

**CITY OF MENOMINEE, MICHIGAN
REGULAR COUNCIL PROCEEDINGS
SEPTEMBER 20, 2011**

A regular meeting of the Menominee City Council, City of Menominee, County of Menominee, State of Michigan, was held Tuesday, September 20, 2011 at 6:15 p.m. in the Municipal Complex Council Chambers.

The Honorable George W. Krah called the meeting to order and led the pledge of allegiance to the flag.

PRESENT: Council Members Fernstrum, Hudon, Mick, Plemel, Pohlmann, Walker (late), and Williams; Mayor Krah

ABSENT: Council Member Organ (excused)

PRESENT: 8

ABSENT: 1

A motion was made by Council Member Plemel and seconded by Council Member Mick to excuse Council Member Organ from the meeting. This motion was carried unanimously.

A motion was made by Council Member Plemel and seconded by Council Member Williams to approve the agenda for the meeting dated September 15, 2011. This motion was carried unanimously.

There being no additions or corrections to the minutes of the regular meeting of August 15, 2011, the minutes stood approved as presented.

PUBLIC HEARINGS:

Mayor Krah opened the public hearing called for the purpose of hearing citizen comments on the USDA grant pre-application for Police Department In-Car Video Cameras.

No one was heard.

A motion was made by Council Member Plemel and seconded by Council Member Williams to close the public hearing. This motion was carried unanimously.

Next, Mayor Krah opened the public hearing called for the purpose of hearing citizen comments on the Middleby Marshall dba Nu-Vu Food Service Systems Industrial Facilities Tax Exemption Application.

Cindy Hendon of Valu Tec said she was available to answer any questions regarding the application.

Council Member Walker took his seat.

A motion was made by Council Member Plemel and seconded by Council Member Williams to close the public hearing. This motion was carried unanimously.

PUBLIC COMMENT:

Mayor Krah opened the public comment session called for the purpose of hearing citizen comments on agenda items only.

No one was heard.

A motion was made by Council Member Williams and seconded by Council Member Plemel to close the public comment session. This motion was carried unanimously.

COMMUNICATIONS:

A letter from the Michigan Municipal League was received notifying the City of their annual convention and meeting that will be held in Grand Rapids from October 4th through the 7th.

No action was taken.

REPORTS OF OFFICERS:

Mr. Cramer reported on the ICMA Conference he recently attended.

MOTIONS AND RESOLUTIONS:

A motion was made by Council Member Plemel and seconded by Council Member Williams to approve the encroachment license requested by the Menominee Opera House Committee, Inc. to encroach into the public right-of-way at 122 Fifth Avenue. This motion was carried unanimously.

A motion was made by Council Member Plemel and seconded by Council Member Hudon to approve the request from Tom and Nikki Everard dba Dexter's to close off a portion of 8th Street near 10th Avenue on Saturday, October 15th. This motion was carried unanimously.

A motion was made by Council Member Fernstrum and seconded by Council Member Mick to waive the City Bid Policy and approve purchasing two Dodge Charger police patrol vehicles through the State Purchasing Program at the approximate cost of \$22,600 each. This motion was carried unanimously.

A motion was made by Council Member Mick and seconded by Council Member Williams to award the contract to Wilcox Professional Services for the M-35 Sanitary and Water Project and to authorize the City Manager to sign the contract. This motion was carried unanimously.

A motion was made by Council Member Williams and seconded by Council Member Fernstrum to adopt the following resolution:

**A RESOLUTION APPROVING THE APPLICATION
OF MIDDLEBY MARSHALL HOLDING, LLC dba NU-VU FOOD SERVICE SYSTEMS
FOR A FACILITIES EXEMPTION CERTIFICATE FOR ITS FACILITY IN
MENOMINEE INDUSTRIAL DEVELOPMENT DISTRICT NO. 1**

WHEREAS, pursuant to 1974 P.A. 198, M.C.L. 207.551 et. seq., after a duly noticed public hearing, the Menominee City Council, by Resolution, established Menominee Industrial Development District No. 1 on January 20, 1975;

WHEREAS, Middleby Marshall Holding, LLC, dba Nu-Vu Food Service Systems has filed an application for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed within the Industrial Development District No. 1;

WHEREAS, before acting on said application, the Menominee City Council held a hearing on September 20, 2011, at the City Hall in the Council Chambers at 6:00 p.m. at which hearing the Applicant, the City Assessor, and a representative of the effected units were give written notice and were afforded the opportunity to be heard on said Application;

WHEREAS, installation of the new machinery and equipment had not begun earlier than six (6) months before July 7, 2011, the date of acceptance of the original Application for an Industrial Facilities Exemption Certificate;

WHEREAS, the machinery and equipment 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 Menominee;

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Menominee, after granting this Certificate, will exceed five percent (5%) of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property exempted.

