

CALL TO ORDER

IN REGULAR SESSION Wednesday, December 27, 2017 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 Reed.

ROLL CALL

Roll was called:

Present: Council Members: Caron, McNeil, Metzger, Mayor Reed, and Williams.

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: Council member Costa and Schurig.

Moved Metzger, supported McNeil, to excuse Council members Costa and Schurig. On a voice vote- **MOTION CARRIED.**

INVOCATION/PLEDGE OF ALLEGIANCE

Ralph McCarty of East Eckford Community Church gave the invocation and Mayor Reed led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

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

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

Moved Metzger, supported Williams, to approve the Consent Agenda:

- A. Scheduled a public hearing for Tuesday, January 16, 2018 to hear public comment on the July 1, 2018 through June 30, 2024 Capital Improvement Program;
- B. Scheduled a public hearing for Tuesday, January 16, 2018 to hear public comment on Zoning Amendment #RZ17.06, to rezone 11038 and 11040 17 Mile Road from I-1: Research & Technology to I-2: General Industrial;
- C. Minutes of the City Council Regular Session held on Monday, December 4, 2017
- D. Approve city bills in the amount of \$ 980,000.27;

On a roll call vote – ayes: Caron, McNeil, Metzger, Mayor Reed, and Williams; nays: none. **MOTION CARRIED.**

PRESENTATIONS AND RECOGNITION

None.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Marshall Excelsior Company – Industrial Facilities Tax Exemption Certificate Application:

Scott Fleming provided background on the request from Marshall Excelsior Company for an Industrial Facilities Tax Exemption Certificate at 1506 George Brown Drive.

Mayor Reed opened the public hearing to hear public comment regarding the proposed Industrial Facilities Tax Exemption Certificate.

Moved Williams, supported McNeil, to approve the application for an Industrial Facilities Tax Exemption Certificate for Marshall Excelsior Company at 1506 George Brown Drive. On a roll call vote – ayes: McNeil, Metzger, Mayor Reed, Williams, and Caron; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN RESOLUTION #2017-20

Minutes of a regular meeting of the City Council of the City of Marshall held on Wednesday, December 27, 2017, in the Council Chambers of Town Hall, located at 323 West Michigan Avenue, Marshall, Michigan.

Present: Caron, McNeil, Metzger, Mayor Reed, and Williams.
Absent: Costa and Schurig.

The following preamble and resolution were offered by Council Member Williams and supported by Council Member McNeil.

RESOLUTION TO APPROVE APPLICATION OF MARSHALL EXCELSIOR COMPANY 1506 GEORGE BROWN DRIVE INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR REAL AND PERSONAL PROPERTY - NEW MACHINERY AND EQUIPMENT

WHEREAS, pursuant to P.A. 198 of 1974, MCL 211.551 et seq., after a duly noticed public hearing held on August 3, 1992, the Council by Resolution established Industrial Development District No. D-23 and a public hearing held on February 3, 1997, the Council by Resolution established Industrial Development District No. D-26 as requested; and

WHEREAS, Marshall Excelsior Company has filed an application for an Industrial Facilities Exemption Certificate with respect to real and personal property improvements and the acquisition and installation of new machinery and equipment within Industrial Development D-23 and D-26; 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 December 27 2017 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 acquisition and installation of the new equipment, had been completed less than earlier than six (6) months before November 22, 2017, the date of acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, the acquisition of the new equipment and machinery 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; and

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 Marshall Excelsior, 1506 George Brown Drive, for an Industrial Facilities Exemption Certificate, with respect to real property improvements and personal property improvements described as new machinery and equipment to be acquired and installed within the Industrial Development District No. D-23 and D-26 is hereby approved.

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3. The Industrial Facilities Exemption Certificate, when issued, shall be and remain in force and effect for a period of (7) seven years under the rules and regulations of Act 198 of Public Acts of 1974, as amended, for the new machinery and equipment from the date of approval by the State Tax Commission.

AYES: Caron, McNeil, Metzger, Mayor Reed, and Williams.

NAYS: None

Trisha Nelson, City Clerk

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 December 27, 2017.

