

CALL TO ORDER

IN REGULAR SESSION Monday, August 5, 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, Mankerian, Metzger, Miller, Reed, Revore, and Williams.

Also Present: City Manager Tarkiewicz.

Absent: None.

INVOCATION/PLEDGE OF ALLEGIANCE

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

APPROVAL OF THE AGENDA

Moved Metzger, supported Reed, to approve the agenda with the addition item 15A – Closed Session to discuss a possible property purchase. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

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

- A. Approve minutes of the City Council Regular Session held on Monday, July 15, 2013;
- B. Approve city bills in the amount of \$ 2,069,725.29.

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

PRESENTATIONS AND RECOGNITIONS

None.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Autocam Corporation IFT Application, 1601 Pratt Avenue:

Mike Hindenach, MAEDA Industrial Manager, provided an overview of the Industrial Facilities Tax Exemption Certificate application by Autocam Corporation at 1601 Pratt Avenue and Jeff Goodman, Plant Manager at Autocam, provided an overview of the changes taking place at Autocam.

Mayor Dyer opened the public hearing to hear public comment on the proposed application for an Industrial Facilities Tax Exemption Certificate for Autocam Corporation at 1601 Pratt Avenue.

Hearing no comment, the hearing was closed.

Moved Miller, supported Mankerian, to approve the application for an Industrial Facilities Tax Exemption Certificate for Autocam Corporation at 1601 Pratt Avenue. On a roll call vote – ayes: Metzger, Miller, Reed, Revore, Williams, Mayor Dyer, and Mankerian; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN
RESOLUTION #2013-34

Minutes of a regular meeting of the City Council of the City of Marshall held on August 5, 2013, in the Council Chambers of Town Hall located at 323 West Michigan Avenue, Marshall, Michigan.

Present: Mayor Dyer, Mankerian, Metzger, Miller, Reed, Revore, and Williams.
Absent: None.

The following preamble and resolution were offered by Council Member Miller and supported by Council Member Mankerian.

**RESOLUTION TO APPROVE APPLICATION OF
AUTOCAM CORPORATION
1601 PRATT AVENUE, 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 October 16, 1979, the Council by Resolution established Industrial Development District No. D-7 as requested; and

WHEREAS, Autocam Corporation has filed an application for an Industrial Facilities Exemption Certificate with respect to real and personal property improvements within Industrial Development District D-7; 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 August 5, 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 July 22, 2013, the date of acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, the real and personal property investment 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 Autocam Corporation, 1601 Pratt Avenue, 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-7 is hereby approved.

3. The Industrial Facilities Exemption Certificate, when issued, shall be and remain in force and effect for a period of (10) ten 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: Metzger, Miller, Reed, Revore, Williams, Mayor Dyer, and Mankerian.

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 August 5, 2013.

Trisha Nelson, Clerk

B. Autocam Corporation IFT Application, 1511 George Brown Drive:

Mike Hindenach, MAEDA Industrial Manager, provided an overview of the Industrial Facilities Tax Exemption Certificate application by Autocam Corporation at 1511 George Brown Drive and Jeff Goodman, Plant Manager at Autocam, provided an overview of the changes taking place at Autocam.

Mayor Dyer opened the public hearing to hear public comment on the proposed application for an Industrial Facilities Tax Exemption Certificate for Autocam Corporation at 1511 George Brown Drive.

Hearing no comment, the hearing was closed.

Moved Reed, supported Metzger, to approve the application for an Industrial Facilities Tax Exemption Certificate for Autocam Corporation at 1511 George Brown Drive. On a roll call vote – ayes: Miller, Reed, Revore, Williams, Mayor Dyer, Mankerian, and Metzger; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN
RESOLUTION #2013-35

Minutes of a regular meeting of the City Council of the City of Marshall held on August 5, 2013, in the Council Chambers of Town Hall located at 323 West Michigan Avenue, Marshall, Michigan.

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

Absent: None.

