

CALL TO ORDER

IN REGULAR SESSION Monday, September 19, 2011 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: Booton, Mayor Dyer, Mankerian, Metzger, Miller, and Williams.

Also Present: City Manager Tarkiewicz.

Absent: None.

INVOCATION/PLEDGE OF ALLEGIANCE

Dennis Croy of Marshall Wesleyan Church gave the invocation and Mayor Dyer led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

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

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

Moved Miller, supported Metzger, to approve the consent agenda:

- A. Approve minutes of the City Council Regular Session held on Tuesday, September 6, 2011;
- B. Approve city bills in the amount of \$2,503,067.37.

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

PRESENTATIONS AND RECOGNITIONS

None.

INFORMATIONAL ITEMS

A. Recreation Department Annual Report

Moved Metzger, supported Williams, to receive and place on file the FY 2011

Marshall City Council, Regular Session
Monday, September 19, 2011

Recreation Department Annual Report. On a voice vote – **MOTION CARRIED.**

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Public Hearing – Tenneco IFT:

Mayor Dyer opened the public hearing to hear public comment regarding the proposed application for an Industrial Facilities Tax Exemption Certificate for Tenneco Marshall.

Randy Rial, Plant Manager of Tenneco, spoke regarding the tax exemption request. The facility is implementing \$6.6 million dollars of capital improvements and creating 135 jobs.

John LaPietra of 386 Boyer Court inquired if there was a possibility of future expansion.

Hearing no further comment the public hearing was closed.

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

CITY OF MARSHALL, MICHIGAN RESOLUTION #2011-39

RESOLUTION TO APPROVE APPLICATION OF TENNECO MARSHALL 820-904 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, August 25, 1981 established Industrial Development District No. D-9, and July 17, 1996 established Industrial Development District No. D-25 as requested; and

WHEREAS, Tenneco Marshall 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, 9, 25; 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 September 19th, 2011 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 August 15, 2011, 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 Marshall, for an Industrial Facilities Exemption Certificate, with respect to real and personal property improvements described as purchase and install new production

equipment to be acquired and installed within the Industrial Development District No. 12, 9, 25 is hereby approved.

3. That and IFEC Letter of Agreement, attached, be signed and submitted by Tenneco Marshall 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: Booton, Mayor Dyer, Mankerian, Metzger, Miller 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 September 19th, 2011.

Sandra Bird, Clerk-Treasurer

B. Public Hearing – Michigan Kitchen Distributors IFT

Economic Development Manager Mike Hindenach explained that the facility is adding \$323,800 in capital improvements and creating a minimum of 5 jobs.

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

Hearing no further comment the public hearing was closed.

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

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2011-40**

**RESOLUTION TO APPROVE APPLICATION OF
MICHIGAN KITCHEN DISTRIBUTORS
106 E OLIVER STREET
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 August 4, 1992 the Council by Resolution established Industrial Development District No. 23 as requested; and

WHEREAS, Michigan Kitchen Distributors 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 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 September 19th, 2011 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 August 25, 2011, 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 Michigan Kitchen Distributors, for an Industrial Facilities Exemption Certificate, with respect to real and personal property improvements described as purchase and install new production equipment to be acquired and installed within the Industrial Development District No. 23 is hereby approved.
3. That the IFTEC Letter of Agreement and the Affidavit of Fees, attached, be signed and submitted by Michigan Kitchen Distributors 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: Booton, Mayor Dyer, Mankerian, Metzger, Miller 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 September 19th, 2011.

Sandra Bird, Clerk-Treasurer

OLD BUSINESS

A. Parking Ordinance:

Moved Williams, supported Mankerian, to approve the proposed ordinance §73.19 for Overnight Parking Permits Allowed Under Certain Circumstances. On a roll call vote – ayes: Metzger, Miller, Williams, Booton, Mayor Dyer, and Mankerian; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
ORDINANCE #2011-13**

**An Ordinance to Amend City of Marshall Code,
Chapter 73: Parking Regulations**

The City of Marshall Ordains:

1. That Section 73.19 is hereby amended to read as follows:

§73.19 PARKING LIMITED BETWEEN 2:00 A.M. AND 6:00 A.M.

