



MARSHALL CITY COUNCIL AGENDA

MONDAY – 7:00 P.M.

October 21, 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.	<u>City Council Minutes</u>	P. 3
	Regular Session.....	Monday, October 7, 2013
B.	<u>City Bills</u>	P. 7
	Regular Purchases	\$ 135,416.47
	Purchased Power.....	\$ 771,032.63
	Weekly Purchases –10/4/13.....	\$ 2,621,833.52
	Weekly Purchases –10/11/13.....	\$10,160.33
	Total.....	\$ 3,538,442.95

- 8) PRESENTATIONS AND RECOGNITIONS
- 9) INFORMATIONAL ITEMS
- 10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A.	<u>Michigan Kitchen Distributors IFT Application</u>	P. 13
	City Council will hear public comment on the proposed application for an Industrial Facilities Tax Exemption Certificate for Michigan Kitchen Distributors at 106 East Oliver Drive.	
B.	<u>Tenneco IFT Application</u>	P. 25
	City Council will hear public comment on the proposed application for an Industrial Facilities Tax Exemption Certificate for Tenneco at 904 Industrial Road.	

- 11) OLD BUSINESS
- 12) REPORTS AND RECOMMENDATIONS

A.	<u>Well Improvements</u>	P. 37
	City Council will consider the recommendation to approve the resolution authorizing staff to execute a purchase order with Peerless Midwest, Inc. for \$72,860 for the improvements to Well #1 and #2.	

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



B. Taxistreet Design

P. 39

City Council will consider the recommendation to authorize the Clerk to sign the agreement with Mead and Hunt, Inc. for the Design of the Taxistreet Rehabilitation Project at Brooks Field.

13) APPOINTMENTS / ELECTIONS

A. Appointment of Treasurer

P. 40

City Council will consider the recommendation to appoint Jon Bartlett as City Treasurer for a term expiring in May of 2015 with an annual salary of \$47,000.

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 cursive script, appearing to read "Tom Tarkiewicz".

Tom Tarkiewicz
City Manager

CALL TO ORDER

IN REGULAR SESSION Monday, October 7, 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

David Good of First Baptist Church gave the Invocation and Mayor Dyer led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Williams, supported Metzger to remove item 7E – Set Public Hearing – Proposed Changes to §152 Appendix A from the Consent Agenda to item 12C. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

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

- A. Schedule a public hearing for November 4, 2013 to hear comments regarding rezoning request for Parcel #13-16-241-003-00, the "Flynn Property", from the Township zoning of Low Density Residential to City zoning of Public/Semi-Public;
- B. Schedule a public hearing for October 21, 2013 to hear public comments on the proposed Industrial Facilities Tax Exemption Certificate for Michigan Kitchen Distributors, 106 E. Oliver Street;
- C. Schedule a public hearing for October 21, 2013 to hear public comments on the proposed Industrial Facilities Tax Exemption Certificate for Tenneco;
- D. Schedule a public hearing for November 4, 2013 to hear comments on the proposed addition of language to §50.02 Garbage and Rubbish: Use of Containers on Private Property;
- E. Approve minutes of the City Council Regular Session held on Tuesday,

September 2, 2013;

- F. Approve city bills in the amount of \$ 3,654,697.67.

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

None.

OLD BUSINESS

A. Cronin Building Agreement for Purchase of Real Estate:

Moved Metzger, supported Reed, to approve the Purchase Agreement for the Cronin Building with Urban Concepts, Inc. On a roll call vote – ayes: Miller, Reed, Revore, Williams, Mayor Dyer, Mankerian, and Metzger; nays: none. **MOTION CARRIED.**

REPORTS AND RECOMMENDATIONS

A. MERS Defined Contribution Plan:

Moved Williams, supported Mankerian, to approve the MERS Defined Contribution Plan Adoption Agreement as presented. On a roll call vote – ayes: Metzger, Miller, Reed, Revore, Williams, Mayor Dyer, and Mankerian; nays: none. **MOTION CARRIED.**

B. Police Vehicle Purchase:

Moved Miller, supported Reed, to approve the purchase of a 2014 Ford Police Interceptor Utility Vehicle from Boshears Ford in the amount not to exceed \$26,895. On a roll call vote – ayes: Mankerian, Metzger, Miller, Reed, Revore, Williams, and Mayor Dyer; nays: none. **MOTION CARRIED.**

C. Set Public Hearing – Proposed Changes to §152 APPENDIX A:

Moved Williams, supported Metzger, to schedule a public hearing for November 4, 2013 to hear comments on the proposed addition of Off-Premises signs to §152 APPENDIX A: TYPE AND LOCATION OF SIGNS: PROHIBITED SIGNS, SECTION (B): SIGNS PROHIBITED IN ALL DISTRICTS. On a roll call vote –

ayes: Reed, Mayor Dyer, Mankerian, Metzger, and Miller; nays: none. **MOTION CARRIED.**

APPOINTMENTS / ELECTIONS

A. Property Maintenance Board of Appeals and Construction Board of Appeals Appointments:

Moved Williams, supported Metzger, to approve the recommendation to appoint the following individuals to serve on the Property Maintenance Board and the Construction Board of Appeals:

Members:

Casey Hall, Master Electrician	10/7/2013 through 10/6/2015
Barry Goodwin, Master Plumber	10/7/2013 through 10/6/2014
Ralph Wharry, PE, Structural Engineer	10/7/2013 through 10/6/2015

Alternates:

Larry Rizer, Architect	10/7/2013 through 10/6/2014
Brent Bidwell, Builder	10/7/2013 through 10/6/2015

On a voice vote – **MOTION CARRIED.**

B. Airport Board:

Moved Williams, supported Metzger, to reappoint Steve Buller to the Airport Board with a term expiring October 1, 2015 and Scott Southwell and David Mead with terms expiring October 1, 2016. On a voice vote – **MOTION CARRIED.**

C. Planning Commission Appointments:

Moved Miller, supported Williams, to approve the reappointment of Tim Banfield to the Planning Commission with a term expiring November 1, 2015 and the appointment of Lisa McNiff to the Planning Commission with a term expiring November 1, 2016 and Jeff Goodman with a term expiring November 1, 2014. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

COUNCIL AND MANAGER COMMUNICATIONS

Marshall City Council, Regular Session
Monday, October 7, 2013
Unofficial

ADJOURNMENT

The meeting was adjourned at 8:00 p.m.