Trisha Nelson, City Clerk

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. WOW! Video Service – Local Franchise Agreement:

Moved Metzger, supported Williams, to approve the Uniform Video Service Local Franchise Agreement with WOW! With a 5% franchise fee and authorize he Clerk to sign the agreement. On a voice vote – **MOTION CARRIED**

B. Dedication of Pratt Avenue Right of Way:

Moved McNeil, supported Caron, to approve the resolution for the dedication of Pratt Avenue right of way and accept this street into the City of Marshall Street System. On a voice vote – **MOTION CARRIED**

CITY OF MARSHALL, MICHIGAN RESOLUTION #2017-21

WHEREAS, the City of Marshall constructed L. Alta Brooks Industrial Park No. 3 & 4 in 2005 within Section 1, T03S, R06W, City of Marshall, Calhoun County, Michigan; and

WHEREAS, it appears that the Pratt Avenue right-of-way (ROW) associated with this project was never dedicated as a street within the City of Marshall Street System and recorded with the Calhoun County Registrar of Deeds; and

WHEREAS, the City of Marshall did on December 27, 2017 dedicate Pratt Avenue; and

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this

street within the City of Marshall Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended; and

WHEREAS, the City Council dedicates the Pratt Avenue right-of-way described as:

A road right-of-way located in the Northwest 1/4, Southwest 1/4 and the Southeast 1/4 of Section 1, Town 3 South, Range 6 West, City of Marshall, Calhoun County, Michigan being described as: Commencing at the Northwest Corner of Section 1, T3S,R6W; thence S00°01'52"E, 1922.56 feet along the West line of said Section 1 to the South line of L. Alta Brooks Industrial Park No. 2 as recorded in Liber 18 of Plats, page 11, Calhoun County Records; thence N84°34'00"E, 1307.88 feet along said South line to the point of beginning of the following described right-of-way; thence continuing N84°34'00"E, 60.27 feet along said South line; thence S00°00'00"E, 397.49 feet; thence Southeasterly, 424.29 feet along the arc of a curve to the left, said curve having a radius of 270.00 feet, a delta angle of 90°02'12", and a chord bearing S45°01'06"E, 381.96 feet; thence N90°00'00"E, 746.36 feet; thence Southeasterly, 515.06 feet along the arc of a curve to the right, said curve having a radius of 328.33 feet, a delta angle of 89°52'55", and a chord bearing S45°03'33"E, 463.85 feet; thence S00°07'05"E, 619.55 feet; thence Southwesterly, 206.94 feet along the arc of a curve to the right, said curve having a radius of 330.00 feet, a delta angle of 35°55'48", and a chord bearing S17°50'49"W, 203.57 feet; thence S35°48'43"W, 135.28 feet; thence Southwesterly, 55.57 feet along the arc of a curve to the left, said curve having a radius of 57.00 feet, a delta angle of 55°51'18", and a chord bearing S07°53'04"W, 53.39 feet; thence Northwesterly, 498.95 feet along the arc of a curve to the right, said curve having a radius of 98.00 feet, a delta angle of 291°42'35", and a chord bearing N54°11'17"W, 110.01 feet; thence Northeasterly, 55.57 feet along the arc of a curve to the left, said curve having a radius of 57.00 feet, a delta angle of 55°51'18", and a chord bearing N63°44'22"E, 53.39 feet; thence N35°48'43"E, 135.28 feet; thence 169.32 feet along the arc of a curve to the left, said curve having a radius of 270.00 feet, a delta angle of 35°55'48", and a chord bearing N17°50'49"E, 166.56 feet; thence N00°07'05"W, 619.55 feet; thence Northwesterly, 420.94 feet, along the arc of a curve to the left, said curve having a radius of 268.33 feet, a delta angle of 89°52'55", a chord bearing N45°03'33"W, 379.08 feet; thence N90°00'00"W, 746.35 feet; thence Northwesterly, 518.55 feet along the arc of a curve to the right, said curve having a radius of 330.00 feet, a delta angle of 90°01'59", and a chord bearing N45°01'00"W, 466.83 feet; thence N00°00'00"E, 391.79 feet to the point of beginning; said right-of-way being subject to any easements or restrictions of use or record.