- (A) Except as provided in this section, It shall be unlawful for any person to park, allow to be parked or allow to remain parked, any motor vehicle on any paved surface of any public street of the city between the hours of 2:00 a.m. and 6:00 a.m.
- (B) The Traffic Engineer shall erect signs giving notice of the on-street parking prohibition contained in division (A).
- (C) Specific blocks of specific streets may be permitted as exceptions to the foregoing general provisions in division (A), when so designated by the Traffic Engineer with the consent of the City Council.
- (D) Parking on any public street in the City between the hours of 2:00 a.m. and 6:00 a.m. may be permitted for a period of up to three (3) days upon notification to, and approval of, the Marshall Police Department.

- (E) Parking between 2:00 a.m. and 6:00 a.m. may be permitted under the following circumstances:
- (i) Two permits for parking on the street shall be issued if the Traffic Engineer finds that no vehicles may be legally parked on a lot of record, as defined by §156.003, and that the specific characteristics of the lot of record, including size, shape and placement of structures prevent any area from being reasonably adapted for the legal parking of vehicles.
 - (ii) One permit for parking on the street shall be issued if the Traffic Engineer finds that no more than one vehicle may be legally parked on a lot of record, as defined by §156.003, and that the specific characteristics of the lot of record, including size, shape and placement of structures prevent any area from being reasonably adapted for the legal parking of additional vehicles.
 - (iii) When issued, a permit for parking on the street shall be valid for a period of time not to exceed one year. Parking permits issued under this subsection shall be issued to the registered owner of a vehicle. Permits shall not be transferrable. Each permit shall be affixed to the front windshield of the vehicle in a location readily visible. There will be an annual fee in the amount established by resolution for each permit issued. All permits will expire each December 31, and must be renewed prior to such date.
 - (iv) Permit holders parking on any public street between the hours of 2:00 a.m. and 6:00 a.m. shall park the permitted vehicle on that area of a public street within the lot lines of the lot of record for which the permit has been issued and on the same side of the street as the lot of record unless on-street parking is permitted only on the opposite side of the street.
 - (v) Applications for temporary permits for periods of up to 90 days may be granted for construction, medical services, or other needs, based upon a finding of the Traffic Engineer that a hardship has been sufficiently demonstrated.

- (F) Vehicles parked in violation of division (A) shall be subject to immediate impoundment, in addition to being ticketed, if, in the opinion of the Traffic Engineer or his or her designee, the vehicle or vehicles are interfering or will interfere with the performance of necessary street maintenance service, including, but not limited to, street cleaning or snow plowing operations.
- (G) Vehicle owners holding a permit issued pursuant to division (E) must, upon notice, immediately remove the vehicle from a public street if, in the opinion of the Traffic Engineer or his or her designee, the vehicle is interfering or will interfere with the performance of necessary street maintenance service, including, but not limited to, street cleaning or snow plowing operations. Vehicles not removed as required in this section shall be subject to immediate impoundment.
- (H) The Traffic Engineer is authorized, with the consent of City Council by motion, to establish procedures for the issuance of permits for parking overnight on municipal streets.

2. That Section 73.48 SCHEDULE OF FINES PAYABLE TO PARKING VIOLATIONS BUREAU, is hereby amended to add the following:

	Paid in Seven days <u>or less</u>	Paid after <u>Seven days</u>	Paid after <u>30 days</u>
Overnight parking			
Without a valid permit:	\$10.00	\$20.00	
	\$50.00		

3. This Ordinance [or a summary thereof as permitted by MCL 125.3401] shall be published in the Marshall Chronicle, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk.
4. This Ordinance is declared to be effective immediately upon publication.

