours before this option expires.

4. Failure to exercise the option. If the buyer fails to properly exercise this option before this agreement expires, this option shall terminate and the seller may retain the consideration and shall have no further obligation to the buyer.
5. Actions prior to exercise of the option. Whether or not the buyer exercises this option, during the term of this option buyer shall have the right to have its agents enter the property at reasonable times, with not less than three (3) days advance notice to seller, to conduct non-destructive testing including but not limited to soil borings and land surveys. In case buyer shall not exercise its option, it shall restore the premises to their pre-testing state.
6. Closing. This sale shall be closed within 10 days after all the closing documents are prepared and mutually approved, but no later than 90 days after the seller receives the notice that the buyer is exercising the option.
7. The closing and preparations for the closing. If the buyer exercises the option, the following obligations shall be performed by the closing:
 - a. Following delivery of notice of exercise, buyer shall forthwith, if not previously done, obtain a commitment for title insurance, furnishing a copy to seller. Buyer shall review the commitment and shall, within 10 days of its receipt by buyer, inform seller, in writing, of any defects, which would cause buyer to reconsider the transaction. Seller shall have up to 90 days after exercise to cure, or insure over any such defect. If title cannot be cleared within 90 days after exercise, buyer shall have the option of canceling the transaction, extending the time for closing, or closing with the defect(s) as exception(s) to warranties. The possible issue of mineral rights shall not be considered a title defect.
 - b. Seller's attorney shall prepare the necessary conveyance documents to transfer her title to the buyer and forward them to buyer for the buyer's review at least 10 days before the scheduled date of the closing.
 - c. The closing shall be held within the corporate limits of the city of Marshall, Michigan, unless the parties mutually agree on some other location.
 - d. An updated commitment for an owner's title insurance policy shall have been issued by a title insurance company satisfactory to both parties prior to closing that shows that the seller has good and marketable title to the premises subject to easements and restrictions of record. The policy will be ordered and bound by the insurer at closing, and delivered by the title company as soon as is reasonably possible.
 - e. All real estate taxes owing on the premises shall be prorated between the buyer and the seller according to the calendar year, under the assumption that taxes are collected in arrears to cover the calendar year in which they become due and payable. For any

outstanding assessments on the premises that are paid in annual installments, the annual installment for the year in which the closing is held shall be prorated between the parties, and all successive installments shall be paid by the buyer.

- 1. The seller shall be solely responsible for the satisfaction of any claims by any tenant on the property.
- 8. Binding effect. This agreement shall bind and benefit the parties' successors and assigns. The buyer may freely assign its interest under this agreement.
- 9. Construction and venue. This agreement shall be governed by Michigan laws. Any disputes shall be brought in the courts of Calhoun County.
- 10. Entire agreement. This agreement contains the entire agreement of the parties with respect to the transaction described in this agreement, and this agreement may not be amended or released, in whole or in part, except by a document signed by the parties.
- 11. Effective date. This agreement shall be effective upon execution.
- 12. Recording. This option shall not be recorded, but the seller consents to the buyer recording a notice of option in the records of the Calhoun County Register of Deeds.

Elizabeth H. Flynn
Elizabeth H. Flynn

STATE OF MICHIGAN)
) ss.
COUNTY OF CALHOUN)

Acknowledged before me in Calhoun County, Michigan, on May 11th, 2013, by Elizabeth H. Flynn.

Patricia A. Reynolds, Notary Public
State of Michigan, County of Eaton
My Commission Expires: 3-22-2019
Acting in the County of Calhoun

Patricia A. Reynolds
Notary Public
Eaton County, Michigan Acting in Calhoun
My Commission Expires: 3-22-2019

CITY OF MARSHALL

By: Trisha Nelson
Trisha Nelson

EXHIBIT A

Real estate located in the Township of Marshall, County of Calhoun, State of Michigan, and described as:

Tax Roll No. 13-16-241-003-00

Beginning at a point on the West line of section 24, Town 2 South, Range 6 West, Marshall Township, Calhoun County, Michigan, distant S 00° 05' 49" W, 1786.00 feet from the North-west corner of said Section 24; thence S 88° 41' 35" E, parallel with the North line of said Section 24, a distance of 1329.81 feet to the East line of the West 1/2 of the North-west 1/4 of said Section 24; thence S 00° 09' 43" E, along said East line, 332.04 feet; thence N 88° 41' 35" W, parallel with said North Section line, 1331.31 feet to said West Section line; thence N 00° 05' 49" E, along said West Section line, 332.00 feet to the place of beginning, containing 10.14 acres of land more or less.
Township of Marshall, Calhoun County, Michigan
Subject to easements, restrictions, reservations and exceptions of record.