James L. Dyer, Mayor

Trisha Nelson, City Clerk

User: ctanper

DB: Marshall

EXP CHECK RUN DATES 10/24/2013 - 10/24/2013

UNJOURNALIZED OPEN

BANK CODE: MAIN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
19730	A & D LIGHTING SUPPLY	LIGHTING	387.45
6100458-000-1013	AD-VISOR & CHRONICLE	SEPTEMBER ADS	1,376.85
SCL 10002255	ALEXANDER CHEMICAL CO	DEPOSIT REFUNDS	(600.00)
SCM 10001051	ALEXANDER CHEMICAL CO	CHLORINE CREDIT	(534.00)
130910559	AMBS CALL CENTER	ANSWERING SERVICE	154.80
11401	ARBOR MASTER	L1 AERIAL LIFT RIGGING APPLICATION	5,025.00
12-615668	ARROW UNIFORM	CUST #010198-05	20.00
12-615659	ARROW UNIFORM	CUST #010198-01	26.37
12-615665	ARROW UNIFORM	CUST #010198-04	62.30
12-608116	ARROW UNIFORM	CUST #010198-05	20.00
12-608106	ARROW UNIFORM	CUST #010198-01	26.37
12-608113	ARROW UNIFORM	CUST #010198-04	62.30
12-592953	ARROW UNIFORM	CUST #010198-03	181.12
12-608114	ARROW UNIFORM	CUST #010198-03	147.46
12-608112	ARROW UNIFORM	CUST #010198-02	54.56
12-615666	ARROW UNIFORM	CUST #010198-03	147.46
12-615664	ARROW UNIFORM	CUST #010198-02	64.09
388-104280-01	AUSTIN-BATTERIES PLUS	100 W HPS LAMP	359.88
388-104275-01	AUSTIN-BATTERIES PLUS	70 W HPS LAMP	311.76
388-156811	AUSTIN-BATTERIES PLUS	BATTERY	111.50
388-104253-01	AUSTIN-BATTERIES PLUS	2.6 AH BATTERY	92.95
225-333867	AUTO VALUE MARSHALL	HITCH PIN & CLIP	11.56
225-333973	AUTO VALUE MARSHALL	LED BACKUP LAMP	49.65
225-333972	AUTO VALUE MARSHALL	LED BACKUP LAMP	49.65
225-334162	AUTO VALUE MARSHALL	PEAK 50/50, DIESEL ADD., PAINT & PRIMER	203.04
225-334347	AUTO VALUE MARSHALL	OIL FILTERS	73.68
225-334338	AUTO VALUE MARSHALL	OIL FILTERS	12.28
225-334757	AUTO VALUE MARSHALL	PEAK RV A/F	47.88
225-330080	AUTO VALUE MARSHALL	BATTERY CREDIT	(89.99)
100764	BUD'S WRECKER SERVICE	CAR #M4	45.00
47464	CARON CHEVROLET OLDSM	TAHOE	709.09
2552	CB HALL ELECTRIC COMP	MOVE POWER FOR FLOOR HOIST AT GARAGE	740.00
2559	CB HALL ELECTRIC COMP	CHG SWITCH TO BASEMENT LIGHTS	56.00
171772	CITY OF ALBION	BROADSTRIPE BILL	127.49
6856	COBAN TECHNOLOGIES	WIRELESS MICROPHONE PACKAGE	362.00
083013	COLLINS PROFESSIONAL	GROUND STUMP @ 306 N DIVISION	125.00
616235	COMMERCIAL OFFICE PRO	LAMINATOR	66.15
616985	COMMERCIAL OFFICE PRO	CRTDG, TAPE	115.96
6160777	COMMERCIAL OFFICE PRO	ENVS, 2-HOLE PNCH, POUCH, CRTRDG, CALEN	175.95
85451	COMPLETE ELECTRIC	RPR TRANSFORMER COOLING FANS	396.36
8811	COURTNEY & ASSOCIATES	SEPTEMBER SERVICES	250.00
8951	CROSSTOWN COMMUNICATI	ADVERTISING	250.00
83525	CRT, INC	BACKUP DR APPLIANCE SERVICE	339.00
83586	CRT, INC	WAP WIRELESS	119.00
83562	CRT, INC	EXCHANGE SERVER	7,226.97
742519	CRYSTAL FLASH ENERGY	PROPANE	26.27
661925004	CRYSTAL FLASH ENERGY	DYED DIESEL	1,407.81
116915	D & D MAINTENANCE SUP	JANITORIAL SUPPLIES	63.40
436060	DARLING ACE HARDWARE	GORILLA GLUE, DRILL BIT, ROD REBAR	21.97
436019	DARLING ACE HARDWARE	CABLE TIES	8.99
435583	DARLING ACE HARDWARE	ELECTRICAL SUPPLIES	51.39
436236	DARLING ACE HARDWARE	ELECTRICAL SUPPLIES	8.45
436282	DARLING ACE HARDWARE	KEYS	3.98
436477	DARLING ACE HARDWARE	CONNECTORS	0.98
435940	DARLING ACE HARDWARE	BULBS	11.97
435701	DARLING ACE HARDWARE	SWITCH PLATE, RECP WALLPLT	2.40
435702	DARLING ACE HARDWARE	ELECT TAPE, CAM LOCKS	12.77
434219	DARLING ACE HARDWARE	SCREEN REPAIR, SPLINE, CLIPS/SCREWS	290.16
433719	DARLING ACE HARDWARE	GLUE, HEX KEY, STEEL STIK	35.47
435086	DARLING ACE HARDWARE	IRON OUT, CLIPS, SCREWS, WALLPLATES	455.28
436059	DARLING ACE HARDWARE	STIHL HIGH PERFORMANCE	9.49
435830	DARLING ACE HARDWARE	BENCH GRINDER, SCKT SET, EXT BAR ST	124.97
436187	DARLING ACE HARDWARE	IMPACT WRENCH, GALV NIPPLE	231.48
435995	DARLING ACE HARDWARE	LIGHT BULBS	26.98
436232	DARLING ACE HARDWARE	WOODCUTTER BAR & SAW CHAIN OIL	21.98
436297	DARLING ACE HARDWARE	STRAPS	23.88
436466	DARLING ACE HARDWARE	DOOR LOCK	22.99
435924	DARLING ACE HARDWARE	PAINT BRUSH & CAULK	8.28
436505	DARLING ACE HARDWARE	PAINT SUPPLIES	27.45
436558	DARLING ACE HARDWARE	PAINT	4.98
132295	DLZ	2013-2014 BRIDGE SAFETY INSPECTIONS	572.25
INV13118	DORNBOS SIGN & SAFETY	CUSTOM SIGNS	194.25
1328	ED'S DECORATING	PAINT APTS 108 & 416	400.00
MIMA148492	FASTENAL COMPANY	JANITORIAL SUPPLIES	86.60
MIMA148493	FASTENAL COMPANY	EAR PLUGS	61.64
MIMA148521	FASTENAL COMPANY	HARDWARE	39.30
MIMA148583	FASTENAL COMPANY	HARDWARE	18.40

User: ctanner

DB: Marshall

EXP CHECK RUN DATES 10/24/2013 - 10/24/2013

UNJOURNALIZED OPEN

BANK CODE: MAIN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
MIMA147980	FASTENAL COMPANY	BOTTOM TAP	17.68
13-3089	FIRST DUE FIRE SUPPLY	PRO TEC FUSION, HEADBANDS	95.30
13-2867	FIRST DUE FIRE SUPPLY	8 WATT BULBS	50.80
13-2832	FIRST DUE FIRE SUPPLY	TROUSERS	780.62
293363	FISHBECK THOMPSON CAR	MODIFICATION OF MDEQ PERMIT--RICE CREEK	506.00
1311704	FORUM ARCHITECTS LLC	PHYSICAL NEEDS & 504 REVIEW	558.00
272	FREDS AUTOMOTIVE REPA	OIL CHANGE 2011 CHEVY TAHOE	56.95
307	FREDS AUTOMOTIVE REPA	TIRE ROTATION 2011 CROWN VIC	48.95
402	FREDS AUTOMOTIVE REPA	OIL CHANGE 2011 CROWN VIC	36.95
447	FREDS AUTOMOTIVE REPA	OIL CHANGE 2010 CROWN VIC	36.95
448	FREDS AUTOMOTIVE REPA	OIL CHANGE 2008 CROWN VIC	36.95
LE0523	GRAPHIC CONTROLS	VOLTAGE CHARTS	86.54
LE4233	GRAPHIC CONTROLS	VOLTAGE CHARTS	452.53
9125083110	HD SUPPLY FACILITIES	WALL PLATES	41.30
9125147398	HD SUPPLY FACILITIES	JANITORIAL SUPPLIES	298.85
9125165208	HD SUPPLY FACILITIES	RANGE ELEMENTS, LOCKOUT KIT, WATER ALAR	375.26
11211	HERITAGE CLEANERS	CLEANING, ALTERATIONS & REPAIRS	184.70
69846	HERMANS MARSHALL HARD	JANITORIAL SUPPLIES	15.64
69854	HERMANS MARSHALL HARD	TOILET VALVES	52.45
69883	HERMANS MARSHALL HARD	DUST MASK, EAR PLUGS, SAFETY GOGGLES	21.77
70099	HERMANS MARSHALL HARD	BULBS FOR BINGO MACHINE	10.57
70121	HERMANS MARSHALL HARD	9/16 STEEL BIT	15.49
70281	HERMANS MARSHALL HARD	PAINT	44.99
70289	HERMANS MARSHALL HARD	BRUSH, TRIM PLATE	15.48
70061	HERMANS MARSHALL HARD	CABLE, CLAMP KITS	9.53
70270	HERMANS MARSHALL HARD	BRUSHES, PURDY 3-PK	20.57
70143	HERMANS MARSHALL HARD	CONNECTER	19.78
69801	HERMANS MARSHALL HARD	STRAINER BASKETS, OUTLETS, TOOL, KEY RI	25.85
70088	HERMANS MARSHALL HARD	SQUEEGIE, BATTERIES, TAPE, DISH PANS	105.53
70255	HERMANS MARSHALL HARD	MAGNETIC HOOKS	7.58
2014.088-2	HUNTER PRELL COMPANY	UNANTICIPATED CONCRETE REMOVAL, REPLACE	11,894.00
28297	HYDRO DYNAMICS INC	SERVICE CALL FOR SOUTH MARSHALL & HUGHE	1,757.50
135037	INDUSTRIAL CHEM LABS	GRANULAR CITRUS ODOR CONTROL	147.71
RMS000408	INTERACT	DECEMBER RMS MAINTENANCE	1,000.00
1901899004649	INTERSTATE ALL BATTER	BATTERIES	615.80
1001131-4	IRISH ACRES DISTRIBUT	INSTALLING VEHICLE HOIST	1,600.00
85408	J & K PLUMBING SUPPLY	SLOAN WATER SAVER KIT	24.74
85568	J & K PLUMBING SUPPLY	PRESSURE TRANSDUCERS	17.25
13249	J. ALLEN & COMPANY IN	KETCHUM PARK IMPROVEMENTS	26,000.00
S101940375.001	J.O. GALLOUP COMPANY	CREDIT FOR RETURNED ITEMS	(52.02)
S101936497.002	J.O. GALLOUP COMPANY	RER PART	38.02
093013	JIMMY'S JOHNS	COMPOST CENTER	90.00
093013A	JIMMY'S JOHNS	KETCHUM PARK SERVICES	201.25
137134	KAR LABORATORIES INC	OIL SAMPLE TESTING	247.50
137665	KAR LABORATORIES INC	CYANIDE ANALYSIS	100.00
S101923848.001	KENDALL ELECTRIC INCO	WIRE FOR NEW PRESSURE TRANSDUCER	71.36
12578	LAKE DRIVE MARINE INC	BOAT MOTOR REPAIR	295.27
102997	LARRY'S FLOOR COVERIN	DOUBLE TACK TAPE	13.99
201335.00-2130957	LAWSON-FISHER ASSOCIA	2013 STREAMBANK EROSION SURVEY AND REPO	1,489.48
1028214	LEGG LUMBER	SPRAY PAINT, HD CONST ADV	18.82
1028427	LEGG LUMBER	4 X 4 TREATED	51.96
1028314	LEGG LUMBER	GRAVEL MIX	25.74
1028413	LEGG LUMBER	GRAVEL MIX	180.18
8642	LEWEY'S SHOE REPAIR	JOHN HACKER'S BOOT ALLOWANCE	120.00
4003	LOU'S GLOVES INC	LAB GLOVES	86.00
27635	MAIL MANAGEMENT INC	ANNUAL MAINT RENEWAL FOLDER/INSERTER	795.00
15820	MARSHALL MEDICAL ASSO	FREY, LANE, SWISHER	242.00
2013104	MAXIMUM AMMUNITION LL	STREAMLIGHT LITEBOX LED	474.38
S3414068.003	MEDLER ELECTRIC COMPA	ELECT TAPE	98.97
S3466538.001	MEDLER ELECTRIC COMPA	INDICATOR LAMPS	13.64
1998	MICHIGAN PUBLIC TRANS	FISCAL YEAR 2014 MEMBER DUES	700.00
64528	MIDWEST TRANSIT EQUIP	HOSES	121.98
1222078	MILLER CANFIELD PADDO	HCOD ORDINANCE CHANGE	300.00
1223118	MILLER CANFIELD PADDO	GENERAL EMPLOYMENT MATTERS	82.50
58288443	MSC INDUSTRIAL SUPPLY	DISP GLOVES	50.90
13-550	NU-TWIST SCREEN PRINT	T'S	546.85
13-566	NU-TWIST SCREEN PRINT	T'S	306.50
13-592	NU-TWIST SCREEN PRINT	T'S	19.00
436590	NYE UNIFORM COMPANY	SHIRT	76.45
437456	NYE UNIFORM COMPANY	SHIRT	79.85
436580	NYE UNIFORM COMPANY	SHIRT	87.84
433865	NYE UNIFORM COMPANY	BADGES, NAME BARS	227.39
436591	NYE UNIFORM COMPANY	SHIRT	86.80
436504	NYE UNIFORM COMPANY	PANTS RETURNED	(220.50)
436203	NYE UNIFORM COMPANY	BELT, PANTS	273.38
56241	O'LEARY WATER CONDITI	SEP & OCT COOLER RENTAL, WATER	42.00
2075121202-11	PARRISH EXCAVATING	2012 WATER MAIN IMPROVEMENTS	10,000.00

