

IN REGULAR SESSION Tuesday, February 17, 2009, 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 Smith.

Roll was Called:

Present: Council Members: Dyer, K. Miller, Metzger, Mayor Smith and Williams.

Also Present: City Manager Olson, Clerk-Treasurer Hovarter and Deputy Clerk-Treasurer Townley.

Absent: Council Members: L. Miller and Traver.

**Moved** Dyer, supported K. Miller, to excuse the absence of Council Members L. Miller and Traver. On a voice vote: **MOTION CARRIED.**

The invocation was given by Richard Gerten of the Family Bible Church.

Mayor Smith led the Pledge of Allegiance.

#### ***APPROVAL OF THE AGENDA***

**Moved** K. Miller, supported K. Williams, to approve the agenda with the addition of 11G ó Part-time temporary employment of Tracy Hovarter; 11H ó Direct the Mayor and the Human Resource Coordinator to move forward in the advertisement for a Finance Director and to go into closed session to discuss attorney client privilege communications. On a voice vote: **MOTION CARRIED.**

#### ***PRESENTATIONS AND RECOGNITIONS***

None.

#### ***INFORMATIONAL ITEMS***

The Code Enforcement Report was presented for January 2009 describing what issues the Code Enforcement Officer has encountered in dealing with zoning and code violations.

An overview of the 2<sup>nd</sup> Quarter Financial Report for FY 2008-09 was presented to Council by Clerk-Treasurer Hovarter.

**Moved** Williams, supported Dyer, to receive and place on file the 2<sup>nd</sup> Quarter Financial Report for FY 2008-09. On a voice vote: **MOTION CARRIED.**

#### ***PUBLIC COMMENT ON AGENDA ITEMS***

John LaPietra of 386 Boyer Court wanted to know if the code enforcement report will reflect any noxious weed ordinance violations. He looks forward to hearing more about recycling efforts and noted an article in the paper referring to the recycling of electronics. John stated as he understands, the Charter does not require the Treasurer and Finance Director to be combined with

the Clerk's office. Therefore, he would encourage Council to consider the possibility of looking at these positions separately.

***PUBLIC HEARINGS AND SUBSEQUENT COUNCIL ACTION***

None.

***OLD BUSINESS***

**Moved** Dyer, supported Williams, to approve refuse haulers rates and licenses for Scooter's Refuse Service, Marshall Disposal, Republic Waste Services and Allied Waste/BFI. On a voice vote: **MOTION CARRIED.**

**Moved** Dyer, supported Williams, to receive reports from the City Manager concerning issues raised in the FY 2007-08 Audit. On a voice vote: **MOTION CARRIED.**

***REPORTS AND RECOMMENDATIONS***

**Moved** Williams, supported K. Miller, to adopt the attached Resolution approving, at the local level, a transfer and continuance of industrial tax exemption certificates from Marshall Brass to Tribal Manufacturing. On a roll call vote -- ayes: Dyer, K. Miller, Metzger, Mayor Smith and Williams; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN  
RESOLUTION 09-06**

**RESOLUTION TO APPROVE APPLICATION OF  
TRIBAL MANUFACTURING  
450 LEGGITT  
TO TRANSFER**

**INDUSTRIAL FACILITIES EXEMPTION CERTIFICATES # 07-169, 05-115, 03-171, 01-075, AND 02-069 FROM MARSHALL BRASS TO TRIBAL MANUFACTURING**

WHEREAS, pursuant to P.A. 198 of 1974, MCL 211.551 et seq., after a duly noticed public hearing, the Council by Resolution established Industrial Development Districts D-20 and D-06 held on March 16, 1989 and September 08, 1978 respectively; and

WHEREAS, Tribal Manufacturing has filed an application for a transfer of five industrial facilities exemption certificates with respect to assets within the Industrial Development District D-20 and D-06; and

WHEREAS, before acting on said application, the City of Marshall allowed public comments on February 17, 2009 in the Council Chamber of Town Hall, located at 323 West Michigan Avenue, Marshall, Michigan, at 7:00 p.m. at which hearing the applicant, 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, neither the land and building improvements is calculated to and will, at the time of issuance of the transferred certificates, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Marshall; and

WHEREAS, the granting of said transfer certificates 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 tax 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 transfer requests for # 07-169, 05-115, 03-171, 01-075, AND 02-069 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 Tribal Manufacturing, 450 Leggitt, for the transfer requests of the five industrial facilities exemption certificates, with respect to the assets within the Industrial Development Districts D-20 and D-6 is hereby approved.