15.95

Via 257
10 acres

RECORDED IN DEE

REAL ESTATE *
TRANSFER TAX *
15.95 *
DEPT. OF REVENUE
TRACTION

RECORDED

Mar 23 1 28 PM '90

WARRANTY DEED - Single - 891 10
(Private Copy Form) 000001 001 2

This Indenture, made March 20th 1990
BETWEEN MARK H. DRESSEL and SALLY J. DRESSEL, husband and wife,
P. O. Box 65, Medford, Minnesota 55049

CLERK-REGISTER
CALHOUN COUNTY MICH.
ANNE B. NORLANDER

and PATRICK L. FLYNN and ELIZABETH H. FLYNN, husband and wife, as
tenants by the entirety,

whose address is 17035 19 Mile Road, Marshall, Michigan
Witnesseth, That the said party of the first part, for and in consideration of

\$14,500.00

to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged and acknowledged, does by these presents, grant,
bargain, sell, remise, release, alien and confirm unto the said party of the second part, his heirs and assigns,
However, all that certain piece or parcel of land situated and being in the Township
of Marshall County of Calhoun and State of Michigan, and described as follows, to-wit:
Beginning at a point on the West line of Section 24, Town 2 South, Range 6 West, Marshall
Township, Calhoun County, Michigan, distant S 00° 05' 49" W, 1786.00 feet from the North-
west corner of said Section 24; thence S 88° 41' 35" E, parallel with the North line of
said Section 24, a distance of 1329.81 feet to the East line of the West 1/2 of the North-
west 1/4 of said Section 24; thence S 00° 09' 43" E, along said East line, 332.04 feet;
thence N 88° 41' 35" W, parallel with said North Section line, 1331.31 feet to said West
Section line; thence N 00° 05' 49" E, along said West Section line, 332.00 feet to the
place of beginning, containing 10.14 acres of land more or less.
Township of Marshall, Calhoun County, Michigan
Subject to easements, restrictions, reservations and exceptions of record.

Tax Roll No. 13-16-241-083-00

This deed is given pursuant to a land contract by and between Mark H. Dressel and Sally J.
Dressel, husband and wife, as Vendors, and William O. Crank and Jack R. Moore, as tenants
in common, as Purchasers, dated July 26, 1985, and recorded July 30, 1985, in Liber 1346
at page 378 in the Office of the Register of Deeds for Calhoun County, Michigan; whereby
William O. Crank and Ella M. Crank, husband and wife, subsequently assigned their interest
in said land contract to Jack R. Moore and Marilyn Moore by a Purchasers' Assignment of
(Continued on Reverse)

Together with all and singular the hereditaments and appurtenances thereto belonging or in anywise appertaining. To Have and to Hold
the said premises, as herein described, with the appurtenances, unto the said party of the second part and to his heirs
and assigns, However. And the said party of the first part, for himself, his heirs, executors and administrators, does covenant, grant, bargain and
agree to and with the said party of the second part, his heirs and assigns, that at the time of the delivery of these presents
he is well seized of the above granted premises in fee simple; that they are free from all incumbrances whatsoever

UGER 1525 PAGE 247

and that he will, and his heirs, executors, and administrators shall Warrant and Defend the same against all lawful claims whatsoever.

When applicable, pronouns and relative words shall be read as plural, feminine or neuter.
In Witness Whereof, The said party of the first part has hereunto set his hand the day and year first above written.

Signed, and Delivered in Presence of
Eric A. Dressel
David A. Dressel
Mark H. Dressel
Sally J. Dressel
State of Michigan
County of Calhoun
MAR 23 1990

STATE OF MINNESOTA on March 20th 1990
County of Steele before me, a Notary Public, in and for said County, personally appeared
Mark H. Dressel and Sally J. Dressel, husband and wife
to me known to be the same person described in and who executed the within instrument, who
acknowledged the same to be their free act and deed.