Adopted and signed this ____ day of _____, 2011.

James Dyer, MAYOR

Sandra Bird, CLERK-TREASURER

I, Sandra Bird, being duly sworn as the Clerk-Treasurer for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on September 19, 2011, 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 by said Act.

Sandra Bird, CLERK-TREASURER

REPORTS AND RECOMMENDATIONS

A. Wastewater Project Design Engineering Award:

Moved Miller, supported Metzger, to approve the resolution authorizing the S2 Grant Agreement. On a roll call vote – ayes: Miller, Williams, Booton, Mayor Dyer, Mankerian, and Metzger; nays: none. **MOTION CARRIED.**

Moved Booton, supported Mankerian, to approve the resolution to accept the proposal from Stantec Consulting for the 2012 wastewater improvements design for the not to exceed cost of \$149,000. On a roll call vote – ayes: Williams, Booton, Mayor Dyer, Mankerian, Metzger, and Miller; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN RESOLUTION #2011-37

A RESOLUTION AUTHORIZING EXECUTION OF THE CONTRACT WITH STANTEC CONSULTING INC. FOR THE WASTEWATER TREATMENT AND COLLECTION SYSTEMS IMPROVEMENTS

WHEREAS, the City of Marshall recognizes the need to make improvements to its existing wastewater treatment and collection systems.

WHEREAS, the City of Marshall authorized Stantec Consulting Michigan, Inc. (Stantec) to prepare a Project Plan, which recommends a single phased project including improvements to the Wastewater Treatment Plant and multiple Pump Stations.

WHEREAS, the City of Marshall will submit an application to receive the S2 grant.

WHEREAS, said grant will cover 90% of the project planning and design cost and the City of Marshall will be responsible for the remaining 10%.

WHEREAS, Stantec has submitted a contract for the design services for said project with a not to exceed amount of \$149,000 and execution of said contract will be contingent on the receipt of the said grant.

WHEREAS, Stantec has submitted a contract for the design services for said project with a not to exceed amount of \$149,000 and execution of said contract will be contingent on the receipt of the said grant.

WHEREAS, Chapter 32.07 (B) of the Code of Ordinances allows city council to enter into a contract for the employment of engineering services without a competitive bidding process.

NOW THEREFORE BE IT RESOLVED, that the City of Marshall authorizes the execution of said contract.

Yeas: Booton, Mayor Dyer, Mankerian, Metzger, Miller and Williams.

Nays: None.

I certify that the above Resolution was adopted by the City of Marshall Council on September 19, 2011.

BY: Sandra Bird, City Clerk
Name and Title

Signature

Date

B. Acceptance of the Byrne Stimulus Grant:

Moved Metzger, supported Mankerian, to accept the Byrne Stimulus Grant administered through the Michigan State Police with a budget amendment being brought back to Council at a later date. On a roll call vote – ayes: Booton, Mayor Dyer, Mankerian, Metzger, Miller, and Williams; nays: none.
MOTION CARRIED.

APPOINTMENTS / ELECTIONS

A. City Council Vacancy – Ward 4:

Moved Miller, supported Mankerian, to appoint Jack Reed to fill the remainder of the term for the 4th Ward City Council Seat. On a roll call vote – ayes: Mankerian, Metzger, Miller, Williams, and Mayor Dyer; nays: Booton.
MOTION CARRIED.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Dave Fhaner of 354 North Marshall Avenue reminded everyone of the Annual River Clean Up.

John LaPietra of 386 Boyer Court inquired of Medical Marihuana permits.

John Ryan of 818 River Road stated his Presidential Exploratory committee is very fruitful and glad to see Council accepting Federal grant funds.

COUNCIL AND MANAGER COMMUNICATIONS

None.

ADJOURNMENT

The meeting was adjourned at 8:25 p.m.

James L. Dyer, Mayor

Sandra Bird, Clerk-Treasurer