User: ctagner

DB: Marshall

EXP CHECK RUN DATES 10/24/2013 - 10/24/2013

UNJOURNALIZED OPEN

BANK CODE: MAIN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
37561	PEERLESS MIDWEST INC	WELL PUMPS MAINTENANCE	575.00
49068-13	PHADA MEMBERSHIP	MEMBERSHIP DUES BALANCE	35.00
5766537	POWER LINE SUPPLY	ARC FLASH HAT/SHIELD	204.00
5766535	POWER LINE SUPPLY	RAIN WEAR	152.50
5766397	POWER LINE SUPPLY	GLOVE	25.12
5766395	POWER LINE SUPPLY	HANDLINE CARRIER	6.70
5764062	POWER LINE SUPPLY	LEATHER GLOVES	91.44
5767934	POWER LINE SUPPLY	APPRENTICE TOOLS	242.71
5769736	POWER LINE SUPPLY	MICROMETER	100.32
5769733	POWER LINE SUPPLY	SPLICE	62.50
5769734	POWER LINE SUPPLY	WR 399 CONNECTOR	18.11
5769877	POWER LINE SUPPLY	FR OUTERWEAR	489.05
5769730	POWER LINE SUPPLY	PHOTO EYE	212.40
5769729	POWER LINE SUPPLY	INVENTORY ITEMS	6,632.64
5769731	POWER LINE SUPPLY	INVENTORY ITEMS	2,331.51
8769132	POWER LINE SUPPLY	PRIMARY PROTECTOR	87.00
5767940	POWER LINE SUPPLY	336 ALUM JUMPER	99.00
5769735	POWER LINE SUPPLY	HOLSTER	54.00
5769878	POWER LINE SUPPLY	CLIMBING GLOVES	44.00
6027	QUALITY ENGRAVING SER	SIGNS, PLACKARDS	65.00
501	QUALITY LAWN CARE	SEPT AIRPORT MOWING	1,950.00
24986	R & M LOCK SHOP	CITY HALL	22.00
16183	RADIO SHACK	ANSWERING SYSTEM, CALCULATOR	29.98
15868	RADIO SHACK	GIGAWARE 4GB USB SLIDER FLASH	2.98
RR176926	REHMANN ROBSON PC	ACCTNG & TECHNICAL ASSISTANCE THRU 09/2	6,907.29
RR168190	REHMANN ROBSON PC	PAYMENT #3 - AUDIT	4,560.00
346422	SCOTT, BILL	POWER WASH GARAGE BAY	150.00
95190	SHAFFER REDI-MIX INC	FOUNDATION/FOOTINGS	1,168.75
91835	SMITH & LOVELESS	SONIC START FOR PARTELLO RD LIFT STATIO	1,331.27
45022	SOIL AND MATERIALS EN	DIVISION STREET IMPROVEMENTS TESTING PO	2,350.54
28411	STANDARD PRINTING & O	DELIVERY CHARGE	7.00
28004	STANDARD PRINTING & O	LEGAL SIZED BOXES W/LIDS	33.39
28489	STANDARD PRINTING & O	BUSINESS CARDS-HACKWORTH, HITZ	50.15
28488	STANDARD PRINTING & O	TOWN CRIER	324.97
28416	STANDARD PRINTING & O	BUSINESS CARDS - SWISHER	51.36
177265CR	STANLEY LAWN & GARDEN	INVOICE PAID TWICE	(113.97)
726518	STANTEC CONSULTING MI	CONSTRUCTION ENGINEERING SERVICES	13,100.00
7000851846	STAPLES CONTRACT & CO	LEXMARK TONER	175.08
7000851856	STAPLES CONTRACT & CO	BLACK INK	31.44
11449	STATE OF MICHIGAN	CHERYL VOSBURG CERTIFICATION RENEWAL	95.00
23621	SUMMIT POINTE	CONTRACT MOWING	580.00
1738	THOMPSON'S INC.	#12-31 SPARTAN CHASSIS	949.40
75959	TRI AIR TESTING INC	NFPA 1989 2013 EDITION AIR ANALYSIS	152.00
JP11279	TRI-COUNTY INTERNATIO	SWITCH	101.41
530341935	UTILITIES INSTRUMENTA	RELAY - BLOCK HOUSE TIE	1,833.00
3306	WIL-MAC SALES AND SER	BACKFLOW PREVENTERS	340.24
			135,416.47



MICHIGAN SOUTH CENTRAL POWER AGENCY

720 HERRING ROAD • LITCHFIELD, MICHIGAN 49252
 PHONE (517) 542-2346 • FAX (517) 542-3049
 www.mscca.net

ORIGINAL INVOICE

MARSHALL CITY ELECTRIC DEPARTMENT
 323 WEST MICHIGAN AVENUE
 MARSHALL, MICHIGAN 49068
 Attn: Mr. Tom Tarkiewicz

Invoice Date: 16-Oct-13
 Due Date: 31-Oct-13
 Service From: 01-Sep-13
 To: 30-Sep-13

Peak Demand 23,371 kw
 Total Energy Received 9,418,337 kWh
 Hydro Generation 80,195 kWh
 Net Billing kWh's 9,338,142 kWh

Area	Entitlement %	Operating and Maintenance Costs	Debt Service Costs and Capacity Credits	Total
PROJECT 1-ENDICOTT	24.0%	246,643.17	-	246,643.17
PROJECT 2	24.0%	-	-	-
PRAIRIE STATE	16.7%	36,446.45	42,209.55	78,656.00
MENOMINEE HYDRO	24.0%	25,923.17	-	25,923.17
ONCONTO FALLS HYDRO	24.0%	6,714.74	-	6,714.74
AFEC	12.3%	47,122.95	30,027.49	77,150.44
AMP CONTRACTS	11.5%	126,381.95	-	126,381.95
CVEC	0.0%	-	-	-
MISO PURCHASES	14.7%	198,285.25	-	198,285.25
MISO SALES	13.7%	(30,902.58)	-	(30,902.58)
TRANSMISSION	17.0%	17,226.12	-	17,226.12
MISO	18.2%	7,065.14	-	7,065.14
SUBSTATION	34.4%	158.40	-	158.40
ADMINISTRATION	18.2%	19,858.40	-	19,858.40
MEMBER	12.3%	1,328.29	-	1,328.29
MEMBER HYDRO	0.0%	-	-	-
CAPACITY	12.3%	-	-	-
RATE STABILIZATION		-	-	-
TOTAL COST		\$ 702,251.44	72,237.04	774,488.48
	\$/kWh	0.07520	0.00774	0.08294
CREDITS		\$ (3,455.86)	-	(3,455.86)
	\$/kWh	(0.00037)	0.00000	(0.00037)
NET COST		\$ 698,795.58	72,237.04	771,032.63
	\$/kWh	0.07483	0.00774	0.08257

Pay this amount \$ 771,032.63

Any amounts due and not paid by the due date shall bear interest at the rate of 1% per month until paid.

