

CALL TO ORDER

IN REGULAR SESSION Monday, August 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 CALL

Roll was called:

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

Also Present: Interim City Manager Tarkiewicz

Absent: None

INVOCATION/PLEDGE OF ALLEGIANCE

Dennis Croy of the Marshall Wesleyan Church gave the Invocation.
Mayor Smith led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

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

PRESENTATIONS AND RECOGNITIONS

Main Street Manager Diane Larkin gave an update on the 2009 Blues Festival.

Interim City Manager Tarkiewicz announced the retirement of Steve Washburn, Water/Waste Water Superintendent, on August 21, 2009 after 36 years of employment with the City of Marshall.

INFORMATIONAL ITEMS

The Investment Portfolio as of June 30, 2009 was presented as an informational report.

PUBLIC COMMENT ON AGENDA ITEMS

John LaPietra of 386 Boyer Ct. inquired about the Public Hearing in item 9A, the certifying officer in item 9B, and the term of the contract in item 12B.

PUBLIC HEARINGS AND SUBSEQUENT COUNCIL ACTION

A. Tenneco CDBG Grant:

Mayor Smith opened a public hearing to hear comment regarding the completion of the Tenneco Road extension project.

John LaPietra of 386 Boyer Court questioned the dollar amount the project came in under budget.

Hearing no further comment the public hearing was closed.

This hearing will allow the City to close out the project in terms with the Grant Agreement. No action required.

B. Johnson System Inc. Community Development Block Grant:

Mayor Smith opened a public hearing to hear comment regarding the proposed application for a Community Development Block Grant to extend sewer infrastructure to Johnson System, Inc.

John LaPietra of 386 Boyer Court questioned the time frame for the application process and if the match money is budgeted.

Hearing no further comment the public hearing was closed.

Moved Dyer supported Williams, to authorize the application for the CDBG Grant to extend sewer infrastructure for Johnson Systems Inc. and authorize Mayor Smith to act as certifying officer for the application. On a roll call vote - ayes: Dyer, Metzger, K. Miller, L. Miller, Mayor Smith, Traver, and Williams; nays: none. **MOTION CARRIED**

C. Joseph Campbell Company Industrial Facilities Exemption Certificate:

Mayor Smith opened a public hearing to hear comment regarding the request from Joseph Campbell Company for an Industrial Facilities Tax Exemption Certificate.

John LaPietra of 386 Boyer Court questioned if the resolution was authorizing both phases of the application.

Hearing no further comment the public hearing was closed.

Moved Dyer supported Williams, to approve the application for the Industrial Facilities Tax Exemption Certificate for the Joseph Campbell Company as indicated in the resolution and authorize the approval of equipment installed after January 28, 2009 and authorize the appeal for any equipment received prior to that date. On a roll call vote - ayes: Metzger, K. Miller, L. Miller, Mayor Smith, Traver, Williams, and Dyer; nays: none. **MOTION CARRIED.**

RESOLUTION TO APPROVE APPLICATION OF
JOSEPH CAMPBELL COMPANY
210 W Oliver
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 19, 1985 the Council by Resolution established Industrial Development District No. 16 as requested; and after a duly noticed public hearing held on August 4, 2009 and

WHEREAS, Joseph Campbell Company 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 16; 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 July 28, 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 July 28, 2009, 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 Joseph Campbell Company, 210 W. Oliver Drive, for an Industrial Facilities Exemption Certificate, with respect to real and personal property improvements described as new equipment upgrades to be acquired and installed within the Industrial Development District No. 16 is hereby approved to the extent of the equipment that has been received after January 28, 2009.
3. That and IFEC Letter of Agreement, attached, be signed and submitted by Joseph Campbell Company 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 August 17, 2009.

Sandra Bird, Clerk-Treasurer

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Marshall House Roof removal and replacement bid:

Moved Williams supported K. Miller, to accept the bid from Hoekstra Roofing, Kalamazoo, Michigan for a sum not to exceed \$115,917 for the removal and installation of a 45 mill roof covering for the Marshall House roof. On a roll call vote - ayes: K. Miller, L. Miller, Mayor Smith, Traver, Williams, Dyer, and Metzger; nays: none.
MOTION CARRIED.