NOW THEREFORE BE IT RESOLVED:

1. That the centerline of said street is described as:

A road centerline located in the Northwest 1/4, Southwest 1/4 and the Southeast 1/4 of Section 1, Town 3 South, Range 6 West, City of Marshall, Calhoun County, Michigan being described as: Commencing at the Northwest Corner of Section 1, T3S, R6W; thence S00°01' 52" E, 1922.56 feet along the West line of said Section 1 to the South line of L. Alta Brooks Industrial Park No. 2 as recorded in Liber 18 of Plats, page 11, Calhoun County Records; thence N84°34'00"E, 1338.02 feet along said South line to the point of beginning of the following described centerline; thence S00°00'00"E, 394.64 feet; thence Southeasterly, 471.42 feet along the arc of a curve

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to the left, said curve having a radius of 300.00 feet, a delta angle of 90°02'05", and a chord bearing S45°01'03"E, 424.39 feet; thence N90°00'00"E, 746.36 feet; thence Southeasterly, 468.00 feet along the arc of a curve to the right, said curve having a radius of 298.33 feet, a delta angle of 89°52'55", and a chord bearing S45°03'33"E, 421.47 feet; thence S00°07'05"E, 619.55 feet; thence Southwesterly, 188.13 feet along the arc of a curve to the right, said curve having a radius of 300.00 feet, a delta angle of 35°55'48", and a chord bearing S17°50'49"W, 185.06 feet; thence S35°48'43"W, 361.56 feet to the point of ending.

2. That said street is located within a City right-of-way and is under the control of the City of Marshall.
3. That said street is a public street and is for public street purposes.
4. That said street is accepted into the City of Marshall Street System and was open to the public on July 31, 2005.

Voting For: Caron, McNeil, Metzger, Mayor Reed, and Williams.

Voting Against: None.

Absent: Costa and Schurig.

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 27th day of December, 2017.

Trisha Nelson, City Clerk

Date

C. Medical Marihuana Fee Resolution:

Moved Metzger, supported McNeil, to approve the resolution establishing fees for the Medical Marihuana Facilities and amend the Grower Facility new application fee to \$5,000 and renewal application to \$4,000. On a roll call vote – ayes: Metzger, Mayor Reed, Williams, Caron and McNeil; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN RESOLUTION #2017-22

MEDICAL MARIHUANA FACILITIES FEE RESOLUTION

WHEREAS, the Michigan Medical Marihuana Licensing Act Ordinance provides that a municipality may establish an annual, nonrefundable fee of not more than \$5,000 to defray

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the administrative and enforcement costs associated with the operation of a Medical Marihuana facility in the municipality;

THEREFORE, BE IT RESOLVED, that the City Council of the City of Marshall hereby adopts the following fee schedule for licensed Medical Marihuana Facilities to become effective immediately:

	<u>New Application</u>	<u>Renewal Application</u>
Grower Facility	\$5,000	\$4,000
Processor Facility	\$5,000	\$4,000
Safety Compliance Facility	\$5,000	\$4,000
Secure Transporter Facility	\$3,000	\$2,000

Adopted and signed this 27th day of December, 2017.

I, Trisha Nelson, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of a resolution approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on December 27, 2017, 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.

Trisha Nelson, City Clerk

D. Voluntary Green Pricing Program (VGPP) Rates:

Moved Williams, supported Metzger, to approve the new rate structure for the Voluntary Green Pricing Program with an implementation date of December 28, 2017. On a voice vote – **MOTION CARRIED.**

E. Underground Bridge Cable:

Moved Caron, supported Metzger, to approve the purchase of underground cable from WESCO in the amount of \$107,167.50 and authorize the City Clerk to sign the purchase contract based on final price accounting for commodity pricing variations. On a voice vote – **MOTION CARRIED.**

F. Purchase of Self-Contained Breathing Apparatus (SCBA's):

Moved Metzger, supported McNeil, to approve the recommendation to purchase MSA brand Self-Contained Breathing Apparatus (SCBA's) from 5 Alarm of Delafield, WI in the not to exceed amount of \$176,326. It also recommended a budget

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amendment be approved for increasing revenue account 101-000-588.10 (Contributions) by \$143,000 and increasing expenditure account 101-900-970.00 (Capital Outlay) by \$143,000. On a roll call vote – ayes: Williams, Caron, McNeil, Metzger, and Mayor Reed; nays: none. **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

COUNCIL AND MANAGER COMMUNICATIONS

ADJOURNMENT

The meeting was adjourned at 7:36 p.m.

Jack Reed, Mayor

Trisha Nelson, City Clerk