EXP CHECK RUN DATES 10/04/2013 - 10/04/2013
 UNJOURNALIZED OPEN
 BANK CODE: MAIN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
OCT 2013	BATTLE CREEK UNLIMITED	OCTOBER SERVICES	2,083.33
27-057000-08	BRUBAKER & CO., LLC	REFUND UTILITY DEPOSIT	37.00
091513	CALHOUN COUNTY TREASURY	09/01/13--09/15/13 2013 SUMMER AD VALOR	1,112,792.03
091513	CALHOUN INTERMEDIATE	09/01/13--09/15/13 2013 SUMMER AD VALOR	348,153.31
39229293	CITGO	FLEET # 132271610	11,112.25
100313	CONSTANTINE, TOM	FUEL SHORTAGE AT AIRPORT PUMP	7.60
201091762094	CONSUMERS ENERGY	1000 0033 5602	419.44
24-023900-15	ENGELSMA, THOMAS & TR	REFUND UTILITY DEPOSIT	78.42
100113	FISHER, CHARLIE	SCHOOL LUNCH	17.96
100113	FREDS, MATT	SCHOOL LUNCH	18.58
32-007000-16	JEFF TAYLOR	REFUND UTILITY DEPOSIT	80.12
091513	KELLOGG COMMUNITY COL	09/01/13--09/15/13 2013 SUMMER AD VALOR	180,915.93
2113-0913	MARSHALL COMMUNITY CU	2113 - TRUDEAU	2,411.73
091513	MARSHALL DISTRICT LIB	09/01/13--09/15/13 2013 SUMMER AD VALOR	167,327.42
091513	MARSHALL PUBLIC SCHO	09/01/13--09/15/13 2013 SUMMER AD VALOR	760,997.67
61266919	MCMASTER-CARR	COUPLINGS	65.40
S3437867.002	MEDLER ELECTRIC COMPA	LIGHT FIXTURE REPLACEMENT	175.15
S3457944.001	MEDLER ELECTRIC COMPA	INDICATOR LAMP	18.13
092713	MUNICIPAL ANALYTICS L	STOP PAYMENT FEE CK #96651, CERT. MAIL	(31.11)
CAF/MORS	NCHM	THERESA SEARS - 2 CLASSES CAFM/MORS	1,270.00
13-526	NU-TWIST SCREEN PRINT	T-SHIRTS	153.30
092713	ROBINSON, BEN	FURNACE & THERMOSTAT	165.00
38-6004708-0913	STATE OF MICHIGAN	38-6004708, SEP 2013, FORM 160 SALES TA	33,093.66
10058364-0813	WOW! BUSINESS	ACCT #010058364	32.97
10040269-0913	WOW! BUSINESS	ACCT #010040269	372.82
			2,621,768.11

Prescription reimbursement 65.41

Total Cash Disbursements 2,621,833.52

User: ctanner

DB: Marshall

EXP CHECK RUN DATES 10/11/2013 - 10/12/2013

UNJOURNALIZED OPEN

BANK CODE: MAIN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
616727	COMMERCIAL OFFICE PRO	APPT BOOKS, PLNNRS, CALENDARS, ETC	313.12
616867	COMMERCIAL OFFICE PRO	HOLDER, MARKERS, PADS, AIRDUSTER, LABEL	102.16
13-53-000-325-00	DAVID HARRIS & AMY BE	TAX OVERPAYMENT REFUND 13-53-000-325-00	99.93
100413	EGNATUK, ALEC	OFFICE SUPPLIES	62.77
29-004300-24	ENGELTER, PATTI	REFUND UTILITY DEPOSIT	42.85
401040004	EVERHOME MORTGAGE	REFUND UTILITY OVERPAYMENT	60.70
21-020000-00	GLANIS, NICHOLAS	REFUND UTILITY OVERPAYMENT	65.94
100713	HAGAMAN, CAROL	PRESCRIPTION REIMBURSEMENT	20.00
25-004000-09	HICKOK, RHONDA	REFUND UTILITY OVERPAYMENT	40.48
15-001600-23	JACKSON, DOUG	REFUND UTILITY OVERPAYMENT	83.95
32-028000-27	JOEL FLAGG & TAYLOR C	REFUND UTILITY DEPOSIT	19.26
092513	K-MART	SEPTEMBER CHARGES	116.89
25-025800-06	KEVIN BELEW	REFUND UTILITY OVERPAYMENT	38.37
19-015500-20	KOCH, JOHN	REFUND UTILITY DEPOSIT	29.04
100813	LEWIS, KEVIN	REFUND ATHLETIC FIELD DEPOSIT	100.00
99007320387-0913	LOWE'S	REPLACE CARPET APT 108, SUPPLIES	2,830.31
100713	MARSHALL AREA CHAMBER	LED HOLIDAY LAMPS	50.00
M 09-13	MICHIGAN SOUTH CENTRA	NATURAL GAS SEPTEMBER	2,357.26
RC102318-A0006	MICHIGAN STATE UNIVER	SCOTT MCDONALD--FIRST LINE SUPERVISION	750.00
9465329	NORTHERN SAFETY CO	SAFETY GLASSES	181.47
20-021700-23	PALMITER, NIGEL	REFUND UTILITY DEPOSIT	57.62
480	QUALITY LAWN CARE	LAWN CARE FOR GOLDEN RULE PROPERTY	1,480.00
249-003941554	REPUBLIC SERVICES #24	ACCT # 3-0249-1022021	777.09
28-022200-03	RISKE, JOHN	REFUND UTILITY DEPOSIT	80.72
21063-1013	SPARTAN STORES	SEPTEMBER CHARGES	125.30
32-042800-19	SWANSON, THELMA	REFUND UTILITY OVERPAYMENT	22.63
237295787	U.S. BANK EQUIPMENT F	LEXMARK CONTRACT	58.56
9712540432	VERIZON WIRELESS	ACCT #987146080-00001	76.02
10058364-0913	WOW! BUSINESS	ACCT #010058364	32.97
29-004500-30	WRIGHT, DUSTIN	REFUND UTILITY DEPOSIT	84.92
			10,160.33



ADMINISTRATIVE REPORT
October 21, 2013 – City Council Meeting

REPORT TO: Honorable Mayor and Council Members

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

SUBJECT: Michigan Kitchen Distributors, 106 East Oliver,
Industrial Facilities Tax Exemption

BACKGROUND: The City of Marshall has received a request from Michigan Kitchen Distributors for an Industrial Facilities Tax Exemption Certificate. The requested abatement is to consider a \$246,000 in personal property investment. Michigan Kitchen Distributors is located in the LDFA district.

RECOMMENDATION: After hearing comments at the Public Hearing as required by the Industrial Facilities Tax Exemption Certificate Application, it is recommended that the Council approve the resolution granting an IFT exemption to Michigan Kitchen Distributors.

FISCAL EFFECTS: If the IFT exemption is granted, the LDFA will forego 50% of the taxes affiliated with the project over the next 12 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 188 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 <i>Trisha Nelson</i>	Date received by Local Unit <i>10/9/2013</i>
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) Michigan Kitchen Distributors		1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 571236	
1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 106 E Oliver Street, Marshall, MI 49068		1d. City/Township/Village (indicate which) City of 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) 12	

6. 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.

Purchase and install new equipment to support growth of the company.

6a. Cost of land and building improvements (excluding cost of land)	▶ <u>\$0.00</u>
* Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	Real Property Costs
6b. Cost of machinery, equipment, furniture and fixtures	▶ <u>\$246,000.00</u>
* Attach itemized listing with month, day and year of beginning of installation, plus total	Personal Property Costs
6c. Total Project Costs	▶ <u>\$246,000.00</u>
* Round Costs to Nearest Dollar	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 ▶	_____	_____	▶ <input type="checkbox"/> Owned <input type="checkbox"/> Leased
Personal Property Improvements ▶	<u>1/1/14</u>	<u>12/31/14</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. 0 10. No. of new jobs at this facility expected to create within 2 years of completion. 4

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

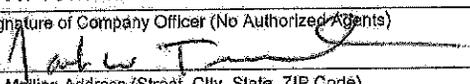
12a. Check the type of District the facility is located in:
 Industrial Development District Plant Rehabilitation District

12b. Date district was established by local government unit (contact local unit) 8/4/92 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. 198 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 Jack W. Townsend	13b. Telephone Number (269) 781-5131	13c. Fax Number (269) 781-5384	13d. E-mail Address jtownsend@mkdkitchens.com
14a. Name of Contact Person Jack W. Townsend	14b. Telephone Number (269) 781-5131	14c. Fax Number (269) 781-5384	14d. E-mail Address jtownsend@mkdkitchens.com
▶ 15a. Name of Company Officer (No Authorized Agents) Jack W. Townsend			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number (269) 781-5384	15d. Date
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 106 E Oliver Street, Marshall, MI 49068		15f. Telephone Number (269) 781-5131	15g. E-mail Address jtownsend@mkdkitchens.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. LUCI Code	16d. School Code 13110
17. Name of Local Government Body City of Marshall	▶ 18. Date of Resolution Approving/Denying this Application.

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 Avenue, 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

RESOLUTION

Minutes of a regular meeting of the City Council of the City of Marshall held on October 21, 2013, in the Council Chambers of Town Hall located at 323 West Michigan Avenue, Marshall, Michigan.

Present:

Absent:

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

RESOLUTION TO APPROVE APPLICATION OF MICHIGAN KITCHEN DISTRIBUTORS 106 EAST OLIVER STREET, MARSHALL, MI INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR PERSONAL PROPERTY

WHEREAS, pursuant to P.A. 198 of 1974, MCL 211.551 et seq., after a duly noticed public hearing held on August 4, 1992, the Council by Resolution established Industrial Development District No. D-23 as requested; and

WHEREAS, Michigan Kitchen Distributors has filed an application for an Industrial Facilities Exemption Certificate with respect to real and personal property improvements within Industrial Development District D-23; 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 October 21, 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 October 9, 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 Michigan Kitchen Distributors, 106 East Oliver Street, 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-23 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:

NAYS:

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 October 21, 2013.

