



MARSHALL CITY COUNCIL AGENDA

MONDAY – 7:00 P.M.

November 21, 2016

- 1) **CALL TO ORDER**
- 2) **ROLL CALL**
- 3) **INVOCATION** – Richard Gerten, Family Bible Church
- 4) **PLEDGE OF ALLEGIANCE**
- 5) **APPROVAL OF AGENDA** – Items can be added or deleted from the Agenda by Council action.
- 6) **PUBLIC COMMENT ON AGENDA ITEMS** – Persons addressing Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of five (5) minutes on any agenda item.

7) CONSENT AGENDA

- A. **Schedule Public Hearing – Changes to §150.120 - §150.124: Demolition of Building or Structures** P. 3

City Council will consider the recommendation to schedule a public hearing for December 5, 2016 to hear public comment on the proposed changes to §150.120 - §150.124: Demolition of Building or Structures.

- B. **Schedule Public Hearing – Amendment to Chapter §53 RATES** P. 5

City Council will consider the recommendation to schedule a public hearing for December 5, 2016 to hear public comment on the proposed amendment to Chapter §53: RATES.

- C. **City Council Minutes** P. 14

Work Session..... Monday, November 7, 2016
 Regular Session..... Monday, November 7, 2016
 Work Session..... Monday, November 14, 2016

- D. **City Bills** P. 19

Regular Purchases\$ 80,110.64
 Purchased Power\$ 626,095.33
 Weekly Purchases – 11/4/16.....\$ 31,137.94
 Weekly Purchases – 11/11/16.....\$ 50,881.40
Total.....\$ 788,225.31

8) PRESENTATIONS AND RECOGNITIONS

- A. **Pallister-Killian Syndrome Awareness Day Proclamation** P. 24

9) INFORMATIONAL ITEMS

10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

11) OLD BUSINESS

Mayor:

Jack Reed

Council Members:

- Ward 1 - Kari Schurig
- Ward 2 - Nick Metzger
- Ward 3 - Brent Williams
- Ward 4 - Michael McNeil
- Ward 5 - Jon Gerten
- At-Large - Kathy Miller



12) REPORTS AND RECOMMENDATIONS

- A. METRO ACT Application – CTS Telecom Inc. P. 25**
City Council will consider the recommendation to approve the METRO ACT Unilateral Permit for Climax Telephone Company/CTS Telecom Inc. for a term of 5 years.
- B. Sale of Hughes Street parcel P. 43**
City Council will consider the recommendation to accept the proposal from Mr. Kelly Williams and direct the City Attorney to develop the sale documents and authorize the City Clerk to sign the documents.
- C. Agreement to Discontinue Joint Operations with Calhoun County of the Community Compost Center P. 59**
City Council will consider the recommendation to authorize the City Manager and Staff to enter into an agreement with Calhoun County to close the Community Compost Center immediately and proceed with closure operations over a period not to exceed 3 years and share the costs equally between the City and County for the closure.
- D. Fair Labor Standards Act – 2016 Overtime Rule P. 62**
City Council will discuss the salaries of the employees affected by the Department of Labor Fair Labor Standards Act - 2016 Overtime Rule.

13) APPOINTMENTS / ELECTIONS

- A. Calhoun County Consolidated Dispatch Authority Board Appointment P. 64**
City Council will consider the recommendation to appoint a representative to the Calhoun County Consolidated Dispatch Authority Board for a term of January 1, 2017 to December 31, 2018.
- B. Planning Commission Appointments**
City Council will consider the recommendation to reappoint Jim Zuck and Lisa McNiff to the Planning Commission with terms expiring November 1, 2019.

14) PUBLIC COMMENT ON NON-AGENDA ITEMS

Persons addressing Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of five (5) minutes on any item not on the agenda.