This Instrument Prepared By:
Schroeder, DeGraw, Kendall & Mayhall
By: David J. DeGraw
203 East Michigan Avenue
Marshall, Michigan 49068

Notary Public
JULIE DRESSEL
Notary Public - Minnesota
STEELE COUNTY
Michigan
19



ADMINISTRATIVE REPORT
JULY 15, 2013 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council
FROM: Tom Tarkiewicz, City Manager
SUBJECT: Schedule a Public Hearing for August 5, 2013 on a P.A. 425 Land Transfer with Marshall Township

BACKGROUND: The City is purchasing a ten acre parcel from the Flynn family to construct the Marshall Regional Law Enforcement Center at 714 Brewer Street and we are requesting that Marshall Township enter into a Public Act 425 Land Transfer agreement. A PA 425 agreement brings a property into the City to receive City services but gives a portion of the property taxes collected to the Township. Since the property will be owned by the City and used for governmental purposes, no property taxes would be generated but could generate in the future if the police building became private.

In 2006, the City and Marshall Township entered into a Master 425 Development Agreement. The Master Agreement is attached. The agreement defines the amount of tax given to the Township based on property location and type of development.

PA 425 requires the adoption of a resolution and a public hearing by both governmental bodies. The proposed resolution and contract are attached.

RECOMMENDATION: It is recommended that Council approve the request to schedule a public hearing for August 5, 2013 regarding a P.A. 425 Land Transfer for the parcel at 714 Brewer Street.

FISCAL EFFECTS: None.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

RESOLUTION AUTHORIZING EXECUTION OF CONTRACT
FOR CONDITIONAL TRANSFER OF PROPERTY

WHEREAS, City of Marshall, owner of property commonly known as 714 Brewer Street, has petitioned the City of Marshall and Marshall Township for a Conditional Transfer of its property from Marshall Township into the City of Marshall; and

WHEREAS, on February 25, 2006 the City of Marshall entered into a Master 425 Agreement with the Township of Marshall; and

WHEREAS, the Master 425 Agreement facilitates the provision of City services, including municipal sewer, water, police and fire protection to properties currently within Marshall Township according to terms acceptable to both the Township of Marshall and the City of Marshall,

NOW THEREFORE, BE IT RESOLVED, that the City Manager and the Clerk are authorized to execute a Contract for Conditional Transfer of Property commonly known at 714 Brewer Street from the Township of Marshall to the City of Marshall.

IT IS FURTHER RESOLVED, that the Contract for Conditional Transfer shall be in the form of the attached document, subject to changes in form approved by the City Attorney.

As City Clerk I place my seal and sign my name that this is a true and accurate copy of the action taken by the Marshall City Council on _____.

Trisha Nelson, Clerk
CITY OF MARSHALL

Dated: _____

**CITY OF MARSHALL – TOWNSHIP OF MARSHALL
CONTRACT FOR CONDITIONAL TRANSFER OF PROPERTY**

This Agreement made on the _____ day of August, 2013, between the CITY OF MARSHALL, a Michigan municipal corporation, having offices at 323 West Michigan Avenue, Marshall, Michigan 49068 (the “City”) and the TOWNSHIP OF MARSHALL, a Township duly organized under the laws of the State of Michigan, and existing in Calhoun County, Michigan, having offices at 13551 Myron Avery Drive, Marshall, Michigan 49068 (the “Township”).

WHEREAS, the City and the Township have adopted a Master 425 Agreement dated February 25, 2006 for the purpose of providing sewer and water services which are available in the City to Township properties upon the request of a Township property owner, and

WHEREAS, City of Marshall, the owner of the property described on Schedule 1 attached hereto (“Property”) have requested that the City extend sewer and water services to the Property, and

WHEREAS, the provision of municipal services by the City to the Property would further the economic well-being of both the City and the Township and increase the probability of additional development of the Property, and

WHEREAS, the City has available sewer and water capacity to service the Property, and

WHEREAS, the parties have each conducted a public hearing to receive input on the proposed transfer of property.