Trisha Nelson, Clerk

RESOLUTION

A RESOLUTION ESTABLISHING AN INDUSTRIAL DEVELOPMENT DISTRICT NUMBER 23 PURSUANT TO ACT 198, P.A. 1974, AS AMENDED

WHEREAS, Act No. 198 of the Michigan Public Acts of 1974, as amended, provides for the establishment of Industrial Development Districts in local governmental units and also to provide within such districts as exemption for certain taxes as an incentive to industries to build new plants in the City; and,

WHEREAS, the City of Marshall qualifies by the requirements of Section 4 of Act 198 by the levy of an ad valorem tax at a rate together with rates of ad valorem taxes levied by other taxing authorities, which exceeds \$30.00 for each \$1,000.00 of state equalized valuation; and,

WHEREAS, The Local Development Financing Authority wishes to establish an Industrial Development District consisting of the omitted portions of the current industrial park and proposed development areas of the industrial park.

WHEREAS, the City Council set the date of August 3, 1992, at 7:00 p.m. in City Hall, Marshall, Michigan as the time and place at which any resident or taxpayer of the City was given and afforded an opportunity for a hearing on the establishment of the Industrial Development District.

NOW, THEREFORE IT IS HEREBY RESOLVED that the City Council does hereby approve an Industrial Development District to be established as shown on map attached to this Resolution and marked as exhibit A and which district is described as follows:

INDUSTRIAL DEVELOPMENT DISTRICT #23

All in the State of Michigan, Calhoun County, City of Marshall

Beg at a pt that is S 88 deg 58 min 10 sec E 300 ft. from the NE corner of Lot 9 L. Alta Brooks, thence continuing SE'ly to the N & S 1/4 line Sec 1, T3S, R6W, thence S to center said Section 1, thence E on E & W 1/4 line to E line, of the W 1/2, of the SE 1/4, Sec. 1, thence S to N shore Upper Brace Lake and the stream entering from the southwest, thence SW'ly on Meander line to E & W 1/4 line Section 12, thence w long the E & W 1/4 line to the w line of the e 1/2 linw of the NW 1/4 of Section 12 N to SE corner Lot 14 L. Alta Brooks, thence N 84 deg 34 min 10 sec E 866.40 ft., thence N 1 deg 32 min 50 sec E to point of beg

ALSO, Lots 1 & 2, 4 and 20 L. Alta Brooks Subdivisions 1 & 2 Sec 36, T2S, R6W

I City Clerk-Treasurer, I place my signature and seal that this is a true and accurate copy of the action taken at a regular meeting of the Marshall City Council on August 3, 1992.

Date: August 4, 1992


Richard Watkins, City Clerk-Treasurer
City of Marshall, Michigan

IFTEC LETTER OF AGREEMENT

DATE: _____
COMPANY NAME: Michigan Kitchen Distributors
FACILITY ADDRESS: 106 East Oliver Street, Marshall MI 49068

City Council
City of Marshall
323 W. Michigan Avenue
Marshall, MI 49068

RE: **Industrial Facilities Tax Exemption Certificate between:**
Michigan Kitchen Distributors and the City of Marshall

Dear Members of Council:

Michigan Kitchen Distributors (the "Company") has submitted the attached Application (the "Application") to you requesting approval of an Industrial Facilities Tax Exemption Certificate ("IFTEC"), pursuant to Michigan Public Act 198 of 1974, as amended, for the property located at 106 East Oliver Street, Marshall, MI 49068 (the "Facility") (Legal Description of the property where the Facility is located is attached).

To encourage approval of the IFTEC and in recognition of the investments the City of Marshall (the "City") will make toward the economic growth of the Company, which will benefit the City, the Company agrees as follows:

1. **General.** (Check applicable lines consistent with the Application)
 - ___ a. The Company will make the improvements set forth in the Application within two (2) years of the effective date of the IFTEC (the "Effective Date").
 - ___ b. The Company will purchase and/or lease and install the personal property as set forth in the Application within two (2) years of the Effective Date.
 - ___ c. The Company will create 4 new full-time jobs at the Facility within two (2) years of the Effective Date, and/or the Company will retain 0 existing jobs at the Facility within two (2) years of the Effective Date.
 - ___ d. The Company will comply with the requirements imposed by the City as part of the site review prior to issuance of a Certificate of Occupancy.

2. **Compliance with Laws.** The Company agrees that it will operate the Facility in accordance with all applicable Federal, State, and local laws or regulations, including but not limited to zoning, outside storage, industrial waste disposal, air and water quality, utility, noise control, and other environmental regulations.
3. **Continued Operation of the Facility.** The Company further agrees to continue to operate the Facility within the City for the period of the IFTEC in order to retain the benefits of the IFTEC.
4. **Premature Vacation of the Facility.** If the Company vacates, or intends to vacate, the Facility prior to the end of the term of the IFTEC, the Company shall be responsible for the following:
 - a. If the Company intends to vacate the Facility for which the IFTEC has been approved and issued prior to the end of the term of this agreement, the Company agrees to notify the City Assessor in writing of such intent and the reasons for vacating not less than 60 days prior to vacating the facility.
 - b. The Company agrees to make reasonable provisions satisfactory to the City and in compliance with all applicable laws, codes and ordinances to maximize the likelihood of re-occupancy or re-use of the unoccupied building for productive use within a reasonable time period after the Facility is vacated.
 - c. The Company shall, if requested by the City, deposit an amount equal to the amounts anticipated to be due from the Company under this agreement as a result of the Company vacating the Facility prior to the term for which the IFTEC was approved, including but not limited to any reasonable cleanup or maintenance costs, administrative fees, court costs, and attorney fees incurred.
 - d. The Company shall pay any outstanding taxes and shall repay to all affected municipalities an amount equal to the total tax amount abated by the IFTEC (unless recovery of a lesser amount is requested by the City or other taxing authority) within 30 days of the date of an invoice for such taxes.
 - e. If the Company fails to pay the amount of the invoice for abated taxes within 30 days of the date of the City invoice, the Company shall be responsible for any additional costs incurred by the City in recovery of such taxes, including, but not limited to administrative fees, court costs, and attorney fees incurred.
5. **Notice of Completion and Final Cost Report.** The Company will submit to the City, not later than 90 days after the completion date for each property component for which an IFTEC was granted a Notice of Completion and Final Cost Report in a form requested by the City which includes the actual completion date and final cost of each project component for which an IFTEC was originally granted, and an explanation if the final cost of either the real or personal property listed on the Application was greater than the original estimated amount by more than 10%.

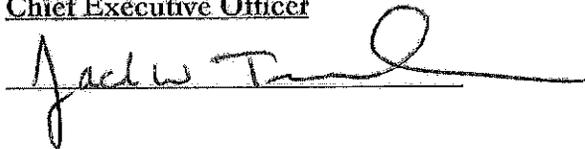
6. **Employment Status Report.** In accordance with the initial letter of intention to apply for an IFTEC, the Company will submit to the City, not later than January 10th of the second year after the effective date and every two years thereafter while the IFTEC is in effect, an Employment Status Report in a form requested by the City, which includes the number of actual full-time jobs created and/or retained as a direct result of the project for which the certificate was granted, and an explanation if the jobs actually created was less than the original estimated amount.
7. **Review and Audit: Payment of Costs.** The Company understands that the City may review and audit the information provided by the Company to determine compliance with this agreement and that any costs for such services will be paid by the Company in accordance with a fee schedule approved by the City Council, which may be adjusted from time to time based upon increases in costs to the City.
8. **Remedies for Default for Failure to Satisfy Representations Made in Application.** The Company understands that the City may pass a resolution requesting that the State Tax Commission reduce the term of the IFTEC or revoke the IFTEC to the extent that the construction or expansion of the Facility has not been completed, expenditures made, or employment reached as represented by the Company in the application, by sending a copy of this Agreement along with a copy of the City Council resolution authorizing such action to the State Tax Commission. In addition, the Company acknowledges that the City may take into account any deficiency in job creation, or real or personal property investment made under this application in a subsequent application for an IFTEC filed by the Company.
9. **Consequences of Unsuccessful real or Personal Property Tax Appeal.** The Company acknowledges that if during the term of this Agreement, the Company appeals any real or personal property assessment to the Michigan Tax Tribunal or other court of competent jurisdiction upon which it does not prevail, that the Company shall pay to the City all reasonable costs, expenses, and attorney fees incurred by the City in defending such appeals within thirty (30) days of the date of receipt of an invoice from the City. The Company also acknowledges that the City may consider such appeals in deciding the term of any subsequent certificates granted to the Company.
10. **Unforeseen Events.** By execution of this agreement, it is understood that the Company's investment in the Facility and the City's investment in the granting of the IFTEC are to encourage economic growth within the City. The City acknowledges that in some instances, economic conditions may prevent the Company from complying fully with this agreement and the terms of the Application. The City will give the Company an opportunity to explain the reasons for any variations from the representations contained in the application and will evaluate the Company's situation prior to taking any action authorized by paragraph 4 and 8 of this agreement.
11. **Entire Agreement.** This is the entire agreement of the parties relating to the matters covered by this Agreement, and no prior or subsequent promises, representations or assurances, whether in any other form, shall be used to modify, vary or contradict any provision of this Agreement, except for any written amendment to this Agreement or separate agreement signed following the date of this Agreement by authorized representatives of all parties to this Agreement.