B. Budget Amendment-Special Projects Fund:

Moved Williams supported L. Miller, to approve the resolution to amend the FY 2009-2010 budget to provide \$65,000 funding for the Special Projects Fund and the source of funding for this expenditure be use of prior year fund balance. On a roll call vote - ayes: L. Miller, Mayor Smith, Traver, Williams, Dyer, Metzger, and K. Miller; nays: none.
MOTION CARRIED.

CITY OF MARSHALL, MICHIGAN
RESOLUTION #09-26

WHEREAS, the City Manager is authorized to make budgetary transfers within the appropriate centers established through this budget, and that all transfers between appropriations may be made by the City Manager in an amount not to exceed \$10,000 per year without prior Council approval pursuant to Section 19.2 of the provisions of the Michigan Uniform Accounting and Budgeting Act.

NOW THEREFORE BE IT RESOLVED that the City Council amends and establishes the budget for the period of July 1, 2009, through June 30, 2010 for the Special Projects Fund in the amount set forth below for the purpose of funding E911 wireless, strategic planning and other miscellaneous projects related to Marshall House, police and fire safety and training, and that the source of funding for this expenditure be use of prior year fund balance:

EXPENDITURES

Special Projects Fund	\$65,000
-----------------------	----------

AYES: Dyer, Metzger, K. Miller, L. Miller, Mayor Smith, Traver, and Williams.

NAYS: None.

CERTIFICATION OF CITY 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 August, 2009.

Sandra Bird, Clerk-Treasurer

Moved Dyer, supported K. Miller, to add to the agenda item 11C-Electric Rate Stabilization. On a voice vote: **MOTION CARRIED.**

C. Electric Rate Stabilization:

Moved Dyer, supported Williams, to adopt a resolution, effective September 1, 2009, directing the City Manager to instruct Michigan South Central Power Agency to bill the city at \$.085 per kWh and permit withdrawals from the City's Rate Stabilization Fund on deposit to pay the difference. On a roll call vote - ayes: Mayor Smith, Traver, Williams, Dyer, Metzger, K. Miller, and L. Miller; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN
RESOLUTION #09-27

WHEREAS, in Fiscal Year 2010 the Michigan South Central Power Agency anticipates to refund \$3.0 million in equity to its members, with no restriction for member usage;

WHEREAS, the Marshall share equals \$720,000 and will be deposited into the MSCPA Rate Stabilization Fund and immediately available for use in operations, debt service reduction or additional rate stabilization reserves;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marshall to instruct the Michigan South Central Power Agency to bill the City of Marshall \$ 0.08500 kWh and permit withdrawals from the City's Rate Stabilization Fund to pay the difference in order to levelize rates for our customers during hard economic times.

AYES:

NAYS:

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 17, 2009.

Sandra Bird, Clerk-Treasurer

APPOINTMENTS / ELECTIONS

A. Airport Board Appointment:

Moved Williams, supported Metzger, to approve the appointment of David Mead to the Airport Board with a term expiring October 1, 2010. On a voice vote: **MOTION CARRIED.**

B. City Manager Appointment:

Moved Dyer, supported Williams, to appoint Tom Tarkiewicz as City Manager as required by the City Charter. On a roll call vote - ayes: Traver, Williams, Dyer, Metzger, K. Miller, L. Miller, and Mayor Smith; nays: none. **MOTION CARRIED.**

CONSENT AGENDA

Moved Williams, supported L. Miller, to approve the consent agenda as presented:

- A.** Approve the FTA Drug and Alcohol policy and authorize Sandra Bird, Clerk-Treasurer to sign the policy on behalf of the City.
- B.** Approve the Veteran's request to close Michigan Avenue from Grand Street to North Kalamazoo from 10:30-11:30 a.m. on Wednesday, November 11, 2009 for the Veteran's Day Ceremony.
- C.** Minutes of the Regular City Council meeting held Tuesday, August 4, 2009.
- D.** Approve city bills in the amount of \$341,531.638

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

PUBLIC COMMENT ON NON-AGENDA ITEMS

John LaPietra of 386 Boyer Court wanted to remind everyone to turn lights off on Thursday from 9-10p.m. for Dark Earth Hour. Also, he feels that Oaklawn should do planning in public to keep everyone better informed.

COUNCIL AND MANAGER COMMUNICATIONS

None

ADJOURNMENT

The meeting was adjourned at 8:32 p.m.

Bruce R. Smith, MAYOR

Sandra Bird, Clerk-Treasurer