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

AYES: Council Members: Dyer, K. Miller, Metzger, Mayor Smith and Williams.

NAYS: None.

ABSTAIN: None.

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and a complete copy of the resolution adopted by the City Council and the City of Marshall at a regular meeting on February 17, 2009. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976, as amended). Minutes of the meeting will be available as required by the Act.

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed seal of said City of Marshall, this 17th day of February A.D., 2009.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Tracy Hovarter, Clerk Treasurer

**Moved** Williams, supported Metzger, to accept the proposal for professional engineering services for the "Fairgrounds Area Infrastructure Improvement Project" from Fishbeck, Thompson, Carr and Huber Incorporated, contingent on the funding award from the American Recovery and Reinvestment Act. On a roll call vote -- ayes: K. Miller, Metzger, Mayor Smith, Williams and Dyer; nays: none. **MOTION CARRIED.**

**Moved** Dyer, supported Metzger, to approve the attached Resolution approving the LLC to allow a wine tasting room license at Warner Vineyards location of 116 East Michigan Avenue, Marshall, MI. On a roll call vote -- ayes: Metzger, Mayor Smith, Williams, Dyer and K. Miller; nays: none. **MOTION CARRIED.**

**Moved** Dyer, supported Williams, to approve the attached Resolution for submittal to the Michigan Treasury Department to eliminate the FY 2007-08 deficit incurred in the Local Street Fund and amending the FY 2008-09 Local Street Fund, 1998 Local Streets Bond Fund and General Fund budgets accordingly. On a roll call vote -- ayes: Mayor Smith, Williams, Dyer, K. Miller and Metzger; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN  
RESOLUTION 2009- 08**

**WHEREAS**, the City of Marshall proposes a deficit elimination plan to address the deficit incurred in fiscal year 2007-08 for the MVH Local Streets Fund; and

**WHEREAS**, Act 275 of the Public Acts of 1980 requires that a Deficit Elimination Plan be formulated by the local unit of government and filed with the Michigan Department of Treasury; and

**WHEREAS**, the MVH Local Street Fund operating deficit of \$12,223 (and overall deficit including prepaid expenses of \$15,245) incurred in fiscal year 2007-08 will be remedied by the close of fiscal year 2008-09 by a transfer of \$8,816 from the balance held in the 1998 Local Streets bond fund and \$7,384 from the General Fund Streets Department (101-441-999); and

**WHEREAS**, this action will result in establishing a positive fund balance of \$4,166 in the MVH Local Street Fund for FY 2008-09 if revenues and expenses remain within approved levels.

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Marshall hereby approves the above-named transfers and amends the FY 2008-09 Budget accordingly.

**BE IT FURTHER RESOLVED** that based upon a motion made by \_\_\_\_\_, and supported by \_\_\_\_\_ that this resolution be adopted

**Voting for:** \_\_\_\_\_  
\_\_\_\_\_

**Voting Against:** \_\_\_\_\_

**Absent:** \_\_\_\_\_

**CERTIFICATION OF CLERK-TREASURER**

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 17th day of February, 2009.