12. **Severability.** The invalidity of any section, subsection, clause or provision of this Agreement shall not affect the validity of the remaining sections, subsections, clauses or provisions thereof, which shall remain in full force and effect to govern the parties' relationship.
13. **Reimbursement of Attorney Fees for Modification of Standard Agreement.** The Company agrees to reimburse the City within 30 days of the date of a receipt of an invoice from the City for all attorney fees incurred by the City in the negotiation or preparation of changes to the standard IFTEC Letter of Agreement.

ACCEPTED BY: THE COMPANY

NAME: Jack W. Townsend

TITLE: Chief Executive Officer

SIGNATURE: 

STATE OF MICHIGAN
COUNTY OF CALHOUN

The forgoing acceptance was acknowledged this _____ day of _____

Jack W. Townsend, CEO on behalf of Michigan Kitchen Distributors
(Name) (Title) (Company Name)

Notary Public, _____ County, MI

My Commission expires: _____

**ACCEPTED BY: THE CITY OF MARSHALL, A
MICHIGAN MUNICIPAL
CORPORATION**

NAME: James L. Dyer
TITLE: Mayor, City of Marshall
SIGNATURE: _____

NAME: Trisha Nelson
TITLE: City Clerk
SIGNATURE: _____

**STATE OF MICHIGAN
COUNTY OF CALHOUN**

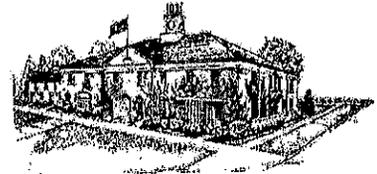
The forgoing acceptance was acknowledged this _____ day of _____
by James L. Dyer and Trisha Nelson, Mayor and City Clerk, respectively, on behalf of
the City of Marshall, a Michigan municipal corporation.

Notary Public, _____ County, MI
My Commission expires: _____

When recorded, return to:
City Clerk
City of Marshall
323 W. Michigan Ave.
Marshall, MI 49068

Drafted by:
City of Marshall
323 W. Michigan Ave.
Marshall, MI 49068

City of Marshall



Marshall Town Hall ca: 1857

323 West Michigan Avenue - Marshall, MI 49068-1578 - Phone (269) 781-5183 - FAX (269) 781-3835

INDUSTRIAL FACILITIES EXEMPTION APPLICATION

AFFIDAVIT OF FEES

In accordance with State Tax Commission Bulletin no. 3 dated January 16, 1998, the City Of Marshall and Applicant for Industrial Facilities Exemption Certificate do hereby swear and affirm that "no payment of any kind in excess of the fee allowed by Act 198, as amended, has been made or promised in exchange for favorable consideration of an exemption certificate application."

CITY OF MARSHALL:

Signed: _____

Witness: _____

Print Name: James L. Dyer

Print Name: _____

Title: Mayor

Dated: _____

APPLICANT:

Company Name: Michigan Kitchen Distributors

Signed by: Jack W. Townsend

Signature: Jack W. Townsend

Title: Chief Executive Officer

Dated: _____

Witness: (signature) _____

Witness: (print) _____



NATIONAL HISTORIC LANDMARK DISTRICT



ADMINISTRATIVE REPORT
October 21, 2013 – City Council Meeting

REPORT TO: Honorable Mayor and Council Members

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

SUBJECT: Tenneco, 904 Industrial Road,
Industrial Facilities Tax Exemption

BACKGROUND: The City of Marshall has received a request from Tenneco for an Industrial Facilities Tax Exemption Certificate. The requested abatement is to consider a \$6,831,467 in personal property investment. Tenneco is not located in the LDFA district.

RECOMMENDATION: After hearing comments at the Public Hearing as required by the Industrial Facilities Tax Exemption Certificate Application, it is recommended that the Council approve the resolution granting an IFT exemption to Tenneco.

FISCAL EFFECTS: If the IFT exemption is granted, the City will forego 50% of the taxes affiliated with the project over the next 12 years.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

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

Tom Tarkiewicz
City Manager

A 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 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 <i>Trista Nelson</i>	Date received by Local Unit <i>10/17/2013</i>
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) Tenneco		1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 3710	
1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 904 Industrial Road, Marshall, MI 49068		1d. City/Township/Village (Indicate which) City of 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) 12	

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.

New equipment to support product for the Ford F150, Ford Expedition, and Lincoln Navigator.

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.	▶ \$0.00
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation, plus total	▶ \$6,831,467.00
6c. Total Project Costs * Round Costs to Nearest Dollar	▶ \$6,831,467.00 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 ▶	_____	_____	▶ <input type="checkbox"/> Owned <input type="checkbox"/> Leased
Personal Property Improvements ▶	10/31/13	12/31/14	▶ <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 288	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	_____

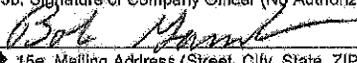
12a. Check the type of District the facility is located in:
 Industrial Development District Plant Rehabilitation District

12b. Date district was established by local government unit (contact local unit) 4/16/84	12c. Is this application for a speculative building (Sec. 3(8))? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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. 198 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 Brian Moon	13b. Telephone Number (269) 789-7255	13c. Fax Number (269) 789-2647	13d. E-mail Address bmoon@tenneco.com
14a. Name of Contact Person Brian Moon	14b. Telephone Number (269) 789-7255	14c. Fax Number (269) 789-2647	14d. E-mail Address bmoon@tenneco.com
▶ 15a. Name of Company Officer (No Authorized Agents) Bob Gamble			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number (269) 789-2647	15d. Date 10/16/13
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 904 Industrial Road, Marshall, MI 49068		15f. Telephone Number (269) 781-1350	15g. E-mail Address bgamble2@tenneco.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. LUCI Code	16d. School Code 13110
17. Name of Local Government Body City of Marshall	▶ 18. Date of Resolution Approving/Denying this Application

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 Avenue, 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

RESOLUTION

HEREBY, Let it be known that the City Council of Marshall, Michigan, held a Public Hearing on April 16, 1984 at 7:00 P.M. in the City Council Chambers prior to taking action approving or rejecting the following resolution:

HEREBY, Let it be resolved that the City Council of Marshall, Michigan on April 16, 1984 at its regularly scheduled meeting does establish an Industrial Development District for Walker Manufacturing located at 910 Industrial Road.

FURTHER BE IT RESOLVED, That this District is restricted to the following:

All that certain piece or parcel of land in the West one half of Section 26, Town 2 South, Range 6 West, being more particularly described as follows:

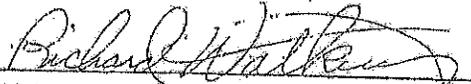
Begin at the intersection of the northerly line of Industrial Road and the westerly line of Dobbins Street; thence North $86^{\circ} 32'$ West along the northerly line of Industrial Road for 1,226 feet, thence North $03^{\circ} 20'$ East 628.44 feet to the southerly line of the Penn Central Railroad right-of-way; thence easterly along said southerly line railroad to the westerly line of Dobbins Street; thence South $0^{\circ} 22'$ West 212.66 feet; thence South 580.24 feet to the place of beginning. Containing 20 acres more or less.

FURTHER BE IT RESOLVED, That the City Council of the City of Marshall, finds that the Industrial Development District meets the requirements set forth in P.A. 198 of 1974, as amended. This District will be known as D-12 and will be kept on file in the Town Hall under this reference title.

Upon offering notice at its previous regularly scheduled meeting of a hearing on this date, publishing said notice in the Marshall Evening Chronicle, serving by mail notice of said hearing to those within the District so indicated in this resolution, providing the hearing at its indicated time and place the City Council of Marshall, Michigan does hereby take the following action upon this resolution.

YES VOTES: Councilmember Bassage, Baty, Berry, Dew, Herman, Ebner
NO VOTES: None
ABSENT: Councilmember Schafer

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 April 16, 1984


Richard Watkins, CLERK-TREASURER

RESOLUTION

Minutes of a regular meeting of the City Council of the City of Marshall held on October 21, 2013, in the Council Chambers of Town Hall located at 323 West Michigan Avenue, Marshall, Michigan.

Present:

Absent:

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

RESOLUTION TO APPROVE APPLICATION OF TENNECO 904 INDUSTRIAL ROAD, MARSHALL, MI INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR PERSONAL PROPERTY

WHEREAS, pursuant to P.A. 198 of 1974, MCL 211.551 et seq., after a duly noticed public hearing held on April 16, 1984, the Council by Resolution established Industrial Development District No. D-12 as requested; and

WHEREAS, Tenneco has filed an application for an Industrial Facilities Exemption Certificate with respect to real and personal property improvements within Industrial Development District D-12; 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 October 21, 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 October 17, 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 Tenneco, 904 Industrial Road, 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-12 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:

NAYS:

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 October 21, 2013.

Trisha Nelson, Clerk

IFTEC LETTER OF AGREEMENT

DATE: _____

COMPANY NAME: Tenneco

FACILITY ADDRESS: 904 Industrial Road, Marshall MI 49068

City Council
City of Marshall
323 W. Michigan Avenue
Marshall, MI 49068

RE: **Industrial Facilities Tax Exemption Certificate** between:

Tenneco and the City of Marshall

Dear Members of Council:

Tenneco (the "Company") has submitted the attached Application (the "Application") to you requesting approval of an Industrial Facilities Tax Exemption Certificate ("IFTEC"), pursuant to Michigan Public Act 198 of 1974, as amended, for the property located at 904 Industrial Road, Marshall, MI 49068 (the "Facility") (Legal Description of the property where the Facility is located is attached).