NOW, THEREFORE, by authority of Act 425 of the Public Acts of 1984 and pursuant to the Master 425 Agreement entered into between the City and the Township and in consideration of the mutual promises herein set forth, BE IT AGREED AS FOLLOWS:

1. The Township consents to the transfer to the City of the Property.
2. The City agrees to accept the transfer of the Property for all purposes allowed under Public Act 425 of 1984, as amended, to make available municipal services to the Property provided that the Property owner and other users of the utilities extended from the City to the Property shall pay for the cost of the extension.
3. The transfer of the Property contemplated by this agreement shall occur at midnight on September 1, 2013.
4. Following transfer, and during the term of this Agreement, the City shall have full jurisdiction over the Property subject to the following limitations:

Land usages shall be subject to the Joint Municipal Planning Commission pursuant to the provisions of the Master 425 Agreement.

5. The City and Township agree that the City shall have the authority to assess and collect ad valorem taxes, real and personal, on the Property and any improvements thereon during 2014 and for the remainder of the term of this Agreement. The Township shall have the authority to assess and collect ad valorem taxes, real and personal, on the Property and any improvements thereon through calendar year 2013.

The City and Township further agree that commencing in the year 2014 and continuing through the fiftieth (50th) full calendar year thereafter, all such taxes which the City collects for its own general operating fund purposes only, and which are attributable to the Property for the term of this Agreement shall be shared between the City and the Township as follows:

A. The Township shall receive the equivalent of 3 mills levied on the taxable value of the Property for the taxable year as established by the City subject to any subsequent adjustments resulting from tax appeals. The City shall transmit the Township's share of such revenues annually on or before 30 days after receipt.

B. Thereafter, all tax revenues from the Property shall be collected and retained by the City.

6. Except as provided in paragraph 7, upon termination, expiration or non-renewal of this Agreement, jurisdiction of the Property shall pass to the City and the Township shall have no further rights or interests in the Property.

7. In the event that the City shall not share tax revenues from the Property as provided in paragraph 5 or shall breach any other provision of this Agreement, the Township shall be entitled to terminate this Agreement, whereupon jurisdiction of the Property shall revert to the Township or the Township may pursue whatever other legal remedies are available to the Township.

8. Any liability the City or the Township incurs to a third party as a result of the performance of duties or the exercise or rights imposed or granted hereunder shall be jointly shared and defended in the same proportion as the taxes are shared as described in paragraph 5.

9. The burden of all tax abatements shall be shared by the City and the Township in the same percentage as the millage is shared. In the event the City reduces its millage, the Township's share of millage shall be proportionately reduced provided no additional taxes are levied by the City to replace the reduction in millage.

10. Sewer and water rates charged to the Property owner shall not be greater than the rates charged in the City for similar users. Property owners shall contribute to repairs and capital improvements to the sewage treatment facilities, water purification plant, well facilities, and distribution systems in the same manner as similar users within the City of Marshall.

11. In the event there is a conflict between this Agreement and the Master 425 Development Agreement, the terms of the Master 425 Development Agreement shall control unless there is a specific reference in the conflicting provision that it is intended to prevail despite the Master 425 Development Agreement.

12. Within fifteen (15) days of execution of this contract, the City Clerk shall file a duplicate original of this contract with the Calhoun County Clerk, the Michigan Secretary of State and the Calhoun County Register of Deeds.

WITNESSES:

CITY OF MARSHALL

By: _____
Tom Tarkiewicz, City Manager

By: _____
Trisha Nelson, Clerk

WITNESSES:

MARSHALL TOWNSHIP

By: _____
Eugene Hamaker, Supervisor

By: _____
Cynthia Sink, Clerk

Prepared by:
Paul K. Beardslee
Marshall City Attorney
206 S. Kalamazoo Ave.
Marshall, Michigan 49068
(269) 781-5193

Schedule 1

Legal Description of Property

Township of Marshall, County of Calhoun, State of Michigan.

