

CALL TO ORDER

IN REGULAR SESSION Monday, October 21, 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 (left at 7:25 p.m.), and Williams.

Also Present: City Manager Tarkiewicz.

Absent: Council Members Miller (arrived at 7:30 p.m.) and Reed.

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

INVOCATION/PLEDGE OF ALLEGIANCE

Richard Gerten of Family Bible Church gave the Invocation and Mayor Dyer led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Metzger, supported Mankerian to move item 13A Appointments/Elections to item 7A and the addition of Closed Session. On a voice vote – **MOTION CARRIED.**

Moved Williams, supported Metzger, to enter into closed session at the conclusion of the meeting to discuss a possible real property purchase. On a voice vote – ayes: Metzger, Revore, Williams, Mayor Dyer, and Mankerian; nays: none. **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

APPOINTMENTS / ELECTIONS

Moved Williams, supported Metzger, to appoint Jon Bartlett as City Treasurer with a term expiring in May of 2015 with an annual salary of \$47,000. On a voice vote – **MOTION CARRIED.**

CONSENT AGENDA

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

Marshall City Council, Regular Session
Monday, October 21, 2013

- A. Approve minutes of the City Council Regular Session held on Monday, October 7, 2013;
- B. Approve city bills in the amount of \$ 3,538,442.95.

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

PRESENTATIONS AND RECOGNITIONS

None.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Michigan Kitchen Distributors IFT Application:

Mike Hindenach, Industrial Manager, provided background on the IFT application for Michigan Kitchen Distributors.

Mayor Dyer opened the public hearing to hear comment on the proposed Industrial Facilities Tax Exemption Certificate for Michigan Kitchen Distributors.

Hearing no comment, the hearing was closed.

Moved Metzger, supported Mankerian, to approve the application for an Industrial Facilities Tax Exemption Certificate for Michigan Kitchen Distributors at 106 East Oliver Drive. On a roll call vote – ayes: Revore, Williams, Mayor Dyer, Mankerian, and Metzger; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN RESOLUTION #2013-41

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

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

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: Revore, Williams, Mayor Dyer, Mankerian, and Metzger.

NAYS: Miller and Reed.

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

B. Tenneco IFT Application:

Mike Hindenach, Industrial Manager, provided background on the IFT application for Tenneco.

Mayor Dyer opened the public hearing to hear comment on the proposed Industrial Facilities Tax Exemption Certificate for Tenneco.

Hearing no comment, the hearing was closed.

Moved Metzger, supported Mankerian, to approve the application for an Industrial Facilities Tax Exemption Certificate for Tenneco at 904 Industrial Road. On a roll call vote – ayes: Williams, Mayor Dyer, Mankerian, Metzger, and Revore; nays: none. **MOTION CARRIED.**

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

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

**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:

4. The City Council find and determine that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974, shall not have the effect of substantially impeding the operation of the City of Marshall, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Marshall.
5. The application of 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.
6. The Industrial Facilities Exemption Certificate, when issued, shall be and remain in force and effect for a period of (12) twelve years under the rules and regulations of Act 198 of Public Acts of 1974, as amended, for the new machinery and equipment from the date of approval by the State Tax Commission.

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

NAYS: Miller and Reed.

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

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Well Improvements:

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

**CITY OF MARSHALL, MICHIGAN
RESOLUTION 2013-43**

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 Williams, and supported by Metzger 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: Mankerian, Metzger, Revore, Williams, and Mayor Dyer.

Voting Against: None.

Absent: Miller and Reed.

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

B. Taxistreet Design:

Moved Metzger, supported Williams, to authorize the Clerk to sign the agreement with Mead and Hunt, Inc. for the Design of the Taxistreet Rehabilitation Project at Brooks Field. On a roll call vote – ayes: Revore, Williams, Mayor Dyer, Mankerian, and Metzger; nays: none. **MOTION CARRIED.**

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

COUNCIL AND MANAGER COMMUNICATIONS

Council Member Revore excused himself from the meeting at 7:25 p.m.

Council convened to closed session at 7:30 p.m.

Council Member Miller arrived at 7:30 p.m.

Council Member Revere returned at 8:00 p.m.

Council returned to open session at 8:08 p.m.

ADJOURNMENT

The meeting was adjourned at 8:08 p.m.

James L. Dyer, Mayor

Trisha Nelson, City Clerk