

**CALL TO ORDER**

IN REGULAR SESSION Monday, September 20, 2010 at 5:00 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.

**OATH OF OFFICE**

Deputy Clerk Trisha Nelson administered the oath of office to Jody Mankerian to fill the vacancy of the Ward 5 City Council seat.

**ROLL CALL**

Roll was called:

Present: Council Members: Dyer (arrived at 7:05 p.m.), Mankerian, Metzger, Mayor Smith, Traver, and Williams.

Also Present: City Manager Tarkiewicz

Absent: Council Members: Miller.

**INVOCATION/PLEDGE OF ALLEGIANCE**

Mayor Smith led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

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

**PRESENTATIONS AND RECOGNITION**

None.

**INFORMATIONAL ITEMS**

None.

**PUBLIC COMMENT ON AGENDA ITEMS**

None.

**PUBLIC HEARINGS AND SUBSEQUENT COUNCIL ACTION**

**A. Public Hearing - Mor-Dall Enterprises IFT Application:**

Mayor Smith opened the public hearing to hear comment on the proposed application for an Industrial Facilities Tax Exemption Certificate for Mor-Dall Enterprises (Dark Horse Brewery).

Hearing no comment the hearing was closed.

**Moved** Williams, supported Dyer, to adopt the resolution approving the Industrial Facilities Exemption Certificate for Mor-Dall Enterprises. On a roll call vote – ayes: Dyer, Mankerian, Metzger, Mayor Smith, Traver, and Williams; nays: none: **MOTION CARRIED**

CITY OF MARSHALL, MICHIGAN  
RESOLUTION #2010-24

RESOLUTION TO APPROVE APPLICATION OF  
MOR-DALL ENTERPRISES, INC.  
519 S KALAMAZOO  
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 16, 2010 the Council by Resolution established Industrial Development District No. 31 as requested; and

WHEREAS, Mor-Dall Enterprises, Inc. 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 31; 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 20, 2010 in the Council Chambers of Town Hall, located at 323 West Michigan Avenue, Marshall, Michigan, at 5:00 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 September 8, 2010, 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 Mor-Dall Enterprises, Inc., 519 S. Kalamazoo, 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. 31 is hereby approved to the extent of the equipment that has been received after August 16, 2010.
3. That and IFEC Letter of Agreement, attached, be signed and submitted by Mor-Dall Enterprises, Inc. 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: Dyer, Mankerian, Metzger, Mayor Smith, Traver, and Williams.

NAYS: None.

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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 20, 2010.

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Sandra Bird, Clerk-Treasurer

**B. Public Hearing – Vacate a Portion of Warren Street:**

Mayor Smith opened the public hearing to hear comment regarding the vacation of a portion of Warren Street.

Hearing no comment the hearing was closed.

**Moved** Dyer, supported Williams, to approve the vacation of a portion of Warren Street. On a roll call vote – ayes: Mankerian, Metzger, Mayor Smith, Traver, Williams and Dyer; nays: none: **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN  
RESOLUTION #2010-25

City of Marshall Resolution  
To Vacate a Portion of Warren Street

WHEREAS, the City of Marshall has the authority under the Michigan Home Rule City Act (MCL 117.4h) to regulate, improve and control of the surface of its streets, alleys and public ways, and of the space above and beneath them; and

WHEREAS, the City of Marshall's Charter Section 2.23 provides that the council shall have the power to establish, vacate and use, and to control and regulate the use of streets; and

WHEREAS, the actual use and occupation of a portion of Warren Street has been outside the area identified on the original plat of the Upper Village of Marshall (now City), according to the Plat recorded at Liber 3 of Plats, Page 12, Calhoun County Records; and

WHEREAS, the Calhoun County Agricultural and Industrial Society ("CCAIS"), a Michigan non-profit corporation owns and occupies the land on both sides of the platted portion of Warren Street; and

WHEREAS, the CCAIS desires to exchange parcels of property with the City of Marshall so that the land where Warren Street is, in fact, located will be owned by the City of Marshall and the adjacent property will be owned by the CCAIS,

THEREFORE, BE IT RESOLVED, that the City of Marshall does hereby vacate that part of Warren Street lying East of the centerline of vacated Chestnut Street, extended from the North line of Warren Street, South to the South line of Warren Street, to the East

line of Cedar Street, Upper Village of Marshall (now City), according to the Plat thereof as recorded in Liber 3 of Plats, Page 12, Calhoun County Records.

AYES: Dyer, Mankerian, Metzger, Mayor Smith, Traver, and Williams.

NAYS: None.

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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 a resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on September 20, 2010 and that said meeting was conducted and that the minutes of said meeting were kept and will be or have been made available.

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Sandra Bird, Clerk-Treasurer

#### **OLD BUSINESS**

None.

#### **REPORTS AND RECOMMENDATIONS**

None.

#### **APPOINTMENTS / ELECTIONS**

None.

#### **CONSENT AGENDA**

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

- A. Authorize the Clerk-Treasurer to sign the agreement with the Michigan Department of Transportation for the Apron Rehabilitation project at Brooks Field;
- B. Schedule City Council Work Sessions for Saturday, October 16, 2010 and Saturday, December 11, 2010 from 8:30 – 11:30 a.m. at the Public Service Building Training Room;
- C. Approve the request from the Marshall Lions Club to hold their annual candy sales in the City on September 25 and 25, 2010;
- D. Minutes of the City Council Regular Session and Work Session held on Tuesday, September 7, 2010;
- E. Approve city bills in the amount of \$3,195,267.03.

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

Marshall City Council, Regular Session  
Monday, September 20, 2010

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

Bill Morse of 603 Brewer Street expressed displeasure with the purchasing policy.

**COUNCIL AND MANAGER COMMUNICATIONS**

None.

**ADJOURNMENT**

The meeting was adjourned at 5:25 p.m.

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Bruce R. Smith, Mayor

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Sandra Bird, Clerk-Treasurer