Beginning at a point on the West line of Section 24, Town 2 South, Range 6 West, Marshall Township, distant South $00^{\circ}05'49''$ West, 1,786.00 feet from the Northwest corner of said Section 24; thence South $88^{\circ}41'35''$ East, parallel with the North line of said Section 24, 1,329.81 feet to the East line of the West 1/2 of the Northwest 1/4 of said Section 24; thence South $00^{\circ}09'43''$ East, along the East line, 332.04 feet; thence North $88^{\circ}41'35''$ West, parallel with said North Section line, 1,331.31 feet to said West Section line; thence North $00^{\circ}05'49''$ East, along said West Section line, 332.00 feet to the place of beginning.



ADMINISTRATIVE REPORT
July 15, 2013 – CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: James Schwartz, Police Chief
Tom Tarkiewicz, City Manager

SUBJECT: Approval of Redstone Architects Inc. as the Architect for the proposed Marshall Regional Law Enforcement Center

BACKGROUND: The City of Marshall, the Michigan State Police, and the State of Michigan are in the process of building a joint police facility in the City of Marshall. This facility will be located on a 10 acre parcel of land. The proposed facility will house the Marshall Police Department and the Michigan State Police. This building will be designed for future expansion should the need arise.

The City of Marshall and the State of Michigan will invest approximately \$11,300,000 in this project. During the initial needs study, Dan Redstone from Redstone Architects Inc., was instrumental in developing those needs and formulating the space requirements to meet those needs.

Redstone Architects is fully involved and aware of the project and has been in constant contact to address concerns throughout this process. Redstone has the expertise and experience to provide architectural design, drawings and services to make sure the building meets and exceeds expectations. Redstone Architects has worked with the State of Michigan, Michigan State Police and other police facilities throughout Michigan.

Because of Dan Redstone's current knowledge of the project and demonstrated expertise in his field, will provide the City of Marshall a smooth transition as this process continues to completion. Redstone Architects Inc. has submitted a proposal to cover all professional fees including a security consultant through completion of construction for \$714,200. The attached letter submitted by Redstone Architects Inc. outlines their proposed fees and the breakdown of costs associated with those fees.

RECOMMENDATION: The Chief of Police and the City Manager recommend approving Redstone Architects Inc. as the professional designer for the Marshall Regional Law Enforcement Center for a bid of

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

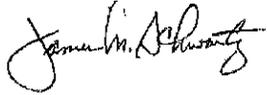
cityofmarshall.com

\$714,200. Redstone Architects Inc. meets and exceeds expectation for this project and will be an asset to the City of Marshall.

FISCAL EFFECTS: The funds for this expense are contingent upon a lease agreement from the State of Michigan. The project is further awaiting funding from the State of Michigan for their share of the project plus the additional \$1,500,000 needed to supplement the City of Marshall for the grant shortfall as discussed.

ALTERNATIVES: As suggested by City Council

Respectfully Submitted,



James Schwartz
Police Chief



Tom Tarkiewicz
City Manager



Law Enforcement
Justice
Public Safety
Municipal
Corporate/Commercial

Redstone Architects, Inc.

2709 S. Telegraph Road, Bloomfield Hills, MI 48302-1008

April 22, 2013

Mr. Tom Tarkiewicz, City Manager
Mr. James Schwartz, Public Safety Director
City of Marshall
323 W. Michigan Avenue
Marshall, MI 49068

Re: Professional Fees
Marshall Regional Law Enforcement Center Design

Dear Tom and Jim:

Per our conversation on Monday, April 8th, we are pleased to confirm our previous proposal to provide professional design services for the Marshall Regional Law Enforcement Center, which will house the City of Marshall Police Department and the Michigan State Police.

Our proposal is based on the July, 2012 conceptual design plans for a one-story building plus basement of approximately 33,380 square feet and an outbuilding of approximately 10,240 square feet. We understand that the building will likely be situated on a parcel of property to be acquired on Old US 27, south of the I-94 interchange.

The only change contemplated to the July 2012 conceptual plan would be to add back shell space to accommodate a future gun range. The range, including support spaces of 2,000 square feet totals almost 6,000 square feet. We hope to accommodate the addition of this additional shell space within our (original) fee proposal.

Our proposal was separated into two parts; Design and Construction Phase Services. Design Services: We confirm our proposal of a fixed professional fee for Basic Services for the design and preparation of construction documents and bidding phases, of \$511,000. Professional services of our security consultant, Summers Associates, for the same phases are a fixed fee of \$26,450.00.