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

**RESOLUTION TO APPROVE APPLICATION OF
AUTOCAM CORPORATION
1511 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, Autocam Corporation has filed an application for an Industrial Facilities Exemption Certificate with respect to real and personal 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 August 5, 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 July 22, 2013, the date of acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, the real and personal property investment 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 Autocam Corporation, 1511 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.
6. The Industrial Facilities Exemption Certificate, when issued, shall be and remain in force and effect for a period of (10) ten 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: Miller, Reed, Revore, Williams, Mayor Dyer, Mankerian, 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 August 5, 2013.

Trisha Nelson, Clerk

C. Vacate Section of Green Street:

City Manager Tarkiewicz provided an explanation regarding the vacation of a section of the West Green Street right of way at Kalamazoo Avenue. The section being vacated is the right of way only. The street curb will remain in the same location but the sidewalk will be closer to the road.

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

Hearing no comment, the hearing was closed.

Moved Miller, supported Reed, to adopt the resolution to vacate a section of the West Green Street right of way at Kalamazoo Avenue. On a roll call vote – ayes: Reed, Revore, Williams, Mayor Dyer, Mankerian, Metzger, and Miller; nays: none.
MOTION CARRIED.

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2013-36**

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 20, 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 5, 2013 _____

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed seal of said City of Marshall, this 5th day of August, 2013.

Trisha Nelson, City Clerk

D. P.A. 425 Land Transfer with Marshall Township:

City Manager Tarkiewicz provided information regarding the P.A. 425 Land Transfer. The City is purchasing a ten acre parcel for the Marshall Regional Law Enforcement Center at 714 Brewer Street. A P.A. 425 agreement brings a property into the City to receive City services but gives a portion of the property taxes collected to the Township.

Mayor Dyer opened the public hearing to hear public comment on the proposed P.A. 425 Land Transfer.

Hearing no comment, the hearing was closed.

Moved Williams, supported Metzger, to approve the P.A. 425 Conditional Land Transfer agreement with Marshall Township for the parcel at 714 Brewer Street. On a roll call vote – ayes: Revore, Williams, Mayor Dyer, Mankerian, Metzger, Miller, and Reed; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN
RESOLUTION #2013-37

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 August 5, 2013.

Trisha Nelson, Clerk
CITY OF MARSHALL

Dated: August 5, 2013

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Hastings City Bank Land Swap:

Moved Williams, supported Metzger, to approve the resolution to authorize the Clerk to sign the warranty deed and easement documents with Hastings City Bank. On a roll call vote – ayes: Mankerian, Metzger, Miller, Reed, Revore, Williams, and Mayor Dyer; nays: none. **MOTION CARRIED.**

B. Low Income Energy Assistance Act:

Moved Metzger, supported Miller, to approve the changes to the City of Marshall Rate Classifications and Standard Rules and Regulations. On a roll call vote – ayes: Williams, Mayor Dyer, Mankerian, Metzger, Miller, Reed, and Revore; nays: none. **MOTION CARRIED.**

C. Purchase Power Agreement:

Moved Williams, supported Metzger, to approve the Resolution Approving Hydro-electric Power Purchase Agreement and Related Matters. On a roll call vote – ayes: Metzger, Miller, Reed, Revore, Williams, Mayor Dyer, and Mankerian; nays: none. **MOTION CARRIED.**

APPOINTMENTS / ELECTIONS

A. Airport Board Appointment:

Moved Revore, supported Williams, to approve the appointment of Scott Blankenship to the Airport Board with a term expiring on October 1, 2015. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

COUNCIL AND MANAGER COMMUNICATIONS

CLOSED SESSION

Moved Miller, supported Reed, to enter into closed session under section 8(d) of the Michigan Open Meetings Act to discuss possible land purchase. On a roll call vote – ayes: Reed, Revore, Williams, Mayor Dyer, Mankerian, Metzger, and Miller; nays: none. **MOTION CARRIED.**

Moved to closed session at 8:04.

Return to open session at 8:56 p.m.

ADJOURNMENT

The meeting was adjourned at 8:56 p.m.

James L. Dyer, Mayor

Trisha Nelson, City Clerk