To encourage approval of the IFTEC and in recognition of the investments the City of Marshall (the "City") will make toward the economic growth of the Company, which will benefit the City, the Company agrees as follows:

1. **General.** (Check applicable lines consistent with the Application)
 - ___ a. The Company will make the improvements set forth in the Application within two (2) years of the effective date of the IFTEC (the "Effective Date").
 - ___ b. The Company will purchase and/or lease and install the personal property as set forth in the Application within two (2) years of the Effective Date.
 - ___ c. The Company will create 8 new full-time jobs at the Facility within two (2) years of the Effective Date, and/or the Company will retain 288 existing jobs at the Facility within two (2) years of the Effective Date.
 - ___ d. The Company will comply with the requirements imposed by the City as part of the site review prior to issuance of a Certificate of Occupancy.

2. **Compliance with Laws.** The Company agrees that it will operate the Facility in accordance with all applicable Federal, State, and local laws or regulations, including but not limited to zoning, outside storage, industrial waste disposal, air and water quality, utility, noise control, and other environmental regulations.
3. **Continued Operation of the Facility.** The Company further agrees to continue to operate the Facility within the City for the period of the IFTEC in order to retain the benefits of the IFTEC.
4. **Premature Vacation of the Facility.** If the Company vacates, or intends to vacate, the Facility prior to the end of the term of the IFTEC, the Company shall be responsible for the following:
 - a. If the Company intends to vacate the Facility for which the IFTEC has been approved and issued prior to the end of the term of this agreement, the Company agrees to notify the City Assessor in writing of such intent and the reasons for vacating not less than 60 days prior to vacating the facility.
 - b. The Company agrees to make reasonable provisions satisfactory to the City and in compliance with all applicable laws, codes and ordinances to maximize the likelihood of re-occupancy or re-use of the unoccupied building for productive use within a reasonable time period after the Facility is vacated.
 - c. The Company shall, if requested by the City, deposit an amount equal to the amounts anticipated to be due from the Company under this agreement as a result of the Company vacating the Facility prior to the term for which the IFTEC was approved, including but not limited to any reasonable cleanup or maintenance costs, administrative fees, court costs, and attorney fees incurred.
 - d. The Company shall pay any outstanding taxes and shall repay to all affected municipalities an amount equal to the total tax amount abated by the IFTEC (unless recovery of a lesser amount is requested by the City or other taxing authority) within 30 days of the date of an invoice for such taxes.
 - e. If the Company fails to pay the amount of the invoice for abated taxes within 30 days of the date of the City invoice, the Company shall be responsible for any additional costs incurred by the City in recovery of such taxes, including, but not limited to administrative fees, court costs, and attorney fees incurred.
5. **Notice of Completion and Final Cost Report.** The Company will submit to the City, not later than 90 days after the completion date for each property component for which an IFTEC was granted a Notice of Completion and Final Cost Report in a form requested by the City which includes the actual completion date and final cost of each project component for which an IFTEC was originally granted, and an explanation if the final cost of either the real or personal property listed on the Application was greater than the original estimated amount by more than 10%.

6. **Employment Status Report.** In accordance with the initial letter of intention to apply for an IFTEC, the Company will submit to the City, not later than January 10th of the second year after the effective date and every two years thereafter while the IFTEC is in effect, an Employment Status Report in a form requested by the City, which includes the number of actual full-time jobs created and/or retained as a direct result of the project for which the certificate was granted, and an explanation if the jobs actually created was less than the original estimated amount.
7. **Review and Audit: Payment of Costs.** The Company understands that the City may review and audit the information provided by the Company to determine compliance with this agreement and that any costs for such services will be paid by the Company in accordance with a fee schedule approved by the City Council, which may be adjusted from time to time based upon increases in costs to the City.
8. **Remedies for Default for Failure to Satisfy Representations Made in Application.** The Company understands that the City may pass a resolution requesting that the State Tax Commission reduce the term of the IFTEC or revoke the IFTEC to the extent that the construction or expansion of the Facility has not been completed, expenditures made, or employment reached as represented by the Company in the application, by sending a copy of this Agreement along with a copy of the City Council resolution authorizing such action to the State Tax Commission. In addition, the Company acknowledges that the City may take into account any deficiency in job creation, or real or personal property investment made under this application in a subsequent application for an IFTEC filed by the Company.
9. **Consequences of Unsuccessful real or Personal Property Tax Appeal.** The Company acknowledges that if during the term of this Agreement, the Company appeals any real or personal property assessment to the Michigan Tax Tribunal or other court of competent jurisdiction upon which it does not prevail, that the Company shall pay to the City all reasonable costs, expenses, and attorney fees incurred by the City in defending such appeals within thirty (30) days of the date of receipt of an invoice from the City. The Company also acknowledges that the City may consider such appeals in deciding the term of any subsequent certificates granted to the Company.
10. **Unforeseen Events.** By execution of this agreement, it is understood that the Company's investment in the Facility and the City's investment in the granting of the IFTEC are to encourage economic growth within the City. The City acknowledges that in some instances, economic conditions may prevent the Company from complying fully with this agreement and the terms of the Application. The City will give the Company an opportunity to explain the reasons for any variations from the representations contained in the application and will evaluate the Company's situation prior to taking any action authorized by paragraph 4 and 8 of this agreement.
11. **Entire Agreement.** This is the entire agreement of the parties relating to the matters covered by this Agreement, and no prior or subsequent promises, representations or assurances, whether in any other form, shall be used to modify, vary or contradict any provision of this Agreement, except for any written amendment to this Agreement or separate agreement signed following the date of this Agreement by authorized representatives of all parties to this Agreement.

12. **Severability.** The invalidity of any section, subsection, clause or provision of this Agreement shall not affect the validity of the remaining sections, subsections, clauses or provisions thereof, which shall remain in full force and effect to govern the parties' relationship.
13. **Reimbursement of Attorney Fees for Modification of Standard Agreement.** The Company agrees to reimburse the City within 30 days of the date of a receipt of an invoice from the City for all attorney fees incurred by the City in the negotiation or preparation of changes to the standard IFTEC Letter of Agreement.

ACCEPTED BY: THE COMPANY

NAME: Bob Gamble

TITLE: Plant Manager

SIGNATURE: *Bob Gamble*

STATE OF MICHIGAN
 COUNTY OF CALHOUN

The forgoing acceptance was acknowledged this _____ day of _____

Bob Gamble, Plant Manager on behalf of Tenneco
 (Name) (Title) (Company Name)

 Notary Public, _____ County, MI

My Commission expires: _____

**ACCEPTED BY: THE CITY OF MARSHALL, A
MICHIGAN MUNICIPAL
CORPORATION**

NAME: James L. Dyer
TITLE: Mayor, City of Marshall
SIGNATURE: _____

NAME: Trisha Nelson
TITLE: City Clerk
SIGNATURE: _____

STATE OF MICHIGAN
COUNTY OF CALHOUN

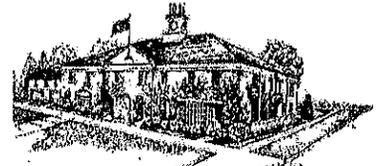
The forgoing acceptance was acknowledged this _____ day of _____
by James L. Dyer and Trisha Nelson, Mayor and City Clerk, respectively, on behalf of
the City of Marshall, a Michigan municipal corporation.

Notary Public, _____ County, MI
My Commission expires: _____

When recorded, return to:
City Clerk
City of Marshall
323 W. Michigan Ave.
Marshall, MI 49068

Drafted by:
City of Marshall
323 W. Michigan Ave.
Marshall, MI 49068

City of Marshall



Marshall Town Hall ca: 1857

323 West Michigan Avenue - Marshall, MI 49068-1578 - Phone (269) 781-5183 - FAX (269) 781-3835

INDUSTRIAL FACILITIES EXEMPTION APPLICATION

AFFIDAVIT OF FEES

In accordance with State Tax Commission Bulletin no. 3 dated January 16, 1998, the City Of Marshall and Applicant for Industrial Facilities Exemption Certificate do hereby swear and affirm that "no payment of any kind in excess of the fee allowed by Act 198, as amended, has been made or promised in exchange for favorable consideration of an exemption certificate application."

CITY OF MARSHALL:

Signed: _____

Witness: _____

Print Name: James L. Dyer

Print Name: _____

Title: Mayor

Dated: _____

APPLICANT:

Company Name: Tenneco

Signed by: Bob Gamble

Signature: Bob Gamble

Title: Plant Manager

Dated: 10/16/13

Witness: (signature) _____

Witness: (print) _____



NATIONAL HISTORIC LANDMARK DISTRICT



ADMINISTRATIVE REPORT
October 21, 2013 City Council Meeting

REPORT TO: Honorable Mayor and City Council

FROM: Aaron Ambler, Water Superintendent
Carl Fedders, Director of Public Services
Tom Tarkiewicz, City Manager

SUBJECT: Well #1 and #2 Improvements

BACKGROUND: The FY 2014 budget contains routine maintenance on well #1 with an estimate cost of \$18,000. This routine maintenance occurs every five years and includes the overhaul of the pump and motor. As staff prepared for the project, the control valve on well #2 failed and has become unreliable. The control valve is located downstream of the pump and gradually opens and closes during pump operation to prevent the system from dramatic changes in pressure and flow which can damage the system. The control valve located on pump #1 has also begun to malfunction.