15) COUNCIL AND MANAGER COMMUNICATIONS

16) ADJOURNMENT

Respectfully submitted,

November 21, 2016

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Tom Tarkiewicz
City Manager



ADMINISTRATIVE REPORT
November 21, 2016 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members

FROM: Natalie Dean, Assistant City Manager/Director
Tom Tarkiewicz, City Manager

SUBJECT: Set public hearing for December 5, 2016 to hear comments on changes to §150.120 -§150.124: Demolition of Building or Structures

BACKGROUND: While reviewing the demolition ordinance, it was discovered that a couple of updates to the language would be in the community's best interest. The sections for proposed change include:

- §150.121: addition of the language "performance bond, or such other assurances,"
- §150.122 (A)(2): change "commission" to "department"
- §150.120 (D): addition of the language "any concrete floor and footings shall be removed in accordance with plans submitted to city staff"

Essentially, the proposed additions will clarify that the city would accept a performance bond or other assurances in addition to a formal "letter of credit" for a project. Also, the city clarifies that it is not acceptable to leave a concrete floor, even if it is broken up, in the event of a demolition. Finally, the correct terminology now is "Calhoun County Road Department".

RECOMMENDATION: The Planning Commission recommends that Council set a public hearing for December 5, 2016 to hear comments on changes §150.120 - §150.124: Demolition of Building or Structures.

FISCAL EFFECTS: None at this time.

CITY GOAL CLASSIFICATION:

GOAL AREA 2. QUALITY OF LIFE

Goal Statement: To achieve and sustain a concentrated effort to promote a vibrant community atmosphere in the Marshall area.

ALTERNATIVES: As suggested by Council.

323 W. Michigan Ave.
Marshall, MI 49068
p 269.781.5183
f 269.781.3835
cityofmarshall.com

Respectfully submitted,

Natalie Dean
Assistant City Manager
Director of Community Services

Tom Tarkiewicz
City Manager

**CITY OF MARSHALL
ORDINANCE #2016- xx**

AN ORDINANCE TO AMEND CITY OF MARSHALL CODE, CHAPTER AND SECTIONS 150.121 and 150.122 of DEMOLITION OF BUILDING STRUCTURES.

THE CITY OF MARSHALL ORDAINS:

Section 1. That section **§150.121** of the Marshall City Code, is hereby modified to add the language in bold:

The city shall require a letter of credit, **performance bond, or such other assurances**, in an amount determined by city staff to cover the cost of restoring the lot to its preconstruction state as well as any other required work needed to protect the health, safety, and welfare of the citizens of the City of Marshall including those items listed in § 150.122 STANDARDS.

Section 1a. That section **§150.122 (A) (2) and (D)** of the Marshall City Code, are hereby modified to read:

(A)(2) Soil sedimentation and erosion permit if applicable-contact Calhoun County Road Department.

(D) Any concrete floor and footings shall be removed in accordance with plans submitted to city staff.

Section 2. This Ordinance [or a summary thereof as permitted by MCL 125.3401] shall be published in the *Marshall Chronicle*, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk.

Section 3. This Ordinance is declared to be effective immediately upon publication.

Adopted and signed this _____ day of _____, 2016.

Jack Reed, MAYOR

Trisha Nelson, CITY CLERK

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 an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on December 5, 2016, 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



ADMINISTRATIVE REPORT
November 21, 2016 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council

FROM: Kristin Bauer, Director of Public Services
Tom Tarkiewicz, City Manager

SUBJECT: Establishment of a Public Hearing to hear comments on the amendment to City Ordinance, Chapter § 53, RATES

BACKGROUND: In August and October 2016, with the assistance of Mr. Mike Engels of the Michigan Rural Water Association (MRWA), we began development of new water/sewer rates. The development of new rates is based on the revenue required to maintain the water and sewer services in a "sustainable" condition. Meaning the systems will serve the present needs and will continue to meet future needs. Components considered when developing these rates include the following:

- Daily Operation and Maintenance (O&M) Expenses
- Replacement expenses of operating equipment
- Capital improvement costs
- Administrative expenses
- Debt Service expenses

As a result of this rate analysis, the attached amendment to the ordinance is recommended. This amendment will allow for future changes to rates to be completed without a revision to the ordinance as the rates will be published, as Council recommends, in the Utility Rules and Regulations.

RECOMMENDATION: It is recommended that the Council establish a public hearing for December 5, 2016 to hear comments on amending Chapter § 53, RATES.

FISCAL EFFECTS: None at this time.