Construction Phase Services: We proposed a not-to exceed professional fee for the Construction Administration phase of the Basic Services of \$167,750. Construction Phase services for our Security Consultant is a fixed fee of \$9,000.00. We have assumed a construction period of 15 months, plus close-out and move in of two months.



Mr. Tom Tarkiewicz, City Manager
Mr. James Schwartz, Public Safety Director

April 22, 2013
Page 2

In total, our professional fee for Basic Services, including our security consultant, through the completion of construction, totals \$714,200. For reference, I have attached a copy of our November 7, 2012 fee summary.

Reimbursable Expenses: We estimate reimbursable expenses, including a survey estimated at \$7,500, to be in the neighborhood of \$34,000. Environmental surveys and soil borings were not included in this estimate, and would be additional, if required.

Additional Fees: Professional fees for interior design services, as well as IT, data, and cabling services, were part of the budget allowances for those items, and would be in addition to the fees identified above.

Thank you for your continued confidence in Redstone Architects and our engineering consultants, FTC&H. The Marshall Regional Law Enforcement Center is an amazing vision to improve the welfare and the economy of the City of Marshall, and we are proud to be a part of the team that is working to make this collaborative law enforcement facility a reality.

Sincerely,

Daniel Redstone, FAIA, NCARB
President

w/encl.

Cc: Tom Smith, RA, Project Principal, FTC&H



ADMINISTRATIVE REPORT
July 15, 2013 – CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: James Schwartz, Police Chief
Tom Tarkiewicz, City Manager

SUBJECT: Approval of Clark Construction as the Construction Manager for the proposed Marshall Regional Law Enforcement Center.

BACKGROUND: The City of Marshall, the Michigan State Police, and the State of Michigan are in the process of building a joint police facility on land that will be brought into the City with a PA 425 agreement. This facility will be located on a 10 acre parcel of land. The proposed facility will house the Marshall Police Department and the Michigan State Police. This building will be designed for future expansion should the need arise.

The City of Marshall and the State of Michigan will invest approximately \$11,300,000 in this project. Due to the size and scope of the project, there will be a Construction Management (CM) firm representing the City of Marshall and the State of Michigan throughout this project. The CM will be involved with the project from the design, bidding, construction and certification of the building upon completion. It will be the responsibility of the CM to make sure the contractors and sub-contractors have the skills and abilities to complete the job on time and in a safe manner.

The process of choosing a CM was done through a Request for Proposal (RFP) process. There were six (6) firms that arrived at the pre meeting to discuss the RFP and if they had any questions with the scope and responsibility of the RFP. All six companies that were at the meeting submitted proposals for consideration.

Upon receiving all bids for the CM project, city staff then met and went over certain criteria determined to be essential for the selection of a CM. Once the criteria was developed all companies that submitted bids for this project were evaluated and scored.

As a result of this process staff identified Clark Construction as the firm that would best represent the City of Marshall and the Michigan State Police. Clark Construction has prior experience working with the State of Michigan and working in Calhoun County. Clark was responsible for building the Michigan State Police Headquarters in Lansing, MI. They have prior experience with other police facilities including building indoor

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

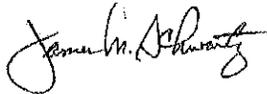
firing ranges. Clark has worked with Redstone Architects Inc. in the past and would further the relationship between both police agencies and the architect. Clark Construction was also the low bid at \$401,663.

RECOMMENDATION: The Chief of Police and the City Manager recommend accepting Clark Construction of Lansing as the CM representative for the Marshall Regional Law Enforcement Center for a bid of \$401,663. Clark Construction meets and exceeds expectation for this project and will be an asset to the City of Marshall.

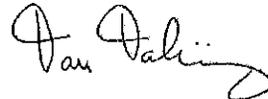
FISCAL EFFECTS: The funds for this expense are contingent upon a lease agreement from the State of Michigan. The project is further awaiting funding from the State of Michigan for their share of the project plus the additional \$1,500,000 needed to supplement the City of Marshall for the grant shortfall as discussed.

ALTERNATIVES: As suggested by City Council

Respectfully Submitted,



James Schwartz
Police Chief



Tom Tarkiewicz
City Manager