

CALL TO ORDER

IN REGULAR SESSION Monday, August 16, 2010 at 7:00 P.M. in Council Chambers of Town Hall, 323 West Michigan Avenue, Marshall, MI, the Marshall City Council was called to order by Mayor Smith.

ROLL CALL

Roll was called:

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

Also Present: City Manager Tarkiewicz

Absent: Council Members: Traver.

Moved Miller, supported Metzger, to excuse Council Member Traver. On a voice vote: **MOTION CARRIED.**

INVOCATION/PLEDGE OF ALLEGIANCE

Kris Tarkiewicz of Family Bible Church gave the Invocation and Mayor Smith led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Williams, supported Metzger, to approve the agenda with the following amendments:

- 1) Removal of item 9A. High Street Lot Rezoning,
- 2) The addition of the Holland Bus Invoice under item 13E Consent Agenda-City Bills for a new bill total of \$508,072.34 and
- 3) The addition of Council Vacancy discussion after Old Business.

On a voice vote: **MOTION CARRIED.**

PRESENTATIONS AND RECOGNITION

None.

INFORMATIONAL ITEMS

City Manager Tarkiewicz provided an update on the Community Movie Nights, Historic Fly and Drive In, and the Marshall Pumpkin Glow.

PUBLIC COMMENT ON AGENDA ITEMS

None.

PUBLIC HEARINGS AND SUBSEQUENT COUNCIL ACTION

A. High Street Lot Rezoning:

Mayor Smith opened the Public Hearing to hear comment on the rezoning of the High Street Lot, parcel #003-582-00, from PSP (Public/Semi-Public) to R-3 (Traditional Residential).

John LaPietra of 386 Boyer Court inquired which zoning was more appropriate R-2 or R-3.

Hearing no further comment the hearing was closed.

B. Public Hearing – Tenneco

Mayor Smith opened the Public Hearing to hear comment on the proposed application for an Industrial Facilities Exemption Certificate for Tenneco.

Randy Rial of Tenneco explained the new F-150 and GM Duramax programs and the company's investment as well as the creation of 54 new jobs and the retention of 99 jobs.

Hearing no further comment the hearing was closed.

Moved Williams, supported Metzger, to adopt the resolution approving the Industrial Facilities Exemption Certificate for Tenneco with a certificate term of 12 years. On a roll call vote – ayes: Dyer, Metzger, Miller, Mayor Smith, and Williams; nays: none:
MOTION CARRIED

**CITY OF MARSHALL, MICHIGAN
RESOLUTION # 2010-18**

**RESOLUTION TO APPROVE APPLICATION OF TENNECO
904 INDUSTRIAL ROAD
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR
PERSONAL PROPERTY COSTS**

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. 12 as requested; and after a duly noticed public hearing held on August 16, 2010, and

WHEREAS, Tenneco has filed an application for an Industrial Facilities Exemption Certificate with respect to personal property improvements and the acquisition and installation of new machinery and equipment within Industrial Development District 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 August 16, 2010 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 facility upgrades, did not begin earlier than six (6) months before 7/15/10, the date of acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, the acquisition of the upgrades 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.

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 described as new equipment upgrades to be acquired and installed within the Industrial Development District No. 12 is hereby approved.
3. That and IFEC Letter of Agreement, attached, be signed and submitted by Tenneco to the City of Marshall.

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

AYES: Dyer, Metzger, Miller, Mayor Smith, and Williams.

NAYS: None.

Sandra Bird, Clerk-Treasurer

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 on August 16, 2010.

Sandra Bird, Clerk-Treasurer

C. Industrial Development District #31:

Mayor Smith opened the public hearing to hear comment on the creation of Industrial Development District 31.

Marshall Economic Development Manager Mike Hindenach summarized what an Industrial Development District is.

Hearing no comment the hearing was closed.

Moved Dyer, supported Miller, to approve the creation of Industrial Development District #31 and adopt the resolution. On a roll call vote – ayes: Metzger, Miller, Mayor Smith, Williams, and Dyer; nays: none: **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
Resolution #2010-19**

A RESOLUTION ESTABLISHING AN INDUSTRIAL DEVELOPMENT DISTRICT

NUMBER 31 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 facilities in the City of Marshall; and,

WHEREAS, the City of Marshall wishes to establish an Industrial Development District consisting of the land located at 519 S Kalamazoo Avenue; and,

WHEREAS, the City Council set the date of August 16, 2010, at 7:00 p.m. in the 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 the map attached to this Resolution and marked Exhibit A and which district is described as follows:

Parcel Number: 001-346-00 MARSHALL CITY, UPPER VILLAGE LOTS 346 & 348.