CITY GOAL CLASSIFICATION:

GOAL AREA 4. INFRASTRUCTURE

Goal Statement: Preserve, rehabilitate, maintain and expand city infrastructure and assets.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,

Kristin Bauer
Director of Public Services

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

CITY OF MARSHALL
ORDINANCE #2016-xx 2013-14

AN ORDINANCE TO AMEND CITY OF MARSHALL CODE §53 RATES OF THE MARSHALL CITY CODE OF ORDINANCES.

THE CITY OF MARSHALL ORDAINS:

Section 1. That the Marshall City Code §53 be amended as follows:

CHAPTER 53: RATES

§ 53.01 WATER RATES.

(A) All metered water shall be charged to a two-part rate consisting of a readiness to serve charge plus a commodity charge.

(B) Water Readiness to Serve Charge shall be billed by meter size. The effective rates ~~are included in the table below:~~ shall be as established by resolution and published in the Utility Rules and Regulations.

Meter Size	Readiness to Serve Charge As of: January 1, 2014	Readiness to Serve Charge As of: January 1, 2015	Readiness to Serve Charge As of: January 1, 2016
1" or smaller	\$ 18.12	\$ 18.27	\$ 18.68
1.5"	\$ 48.00	\$ 48.00	\$ 48.00
2"	\$ 86.50	\$ 86.50	\$ 86.50
3"	\$ 195.00	\$ 195.00	\$ 195.00
4"	\$ 365.00	\$ 365.00	\$ 365.00
6"	\$ 785.00	\$ 785.00	\$ 785.00

(1) The Readiness to Serve Charge outside the corporate limits of the City of Marshall shall be 200% of the rate as established for use within the corporate limits of the City of Marshall, Michigan.

(2) When a battery of more than one meter is used in the place of a large single meter, then the readiness to serve charge shall be the charge of the single sized meter times the number of meters composing the battery.

(3) The "Readiness to Serve Charge" covers the cost necessary to keep the Water Works in good operating condition, and other fixed costs as designated by Council and is the amount of the minimum bill.

(C) Water Commodity Charges shall be based on actual consumption. The effective rates ~~are included in the table below:~~ shall be as established and published in the Utility Rules and Regulations.

Cubic Foot		Commodity Charges As of: January 1, 2014 (per 100cft)	Commodity Charges As of: January 1, 2015 (per 100cft)	Commodity Charges As of: January 1, 2016 (per 100cft)
Up to	3,000	\$ 2.2200	\$ 2.3000	\$ 2.4200
Next	12,000	\$ 1.7800	\$ 1.8400	\$ 1.9400
Beyond	15,000	\$ 1.3300	\$ 1.3800	\$ 1.4500

(1) Commodity Charge outside the corporate limits of the City of Marshall shall be: 200% of the rate as established for use within the corporate limits of the City of Marshall, Michigan.

(D) Automatic sprinkler services or hose connections for fire protection services only ~~will~~ shall be charged per year the rates as established by resolution and published in the Utility Rules and Regulations. ~~the following rates:~~

Connection Size	Charge per Annum
6" or smaller	\$120
8"	\$220
10"	\$340
12"	\$500

(E) The City may provide a fire hydrant connection for Circuses, Tent Shows, Carnivals, Exhibitions, and for Construction purposes. Fees and charges shall be established by resolution. The Meter Security Deposit will be returned when the hydrant meter is returned without damage. Any loss or damage to the reducing connection, valve, hydrant, meter or operating wrench will be charged to the person making application for the use of the hydrant. On large construction projects, the Water Department may require the setting of an appropriate meter and to charge for water and service as for regular service supply.

(F) All service taps to water mains shall be made by the Water Department except when approved by the Water Superintendent. Additional information is available in the City's Utility Rules and Regulations. The charge for the water main tapping shall be paid by the customer and shall include, but not be limited to, all materials, equipment, and contracted costs incurred by the City.

(G) The City may provide meter testing. The meter testing fees shall be established by resolution. If, after testing, the meter is found to be in error above allowable percent, which is two percent (2%) plus or minus, then the amount deposited will be refunded, but if the water meter is found to be registering within the test limits, then the amount deposited will be retained to cover the cost of the testing.

