

**CALL TO ORDER**

IN REGULAR SESSION Monday, December 20, 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, Mankerian, Metzger, Miller, Mayor Smith, Traver, and Williams.

Also Present: City Manager Tarkiewicz

Absent: None.

**INVOCATION/PLEDGE OF ALLEGIANCE**

Scott Loughrige of Crossroads Church gave the invocation and Mayor Smith led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

**Moved** Miller, supported Metzger, to approve the agenda as presented. On a voice vote: **MOTION CARRIED.**

**PRESENTATIONS AND RECOGNITION**

Director of Community Services Natalie Huestis introduced John Rodgers as the new Marshall House Administrator.

**INFORMATIONAL ITEMS**

City Manager Tarkiewicz announced that Christmas Tree pickup will begin on Monday, January 10, 2010 at 7:00 a.m.

**PUBLIC COMMENT ON AGENDA ITEMS**

None.

**PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**

None.

**OLD BUSINESS**

**A. Sewer Backup – Cleanup Reimbursement Request:**

**Moved** Williams, supported Dyer, to approve the payment of the invoice in the amount of \$1,988.07 to reimburse the homeowner at 746 Forest Street for the sanitary sewer backup. On a roll call vote – ayes: none; nays: Dyer, Mankerian, Metzger, Miller, Mayor Smith, Traver, and Williams. **MOTION DEFEATED.**

**REPORTS AND RECOMMENDATIONS**

**A. Set Public Hearing – Peddler Ordinance:**

**Moved** Metzger, supported Traver, to schedule a public hearing for Monday, January 3, 2011 to hear public comment on the revisions to Chapter 112: Peddlers and Solicitors Ordinance. On a voice vote – **MOTION CARRIED.**

**B. Set Public Hearing – Temporary Business Ordinance:**

**Moved** Miller, supported Williams, to schedule a public hearing for Monday, January 3, 2011 to hear public comment on the revisions to Chapter 120: Temporary Business Ordinance. On a voice vote – **MOTION CARRIED.**

**C. Tax Collection Fee:**

This item was an informational report of the City’s intent to bill for reimbursement of tax collection services.

**D. ESB Resolutions:**

**Moved** Williams, supported Dyer, to authorize the Mayor to sign the USDA Rural Development Pre-application and approve the Resolution of intent to reimburse expenditures from bond proceeds required by Internal Revenue Code for tax-exempt debt. On a roll call vote – ayes: Mankerian, Metzger, Miller, Mayor Smith, Traver, Williams, and Dyer; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN  
RESOLUTION #2010-29**

**RESOLUTION STATING INTENT TO  
REIMBURSE EXPENDITURES FROM BOND PROCEEDS  
FOR EMERGENCY SERVICES BUILDING AND CITY HALL RENOVATION**

A RESOLUTION TO PROVIDE FOR:

- Statement of Intent to reimburse expenditures from bond proceeds required by Internal Revenue Code for tax-exempt debt.

**WHEREAS**, the City of Marshall, County of Calhoun, State of Michigan (the “City”) is developing a plan to acquire, construct, furnish and equip a new emergency services building for use by fire, ambulance, and police services, and to renovate, refurbish and re-equip City Hall including the portion currently used for emergency services, including related appurtenances and attachments thereto, site acquisition and improvements, and demolition of an existing structure (the “Project”); and

**WHEREAS**, the City may receive a loan to finance costs of the Project from the United States of America through the United States Department of Agriculture – Rural Development (the “Government”), through delivery to the Government of the City’s general obligation bond; and

**WHEREAS**, the Internal Revenue Service has issued Treasury Regulation § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended, governing proceeds of debt used for reimbursement, pursuant to which the City must declare official intent to reimburse expenditures with proceeds of such debt before making the expenditures.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The City hereby makes the following declaration of official intent for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(1) As of the date of this resolution the City reasonably expects to reimburse itself for the expenditures described in (2) below with proceeds of debt to be incurred by the City.

(2) The expenditures described in this paragraph (2) are to pay certain costs associated with the Project which were or will be paid subsequent to sixty (60) days prior to the date hereof or which will be paid prior to the issuance of the debt from the general funds or capital fund of the City.

(3) As of the date hereof, the maximum principal amount of debt expected to be issued for reimbursement purposes, including reimbursement of debt issuance costs, is Six Million Six Hundred Five Thousand Dollars (\$6,605,000) which debt may be issued in one or more series and/or together with debt for other purposes.

(4) A reimbursement allocation of the expenditures described in paragraph (2) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City’s use of the proceeds of the debt to be issued for the Project to reimburse the City for a capital expenditure made pursuant to this Resolution.

(5) The expenditures for the Project are “capital expenditures” as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so

chargeable with a proper election or with the application of the definition of "placed in service" under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

(6) No proceeds of the borrowing paid to the City in reimbursement pursuant to this Resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in paragraph (4) above.

2. This declaration is executed to indicate the intent of the City only, and does **NOT** bind the City to acquire and construct any improvements or to issue any bonds or other obligations of the City.

3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

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Sandra Bird, Clerk-Treasurer

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the City Council of the City of Marshall, County of Calhoun, State of Michigan, at a Regular meeting held on December 20, 2010 at 7:00 o'clock p.m., prevailing Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act 267.

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Sandra Bird, Clerk-Treasurer

### **APPOINTMENTS / ELECTIONS**

**Moved** Miller, supported Metzger, to appoint Kristine Boley-Morse to fill the vacancy on the Parks and Recreation board with a term to expire on July 1, 2011. On a voice vote – **MOTION CARRIED.**

### **CONSENT AGENDA**

**Moved** Williams, supported Dyer, to approve the consent agenda as presented:

- A. Approve the resolution of intent to authorize DART to seek financial assistance from the State of Michigan for its public transportation service;
- B. Approve amended Traffic Control Order #93;
- C. Approve the request to approve a resolution allowing Crossroads

- Church to be recognized as a nonprofit organization for the purpose of obtaining a charitable gaming license;
- D. Approve the request to use Public Surplus Inc. to dispose of surplus equipment based on using staffs guidelines and setting the following reserve prices: 1993 Ford Pickup at \$400, Sewer Camera Truck at \$600, 1996 Dodge Pickup at \$2,500, Crown Victoria's at \$3,500, Tire Changer \$20, Bus Tires for \$5, Truck Tires for \$5, Fare Box with vaults for \$50 each, and 3 phase Air Compressor for \$500;
  - E. Approve minutes of the City Council Work Session and Regular Session held on Monday, December 6, 2010 and the Work Session held on Saturday, December 11, 2010;
  - F. Approve city bills in the amount of \$1,103,207.31.

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

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

None.

#### **COUNCIL AND MANAGER COMMUNICATIONS**

Council Member Dyer presented Mayor Smith with a plaque in appreciation for his service as Mayor for the City of Marshall.

#### **CLOSED SESSION**

**Moved** Dyer, supported Williams, to enter into closed session under section 8 (h) of the Michigan Open Meetings Act to discuss attorney-client privilege information. On a roll call vote – ayes: Miller, Mayor Smith, Traver, Williams, Dyer, Mankerian, and Metzger; nays: none. **MOTION CARRIED.**

At 8:07 p.m. moved to the conference room for closed session

At 8:27 p.m. returned to open session.

#### **ADJOURNMENT**

The meeting was adjourned at 8:30 p.m.

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Bruce R. Smith, Mayor

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Sandra Bird, Clerk-Treasurer