WHEREAS, it has been determined that the application filed by Middleby Marshall Holding, LLC, dba Nu-Vu Food Service Systems for an Industrial Facilities Exemption Certificate was incomplete and the company is filing an amended application;

NOW, THEREFORE, BE IT RESOLVED by the Menominee City Council that:

- 1) The Menominee City Council finds and determines 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 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Menominee, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Menominee.
- 2) The existing Application of Middleby Marshall Holding, LLC, dba Nu-Vu Food Service Systems for an Industrial Facilities Exemption Certificate with respect to new machinery and equipment to be acquired and installed on the following described parcel of real estate situated within the Menominee Industrial Development District No. 1, to wit: Plat of Menominee Industrial Park No. 1 Lots 4, 5 & 6 be and the same is hereby approved.
- 3) The Industrial Facilities Exemption Certificate when issued shall remain in force and effect for a period of twelve (12) years after completion.
- 4) That the City Council shall meet in the Council Chambers on September 20, 2011 at 6 p.m., and shall provide to the City Assessor and a representative of each of the taxing units an opportunity to be heard on the question of said company's application for an Industrial Facilities Tax Exemption Certificate with regard to proposed construction within said district.

This motion was carried unanimously.

A motion was made by Council Member Mick and seconded by Council Member Williams to adopt the following resolution:

ELECTION LOCATION RESOLUTION

RESOLVED, the following location is designated as the polling place for all of the four wards in the City of Menominee for the General Election to be held Tuesday, November 8, 2011:

Menominee High School Cafeteria
2101-18th Street

and that the Election Board consist of Chairperson and up to five (5) inspectors for each ward and that the rate of pay be \$9.50 per hour for Chairpersons and \$8.75 per hour for inspectors and the janitors at the school be paid \$9.00;

RESOLVED FURTHER, that all election personnel be paid \$20.00 for attending the Election School and \$10.00 for attending the Election Session for Chairpersons preceding the election;

RESOLVED FURTHER, that the polling place be open from 7 a.m. to 8 p.m., Local Time, on said day.

This motion was carried unanimously.

A motion was made by Council Member Fernstrum and seconded by Council Member Williams to adopt the following resolution:

LOCAL GOVERNING BODY RESOLUTION
FOR CHARITABLE GAMING LICENSES

At a regular meeting of the Menominee City Council called to order by Mayor George W. Krah on September 20, 2011 at 6:15 p.m. the following resolution was offered: Moved by Council Member Fernstrum and supported by Council Member Williams that the request from Great Lakes Ballers of Menominee, County of Menominee, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses, be considered for approval.

This motion was carried unanimously.

A motion was made by Council Member Fernstrum and seconded by Council Member Mick to approve Change Order #3 for the US-41 Wastewater Improvement Project increasing the contract amount by \$12,805.02. This motion was carried unanimously.

A motion was made by Council Member Fernstrum and seconded by Council Member Mick to approve Change Order #3 for the US-41 Water Improvement Project increasing the contract amount by \$37,743.52. This motion was carried unanimously.

A motion was made by Council Member Plemel and seconded by Council Member Fernstrum to approve payment of the US-41 wastewater invoices in the amount of \$105,543.21. This motion was carried unanimously.

A motion was made by Council Member Plemel and seconded by Council Member Williams to approve payment of the US-41 water invoices in the amount of \$68,125.02. This motion was carried unanimously.

PUBLIC COMMENT:

Mayor Kraha opened the public comment session.

No one was heard.

A motion was made by Council Member Plemel and seconded by Council Member Williams to close the public comment session. This motion was carried unanimously.

ADJOURN:

A motion was made by Council Member Mick and seconded by Council Member Plemel to adjourn the meeting. This motion was carried unanimously.


Thomas F. DeNike, City Clerk/Treasurer

/skj