(H) A turn-on fee for the restoration of service during business hours or after business hours will be charged to a customer in order to reconnect his service if service has been interrupted. A turn-on fee shall be established by resolution.

(I) Anyone seeking to make a connection to any public water main within the City of Marshall shall first obtain a permit to make such connection from the offices of the City of Marshall. Prior to the issuance of said permit, the applicant must pay to the City a Water Connection Fee representing the cost of construction of that portion of the City-wide water system attributable to the proportionate benefit to be received by the applicant's property.

(1) The Water Connection Fee shall be based on a unit factor system wherein each single-family residence shall be classified as one unit. Other occupational uses shall be charged on multiples of units as may be determined by resolution of the City Council from time to time. Said units and multiples thereof will be established and computed on the same basis as for the Sanitary Sewer Connection Fee contained further in this Section and the number of units charged to a premise shall be the same for both water and sanitary sewer. The Water Connection Fee shall be established by resolution. The fee for premises connected from outside the corporate limits of the City of Marshall shall be 150% ~~1.5~~ times the in-city rate.

(J) Designated irrigation meters will only be billed between the months of May to September.

(K) The Charges for water services set forth in this ordinance and furnished to any premises are a lien on the premises to which this service is provided and those charges which are delinquent for six (6) months or more shall be certified by the City Treasurer to the City Assessor who shall enter the charges on the next tax roll against the premises to which the services have been rendered. Said charges shall be a lien as of the date services are provided and shall be enforced in the same manner as provided for by the collection of the taxes assessed upon the tax roll and the enforcement of the lien for taxes. The City Treasurer may certify all charges delinquent for six (6) months or more at any time prior to the date on which the City tax roll is approved.

§ 53.02 SEWER RATES.

(A) Monthly Rates for sewer service inside the corporate limits of the City of Marshall shall be as established by resolution and published in the Utility Rules and Regulations:

Water Meter Size	Service Charge As of January 1, 2014	Service Charge As of January 1, 2015	Service Charge As of January 1, 2016
1" or smaller	\$ 14.48	\$ 14.54	\$ 14.72
1 1/2"	\$ 28.96	\$ 29.08	\$ 29.44
2"	\$ 34.75	\$ 37.80	\$ 41.22
3"	\$ 39.10	\$ 52.34	\$ 66.24
4"	\$ 69.50	\$ 104.69	\$ 141.31
6"	\$ 104.26	\$ 157.03	\$ 211.97

(B) Monthly Rates for sewer service outside the corporate limits of the City of Marshall shall be as established by resolution and published in the Utility Rules and Regulations:

Water Meter Size	Service Charge As of January 1, 2014	Service Charge As of January 1, 2015	Service Charge As of January 1, 2016
1" or smaller	\$ 15.98	\$ 16.04	\$ 16.22
1 1/2"	\$ 30.46	\$ 30.58	\$ 30.94
2"	\$ 36.25	\$ 39.30	\$ 42.72
3"	\$ 40.60	\$ 53.84	\$ 67.74

(C) The Sewer commodity charge shall be as established by resolution and published in the Utility Rules and Regulations:

	Commodity Charge per 100 cft As of January 1, 2014	Commodity Charge per 100 cft As of January 1, 2015	Commodity Charge per 100 cft As of January 1, 2016
Within the City of Marshall	\$ 3.11	\$ 3.16	\$ 3.18
Outside the City of Marshall	\$ 4.67	\$ 4.74	4.77

(D) Flat rate customer shall pay the rates as established by resolution and published in the Utility Rules and Regulations. the following rates in addition to appropriate service charge:

Flat Rate As of January 1, 2014	Flat Rate As of January 1, 2015	Flat Rate As of January 1, 2016
\$ 34.70	\$ 35.08	35.39

(E) The sewer commodity may be reduced for residential customers because of lawn sprinkling. The procedure and policy for the sewer discount will be part of the Rules and Regulations.

