

CALL TO ORDER

IN REGULAR SESSION Monday, October 5, 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 CALL

Roll was called:

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

Also Present: City Manager Tarkiewicz

Absent: None.

INVOCATION/PLEDGE OF ALLEGIANCE

Scott Loughrige from Cross Roads Church & Ministries gave the Invocation and Mayor Smith led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Dyer, supported Metzger, to approve the agenda with the addition of item 12 A. appointment of Co-chairs for the "Creative Marshall" committee and item 12 B. appointment to the Zoning Board of Appeals. On a voice vote: **MOTION CARRIED.**

PRESENTATIONS AND RECOGNITION

Steven Mobley, independent candidate for the Michigan State Senate, spoke regarding his campaign for the upcoming election.

Mayor Smith presented former Council Member Luanne Miller with a plaque for appreciation of her service as Council Member of Ward 5.

INFORMATIONAL ITEMS

None.

PUBLIC COMMENT ON AGENDA ITEMS

None.

PUBLIC HEARINGS AND SUBSEQUENT COUNCIL ACTION

A. Tenneco IFT Application:

Mayor Smith opened a public hearing to hear comment regarding the application for an Industrial Facilities Exemption Certificate for Tenneco.

Hearing no public comment the public hearing was closed.

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

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #09-29**

**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 October 5, 2009 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 October 5, 2009 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 begin earlier than six (6) months before 9/11/09, 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:

NAYS:

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 October 5, 2009.

Sandra Bird, Clerk-Treasurer

A. Johnson Systems IFT Application:

Mayor Smith opened a public hearing to hear comment regarding the application for an Industrial Facilities Exemption Certificate for Johnson Systems.

Hearing no public comment the public hearing was closed.

Moved Dyer, supported Traver, to approve the application for an Industrial Facilities Tax Exemption Certificate for Johnson Systems. On a roll call vote - ayes: Metzger, Miller, Mayor Smith, Traver, Williams, and Dyer; nays: none. **MOTION CARRIED**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #09-30**

RESOLUTION TO APPROVE APPLICATION OF
JOHNSON SYSTEM
1120 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 February 7, 1977 the Council by Resolution established Industrial Development District No. 3 as requested; and after a duly noticed public hearing held on October 5, 2009 and

WHEREAS, Johnson System 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 3; 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 5, 2009 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 9/17/09, 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 Johnson System, 1120 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. 3 is hereby approved.
3. That and IFEC Letter of Agreement, attached, be signed and submitted by Johnson System 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:

NAYS:

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 October 5, 2009.

Sandra Bird, Clerk-Treasurer

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Family Tree Liquor License Transfer Request:

Moved Dyer, supported Williams, to approve the resolution to transfer the Class C Liquor License to Eric Winnie of Family Tree LLC and that the approval be subject to the exclusion of a dance entertainment permit. On a roll call vote - ayes: Miller, Mayor Smith, Traver, Williams, Dyer, and Metzger; nays: none. **MOTION CARRIED.**

B. Cronin Building Repairs:

Moved Dyer, supported Traver, to approve a budget alteration of \$42,000 for the purpose of roof replacement, third floor window preservation, and floor repairs. On a roll call vote – ayes: Mayor Smith, Traver, Williams, Dyer, Metzger, and Miller; nays: none. **MOTION CARRIED.**

C. Patrol Car Replacements:

Moved Dyer, supported Miller, to accept the bid from Boshears Ford in the amount of \$62,010 for three Ford Crown Victoria's. On a roll call vote - ayes: Traver, Williams, Dyer, Metzger, Miller, and Mayor Smith; nays: none. **MOTION CARRIED.**

APPOINTMENTS / ELECTIONS

A. Creative Marshall Committee:

Moved Williams, supported Dyer, to accept the Cultural Economic Development Plan as presented, endorse the formation of a steering committee to be known as "Creative Marshall", and approve the Mayoral appointments of Co-Chairs Randy Lake and Kathy Tarr. On a voice vote – **MOTION CARRIED.**

B. ZBA Appointment:

Moved Williams, supported Dyer, to appoint Jim Dominique as the 2nd Alternate Member to the Zoning Board of Appeals for a three year term. On a voice vote – **MOTION CARRIED.**

CONSENT AGENDA

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

- A. Accept the proposal from the City of Springfield for the Trackless MT5 with attachments in the amount of \$10,000;
- B. Minutes of the Regular City Council and Council Work Session meeting held Monday, September 21, 2009 and the Special Session held on Monday, September 28, 2009;
- C. Approve city bills in the amount of \$4,979,362.79.

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

PUBLIC COMMENT ON NON-AGENDA ITEMS

Main Street Manager Diane Larkin gave a reminder of the Second Saturday events and the kick-off of Scarecrow Days.

COUNCIL AND MANAGER COMMUNICATIONS

None

ADJOURNMENT

The meeting was adjourned at 8:03 p.m.

Bruce R. Smith, MAYOR

Sandra Bird, Clerk-Treasurer