Because Well #1 was scheduled to be overhauled and Well #2 is out of service, staff is proposing that the scope of the project be expanded to include the installation of Variable Frequency Drives (VFD) on both Well #1 and #2. This will eliminate the need for control valves and is estimated to have a four year payback on energy savings.

Peerless Midwest Inc., Mishawaka, Indiana, has proposed to complete the project at a cost of \$72,860. These services were not competitively bid, but ordinance allows council to award such professional services without this requirement. Peerless Midwest Inc. has a proven track record in the area and with the City of Marshall. They have been responsible for servicing our wells at both the water treatment facility and the powerhouse for a number of years. Staff and Stantec Consulting Inc. have reviewed the proposal and find it to be acceptable.

In order to cover the shortfall of approximately \$54,860 from the budgeted amount, staff is recommending that the remaining portion of the 2012 general obligation bond be utilized which is estimated at \$33,000. Additionally, the project will be eligible for energy optimization rebates of \$3,000. The remaining portion of the project will come from Water Fund Reserves (\$18,860).

RECOMMENDATION: It is recommended that City Council approve the attached resolution authorizing staff to execute a purchase order with Peerless Midwest, Inc. for \$72,860 for the improvements to well #1 and #2.

FISCAL EFFECT: To appropriate \$72,860 from the Water Fund Capital Outlay expenditure budget line item 591-900-970.

ALTERNATIVES: As suggested by Council.

Respectfully Submitted,

Aaron Ambler
Water Superintendent

Carl Fedders
Director of Public Services

Tom Tarkiewicz,
City Manager

323 W. Michigan Ave.
Marshall, MI 49068
p 269.781.5183
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cityofmarshall.com

**CITY OF MARSHALL, MICHIGAN
RESOLUTION 2013-_____**

WHEREAS, the City of Marshall has a desire to install Variable Frequency Drives on Well #1 and #2 at the water treatment facility; and

WHEREAS, three formal competitive bids were not received as required by the City of Marshall's Code of Ordinance, chapter 32.03; and

WHEREAS, Peerless Midwest Inc. submitted a proposal of \$72,860; and

WHEREAS, the proposal submitted by Peerless Midwest Inc. has been reviewed by staff and an outside consultant and determined to be acceptable; and

WHEREAS, the City of Marshall's Code of Ordinance chapter 32.07 allows exceptions to the informal competitive quote process for professional services; and

NOW THEREFORE BE IT RESOLVED that based upon a motion made by _____, and supported by _____ that staff may execute a purchase order to Peerless Midwest Inc. for a not to exceed amount of \$72,860 for the improvements to Well #1 and #2.

Voting for: _____

Voting Against: _____

Absent: _____

CERTIFICATION OF CITY CLERK

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Marshall at a regular meeting held on the 21st day of October, 2013.

City Clerk

Date



ADMINISTRATIVE REPORT
October 21, 2013 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council
FROM: Carl Fedders, Director of Public Services
Tom Tarkiewicz, City Manager
SUBJECT: Contract for Professional Services – Taxistreet Design

BACKGROUND: The City has received a grant through the Michigan Department of Transportation for the rehabilitation for the taxistreets at Brooks Field. Taxistreets are the paved roads leading to the private hangars on the property. The project is included in the Michigan Department of Transportation 2014 fiscal year budget which began on October 1st. This contract is proposed to be included in the City of Marshall's capital improvement plan for the 2015 fiscal year which begins July 1, 2014.

In order to construct this project in the summer of 2014 rather than the spring of 2015 the design must be completed this winter. The condition of the taxistreet and the more favorable weather conditions during the summer months warrant approval of this contract.

The funding is divided between the Federal Aviation Administration, the State of Michigan and the City of Marshall. The project has a total estimated cost of \$270,000, of which the city will be responsible for \$13,500. The design portion which would hit the fiscal year 2013 budget is \$20,320 of which \$1,016 will be the City's portion. This amount is not included in the 2013 budget. It is recommended that the City utilize the savings of the vacant airport manager position to offset this cost.

Mead and Hunt Inc. have been selected to act as the City of Marshall's engineer through a selection process which the state oversees every five years. Because of the size of the agreement, it was not included in this report. Copies will be available at the Clerk's office for review.

This recommendation was supported by the Airport Board at their October 14th meeting.

RECOMMENDATION: It is recommended that the City Council authorize the Clerk to sign the agreement with the Mead and Hunt, Inc. for the Design of the Taxistreet Rehabilitation Project at Brooks Field.

FISCAL EFFECTS: To appropriate \$1,016 from the General Fund-Airport Capital Outlay budgeted expenditure line item 295-900-970.00.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,

Carl Fedders
Director of Public Services

Tom Tarkiewicz
City Manager



ADMINISTRATIVE REPORT
October 21, 2013 City Council Meeting

REPORT TO: Honorable Mayor and City Council
FROM: Tom Tarkiewicz, City Manager
SUBJECT: Appointment of Treasurer

BACKGROUND: On July 8, 2013 Michelle Mastej resigned her position of Treasurer. The City Charter requires the Treasurer be appointed by the Council.

Section 2.10, Appointment of City Officials.

The clerk, treasurer, assessor, and city attorney shall hold office by virtue of appointment by the mayor and subject to confirmation of two-thirds (2/3) of the council, which body shall also set their compensation. These appointees may be removed for cause by a two-thirds (2/3) vote of the council. All such appointments shall be made at the first regular meeting of the Council in May following each regular city election, and the persons so appointed shall hold office for terms of two (2) years from the first day of June following their appointment.

The Treasurer's position was advertised and four candidates with municipal treasurer experience were interviewed by the City Manager, Finance Director and Human Resources Coordinator. After checking background and references, Jon Bartlett of Battle Creek is recommended for your approval to be the Treasurer. Mr. Bartlett was the Calhoun County Chief Deputy County Treasurer from 1989 to 2013. His résumé is attached.

RECOMMENDATION: It is recommended that City Council appoint Jon Bartlett as City Treasurer for a term expiring in May of 2015 with an annual salary of \$47,000.

FISCAL EFFECT: This is a budgeted position.

ALTERNATIVES: As suggested by Council.

Respectfully Submitted,

Tom Tarkiewicz,
City Manager

323 W. Michigan Ave.

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JON B. BARTLETT, CGFM

18065 9 1/2 Mile Rd., Battle Creek MI, 49014
(269) 965-8400
bartlett.jon@comcast.net

QUALIFICATIONS

TREASURER – FINANCE DIRECTOR

Twenty seven years' experience in county government, demonstrating consistent record of solid accounting practices and increasing responsibilities. Instrumental in implementing law changes, software install – testing, delinquent tax collection and contributing to overall county operations. Strengths include general ledger, financial statements, financial analysis, budgeting, cash management, defined contribution plan, and internal and external reporting.

EDUCATION, PROFESSIONAL REGISTRATION

Certified Governmental Finance Manager

B.A., Accountancy — Western Michigan University

Professional Affiliations: Association of Governmental Accountants, Michigan Municipal Finance Officers Association

PROFESSIONAL EXPERIENCE

Chief Deputy County Treasurer

1989-July 2013

Calhoun County, Marshall MI

- Manage financial and accounting functions of the County Treasurer's Office. Accountability extends to annual financial statements, bank and account reconcilements, and management of revenue and delinquent tax collection. Hire and supervise accounting staff of six. As management team member, participate in strategic planning, including revenue forecasting, and cash management/investment strategies.
- Office liaison with auditors in verifying footnotes, review of management letter, and implementation of suggested changes.
- Selected Contributions/duties:
 - Developed a total "in house" delinquent tax collection process from the initial purchase of delinquent taxes from the local taxing jurisdictions to the actual tax foreclosure due to the non-payment of property taxes.
 - Invested over \$1 billion dollars earning market or above market yields without a single loss of principal. Establish and maintain relationships with security brokers, bank representatives, and financial advisors
 - Directed conversion of 401(k) trust funds from previous custodian to current custodian. Responsible for the administration of the plan including implementation of investment option changes, loans, hardship withdrawals, and plan amendments pursuant to IRS guidelines.
 - Prepare and organize various financial statements and reports for the County Board of Commissioners, County Administrator, and other appointed officials.
 - Responsible for developing and implementing all policies and procedures for Treasurer's Office staff including personnel policies and interdepartmental relationships with uniformity and compliance with County, State, and Federal laws. Develop, implement, and maintain policies for internal control.
 - Assisted in the preparation of "Official Statements" of municipal bond-note issues for various projects including construction, leases, bond re-financing, and purchase of delinquent taxes.
 - Review of all bank and account reconcilements, trial balances, subsidiary ledgers, transaction listings and the preparation of any needed journal entries.
 - Acted as Executive Director for the Calhoun County Land Bank Authority, in the purchase, demolition, disposition, and rehabilitation of Land Bank properties. Awarded \$3.8 million in Neighborhood Stabilization Program.

Chief Deputy Clerk Register

1986-1989

Calhoun County, Marshall MI

Supervised all aspects of the County's general ledger including the review and posting of all journal entries, all payroll functions (including 941 reporting and W-2s), and all account payable functions (issuance of 1099s)

References available upon request.