\_\_\_\_\_  
Tracy Hovarter, Clerk-Treasurer

\_\_\_\_\_  
Date

**Moved** Dyer, supported Williams, to approve the contract from MDOT ó Aeronautics Bureau to perform engineering design for apron rehabilitation and underground fuel tank replacement project with FAA Entitlement Funds, City grant match is \$625. On a roll call vote -- ayes: Williams, Dyer, K. Miller, Metzger, Mayor Smith; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN  
RESOLUTION 2009 - 09**

**WHEREAS**, the City Council of the City of Marshall has reviewed attached Contract #2009-0150 for federal project #B-26-0064-1208 with the Michigan Department of Transportation Aeronautics Bureau; and

**WHEREAS**, the City Council agrees to utilize the combination of federal, state and local funding to cause engineering design plans for the replacement of the fuel tanks and rehabilitation of the apron as stated within contract #2009-0150 to be performed; and

**WHEREAS**, the City Council understands and agrees to the contract and its attached conditions; and

**WHEREAS**, the City Council understands that there could be further costs related to the construction of this project that may not be eligible for grant funding, as described in a memo to the Council dated February 13, 2009.

**NOW THEREFORE BE IT RESOLVED** that based upon a motion made by \_\_\_\_\_, and supported by \_\_\_\_\_ that the Clerk-Treasurer be authorized to sign contract 2009-0150 for federal project #B-26-0064-1208.

**Voting for:** \_\_\_\_\_

**Voting Against:** \_\_\_\_\_

**Absent:** \_\_\_\_\_

**CERTIFICATION OF CLERK-TREASURER**

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 17th day of February, 2009.

\_\_\_\_\_  
Tracy Hovarter, Clerk-Treasurer

\_\_\_\_\_  
Date

**Moved** Williams, supported Dyer, to approve a contract extension from Rehmann-Robson to perform professional auditing services for fiscal years 2009-10 through 2011-12. On a roll call vote -- ayes: Dyer, K. Miller, Metzger, Mayor Smith and Williams; nays: none. **MOTION CARRIED.**

**Moved** Williams, supported Dyer, to approve Marshall City to enter into an agreement with Tracy Hovarter on a contractual basis of \$35.00 per hour, not to exceed \$7,000, to be taken out of the Clerk Treasurer's Professional Services Fund 101-260-801.00, for work to be performed on the taxes and the 2009-10 budget process. On a roll call vote -- ayes: K. Miller, Metzger, Mayor Smith, Williams and Dyer; nays: none. **MOTION CARRIED.**

**Moved** K. Miller, supported Dyer, to authorize the Mayor and Tracy Hall, Human Resource Coordinator, to advertise and seek candidates for an Interim Finance Director. On a voice vote: **MOTION CARRIED.**

**Moved** Dyer, supported Williams, to authorize Council to request Tom Tarkiewicz to present to Council a plan on how he might approach the management and function as Interim City Manager or full time City Manager. On a voice vote: **MOTION CARRIED.**

#### ***APPOINTMENTS / ELECTIONS***

None.

#### ***CONSENT AGENDA***

**Moved** Dyer, supported K. Miller, to approve the consent agenda as presented:

- to approve the January 19, 2009 Work Session and the February 2, 2009 Work Session and Regular City Council Minutes; and
- to approve the city bills in the amount of \$651,695.29.

On a roll call vote -- ayes: Metzger, Mayor Smith, Williams, Dyer and K. Miller; nays: none. **MOTION CARRIED.**

#### ***PUBLIC COMMENT ON NON-AGENDA ITEMS***

John LaPietra of 386 Boyer Court would like to invite and encourage everyone to turn off their lights and conserve energy on the 3<sup>rd</sup> Thursday of the month for Dark Earth Hour. He is continuing his public participation program and going to try to organizing a meeting next month. John welcomes the idea of posting the garbage disposal services that were approved by Council to the City's website. He wanted to know if the City would be willing to entertain similar presentations by interested parties for the position of City Manager.

**Moved** Dyer, supported Williams, to go into closed session under the Open Meetings Act Section 8(h) to consider material exempt under the attorney client privilege. On a roll call vote -- ayes: Mayor Smith, Williams, Dyer, K. Miller and Metzger; nays: none. **MOTION CARRIED.**

Council went into closed session at 8:47 p.m.

Council came back to open session at 9:54 p.m.

The meeting was adjourned at 9:55 p.m.

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Bruce R. Smith, MAYOR

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Tracy Hovarter, CLERK-TREASURER