(F) Anyone seeking to make a connection to any sanitary sewer system within the City of Marshall shall first obtain a permit to make such connection from the offices of the City of Marshall. Prior to the issuance of said permit, the applicant must pay to the City a Sanitary Sewer Connection Fee representing the cost of construction of that portion of the City-wide sewer system attributable to the proportionate benefit to be received by the applicant's property.

(1) The Sanitary Sewer Connection Fee shall be based on a unit factor system wherein each single-family residence shall be classified as one unit. Other occupational uses shall be charged on multiples of units as may be determined by resolution of the City Council from time to time. The Sanitary Sewer Connection Fee shall be established by resolution. The fee for

premises connected from outside the corporate limits of the City of Marshall shall be 1.5 times the in-city rate.

(G) The Charges for waste water services set forth in this ordinance and furnished to any premises are a lien on the premises to which this service is provided and those charges which are delinquent for six (6) months or more shall be certified by the City Treasurer to the City Assessor who shall enter the charges on the next tax roll against the premises to which the services have been rendered. Said charges shall be a lien as of the date services are provided and shall be enforced in the same manner as provided for by the collection of the taxes assessed upon the tax roll and the enforcement of the lien for taxes. The City Treasurer may certify all charges delinquent for six (6) months or more at any time prior to the date on which the City tax roll is approved.

Section 2. This Ordinance [or a summary thereof as permitted by MCL 125.3401] shall be published in the Marshall Chronicle, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk.

Section 3. This Ordinance is declared to be effective immediately upon publication.

Adopted and signed this ~~5th~~^{3rd} day of December, 201~~63~~.

~~James Dyer~~Jack Reed, MAYOR
Clerk

Trisha Nelson, City

**CITY OF MARSHALL
ORDINANCE #2016-xx**

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THE CITY OF MARSHALL ORDAINS:

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(B) Water Readiness to Serve Charge shall be billed by meter size. The effective rates shall be as established by resolution and published in the Utility Rules and Regulations.

(1) The Readiness to Serve Charge outside the corporate limits of the City of Marshall shall be 200% of the rate as established for use within the corporate limits of the City of Marshall, Michigan.

(2) When a battery of more than one meter is used in the place of a large single meter, then the readiness to serve charge shall be the charge of the single sized meter times the number of meters composing the battery.

(3) The "Readiness to Serve Charge" covers the cost necessary to keep the Water Works in good operating condition, and other fixed costs as designated by Council and is the amount of the minimum bill.

(C) Water Commodity Charges shall be based on actual consumption. The effective rates shall be as established and published in the Utility Rules and Regulations.

(1) Commodity Charge outside the corporate limits of the City of Marshall shall be: 200% of the rate as established for use within the corporate limits of the City of Marshall, Michigan.

(D) Automatic sprinkler services or hose connections for fire protection services only shall be charged per year the rates as established by resolution and published in the Utility Rules and Regulations.

(E) The City may provide a fire hydrant connection for Circuses, Tent Shows, Carnivals, Exhibitions, and for Construction purposes. Fees and charges shall be established by resolution. The Meter Security Deposit will be returned when the hydrant meter is returned without damage. Any loss or damage to the reducing connection, valve, hydrant, meter or operating wrench will be charged to the person making application for the use of the hydrant. On large construction projects, the Water Department may require the setting of an appropriate meter and to charge for water and service as for regular service supply.

(F) All service taps to water mains shall be made by the Water Department except when approved by the Water Superintendent. Additional information is available in the City's Utility Rules and Regulations. The charge for the water main tapping shall be paid by the customer and

shall include, but not be limited to, all materials, equipment, and contracted costs incurred by the City.

(G) The City may provide meter testing. The meter testing fees shall be established by resolution. If, after testing, the meter is found to be in error above allowable percent, which is two percent (2%) plus or minus, then the amount deposited will be refunded, but if the water meter is found to be registering within the test limits, then the amount deposited will be retained to cover the cost of the testing.

(H) A turn-on fee for the restoration of service during business hours or after business hours will be charged to a customer in order to reconnect his service if service has been interrupted. A turn-on fee shall be established by resolution.