As City Clerk-Treasurer, I place my signature and seal that this a true and accurate copy of the action taken and accurate copy of the action taken at a regular meeting of the Marshall City Council on August 16, 2010.

Date: August 16, 2010

Sandra Bird, CLERK-TREASURER
City of Marshall, Michigan

D. Industrial Development District #32

Mayor Smith opened the public hearing to hear public comment on the creation of Industrial Development District #32.

Hearing no comment the hearing was closed.

Moved Dyer, supported Metzger, to approve the creation of Industrial Development District #32 and adopt the resolution. On a roll call vote – ayes: Miller, Mayor Smith, Williams, Dyer, and Metzger; nays: none: **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
Resolution #2010-20**

**A RESOLUTION ESTABLISHING AN INDUSTRIAL DEVELOPMENT DISTRICT
NUMBER 32 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 facilities in the City of Marshall; and,

WHEREAS, the City of Marshall wishes to establish an Industrial Development District consisting of the land located at 1308 S Kalamazoo Avenue; and,

WHEREAS, the City Council set the date of August 16, 2010, at 7:00 p.m. in the 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 the map attached to this Resolution and marked Exhibit A and which district is described as follows:

Parcel Number: 002-635-00 MARSHALL CITY, PART OF SEC 35-2-6 BEG 396 FT S & 50 FT W OF E ¼ PST.S PAR TO E SEC LINE 380.14 FT, W 248.05 FT, N 380.14 FT, E 248.05 FT TO BEG. FT TO BEG.

As City Clerk-Treasurer, I place my signature and seal that this a true and accurate copy of the action taken and accurate copy of the action taken at a regular meeting of the Marshall City Council on August 16, 2010.

Date: August 16, 2010

Sandra Bird, CLERK-TREASURER
City of Marshall, Michigan

OLD BUSINESS

None.

COUNCIL VACANCY

Council discussed the need to fill the vacancy of the Ward 5 Council seat.

REPORTS AND RECOMMENDATIONS

A. Emergency Services Building Land Purchase:

Moved Miller, supported Williams, to approve the purchase of two parcels of land from Morris Stulberg for \$40,000 plus closing costs. On a roll call vote – ayes: Mayor Smith, Williams, Dyer, Metzger, and Miller; nays: none: **MOTION CARRIED**

B. Special Land Use Permit for 115 South Grand Street:

Moved Williams, supported Dyer, to approve the Special Land Use permit #SLU10.02 to allow an indoor recreational center, KidCare America after school program, at 115 S. Grand. On a roll call vote – ayes: Williams, Dyer, Metzger, Miller, and Mayor Smith; nays: none: **MOTION CARRIED**

APPOINTMENTS / ELECTIONS

A. Brooks Nature Area Advisory Board:

Moved Miller, supported Williams, to approve the reappointment of Vicki Knickerbocker and Ben Lark to the Brooks Nature Area Advisory Board with terms expiring August 15, 2013. On a voice vote: **MOTION CARRIED.**

CONSENT AGENDA

Moved Dyer, supported Metzger, to approve the consent agenda as presented.

- A. Approve the bid from Excell paving plus of Coldwater for \$24,940.50 for the paving of accessible pathways at the Athletic Field;
- B. Accept the low bid of \$37,380 from Concord Excavating from Concord, MI for the Water System Improvement Project;
- C. Approve the resolution to designate the Clerk-Treasurer as the authorized individual to sign MDOT contracts for Marshall Dial-A-Ride;
- D. Minutes of the City Council Regular Session held on Tuesday, August 3, 2010;
- E. Approve city bills in the amount of \$508,072.34.

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

PUBLIC COMMENT ON NON-AGENDA ITEMS

Brian Mason of 320 N. Mulberry extended a thank you on behalf of Marshall Carriages for all the support they have received.

John LaPietra of 386 Boyer Court announced his Green Party candidacy for Secretary of State.

Marshall City Council, Regular Session
Monday, August 16, 2010

Scott Buttrick of 1050 Arms Street extended an invitation to the Council to attend the Community Movie Night.

COUNCIL AND MANAGER COMMUNICATIONS

None.

ADJOURNMENT

The meeting was adjourned at 8:17 p.m.

Bruce R. Smith, Mayor

Sandra Bird, Clerk-Treasurer