(I) Anyone seeking to make a connection to any public water main within the City of Marshall shall first obtain a permit to make such connection from the offices of the City of Marshall. Prior to the issuance of said permit, the applicant must pay to the City a Water Connection Fee representing the cost of construction of that portion of the City-wide water system attributable to the proportionate benefit to be received by the applicant's property.

(I) The Water Connection Fee shall be based on a unit factor system wherein each single-family residence shall be classified as one unit. Other occupational uses shall be charged on multiples of units as may be determined by resolution of the City Council from time to time. Said units and multiples thereof will be established and computed on the same basis as for the Sanitary Sewer Connection Fee contained further in this Section and the number of units charged to a premise shall be the same for both water and sanitary sewer. The Water Connection Fee shall be established by resolution. The fee for premises connected from outside the corporate limits of the City of Marshall shall be 150% times the in-city rate.

(J) Designated irrigation meters will only be billed between the months of May to September.

(K) The Charges for water services set forth in this ordinance and furnished to any premises are a lien on the premises to which this service is provided and those charges which are delinquent for six (6) months or more shall be certified by the City Treasurer to the City Assessor who shall enter the charges on the next tax roll against the premises to which the services have been rendered. Said charges shall be a lien as of the date services are provided and shall be enforced in the same manner as provided for by the collection of the taxes assessed upon the tax roll and the enforcement of the lien for taxes. The City Treasurer may certify all charges delinquent for six (6) months or more at any time prior to the date on which the City tax roll is approved.

§ 53.02 SEWER RATES.

(A) Monthly Rates for sewer service inside the corporate limits of the City of Marshall shall be as established by resolution and published in the Utility Rules and Regulations:

(B) Monthly Rates for sewer service outside the corporate limits of the City of Marshall shall be as established by resolution and published in the Utility Rules and Regulations.

(C) The Sewer commodity charge shall be as established by resolution and published in the Utility Rules and Regulations:

(D) Flat rate customer shall pay the rates as established by resolution and published in the Utility Rules and Regulations.

(E) The sewer commodity may be reduced for residential customers because of lawn sprinkling. The procedure and policy for the sewer discount will be part of the Rules and Regulations.

(F) Anyone seeking to make a connection to any sanitary sewer system within the City of Marshall shall first obtain a permit to make such connection from the offices of the City of Marshall. Prior to the issuance of said permit, the applicant must pay to the City a Sanitary Sewer Connection Fee representing the cost of construction of that portion of the City-wide sewer system attributable to the proportionate benefit to be received by the applicant's property.

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(G) The Charges for waste water services set forth in this ordinance and furnished to any premises are a lien on the premises to which this service is provided and those charges which are delinquent for six (6) months or more shall be certified by the City Treasurer to the City Assessor who shall enter the charges on the next tax roll against the premises to which the services have been rendered. Said charges shall be a lien as of the date services are provided and shall be enforced in the same manner as provided for by the collection of the taxes assessed upon the tax roll and the enforcement of the lien for taxes. The City Treasurer may certify all charges delinquent for six (6) months or more at any time prior to the date on which the City tax roll is approved.

Section 2. This Ordinance [or a summary thereof as permitted by MCL 125.3401] shall be published in the Marshall Chronicle, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk.

Section 3. This Ordinance is declared to be effective immediately upon publication.

Adopted and signed this 5th day of December, 2016.

Jack Reed, MAYOR

Trisha Nelson, City Clerk

IN A WORK SESSION held Monday, November 7, 2016 at 6:00 P.M. in the Training Room of Town Hall, 323 West Michigan Avenue, Marshall, MI, the Marshall City Council was called to order.

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

Also Present: City Manager Tom Tarkiewicz, Electric Utility Director Ed Rice, Assistant City Manager/Director of Community Services Natalie Dean, Director of Public Services Kristin Bauer, Finance Director Jon Bartlett, and Director of Public Safety Jim Schwartz.

Absent: Council Member Miller.

Public Services Director Kristin Bauer, Finance Director Jon Bartlett, Water Superintendent Aaron Ambler, and Wastewater Superintendent Alec Egnatuk presented the findings from the Water and Wastewater System Rate Study performed by the Michigan Rural Water Association.

Adjourned at 6:50 PM.

Jack Reed, Mayor

Trisha Nelson, Clerk

IN A WORK SESSION held Monday, November 14, 2016 at 6:00 P.M. in the Training Room of Town Hall, 323 West Michigan Avenue, Marshall, MI, the Marshall City Council was called to order.

Present: Council Members: Gerten, McNeil, Metzger, Miller, Mayor Reed, Schurig, and Williams.

Also Present: City Manager Tom Tarkiewicz, Electric Utility Director Ed Rice, Assistant City Manager/Director of Community Services Natalie Dean, Director of Public Services Kristin Bauer, Finance Director Jon Bartlett, and Director of Public Safety Jim Schwartz.

Absent: None.

City Council and City Staff discussed FY 2017 Budget, cost savings, and the sustainable budget for the next 5 years.

Adjourned at 10:30 PM.

Jack Reed, Mayor

Trisha Nelson, Clerk

CALL TO ORDER

IN REGULAR SESSION Monday, November 7, 2016 at 7:00 P.M. in the Council Chambers of Town Hall, 323 W. Michigan Ave., Marshall, MI the Marshall City Council was called to order by Mayor Reed.

ROLL CALL

Roll was called:

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

Also Present: City Manager Tom Tarkiewicz and Assistant City Manager/Director Natalie Dean.

Absent: Council Member Miller.

Moved Schurig, supported Metzger, to excuse the absence of Council Member Miller. On a voice vote—**MOTION CARRIED.**

INVOCATION/PLEDGE OF ALLEGIANCE

Scott Loughrige of Crossroads Church and Ministries gave the invocation and Mayor Reed led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Gerten, supported by Williams, to approve the agenda with the addition of item 13 B. Airport Board reappointments. On a voice vote—**MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

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

- A. Work Session and Regular Session minutes from Monday, October 17, 2016;
- B. Approve city bills in the amount of \$1,051,060.55.

On a voice vote—**MOTION CARRIED.**

PRESENTATIONS AND RECOGNITION

A. Christmas Celebration Trees:

MAEDA CEO, Scott Fleming and Kathleen Oerther, Oerther's Owner, presented the idea of using the Grand Street Park location to start a Memorial & Celebration Christmas Tree event. They have talked with Plymouth, Michigan who currently runs this popular program in their

community. There should be room for approximately 40 trees which private citizens and/or businesses can purchase and decorate.

Moved Williams, supported by Schurig, to allow MAEDA to use the Grand Street Park location during 2016 to begin the Memorial & Celebration Christmas Tree event. On a voice vote—**MOTION CARRIED.**

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

None.

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Directional Conduit Boring for Primary Cable Replacement:

Director of Electric Utilities, Ed Rice, presented the recommendation to approve awarding the directional boring contract to the low bidder, Dig-It of Hastings, MI in the amount of \$25,568.00.

Moved Williams, supported by Metzger, to approve awarding the directional boring contract to the low bidder, Dig-It of Hastings, MI in the amount of \$25,568.00. On a roll call vote — ayes: Gerten, McNeil, Metzger, Mayor Reed, Schurig and Williams; nays: none. **MOTION CARRIED.**

B. Sale of 1990 Pierce Pumper and 1999 Spartan Rescue Truck:

Finance Director, Jon Bartlett, presented the recommendation to authorize negotiations on the sale of the two trucks.

Moved Gerten, supported by Schurig, to authorize the Purchasing Agent and Finance Director to conduct negotiations with any potential buyers and allow the equipment to be transported with the buyer upon receipt of a certified check. On a voice vote—**MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

A. Marshall Farmer's Market Advisory Board

Moved Schurig, supported by McNeil, to approve the reappointment of Martin Overhiser and Sara Huggett to the Marshall Farmer's Market Advisory Board with terms expiring October 20, 2019. On a voice vote—**MOTION CARRIED.**

B. Airport Board

Moved Williams, supported by Schurig, to approve the reappointment of Scott Southwell and David Mead to the Airport Board with terms expiring October 1, 2019. On a voice vote—
MOTION CARRIED.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Vic Potter spoke regarding his candidacy for Calhoun County Commissioner.

Carl Gibson spoke on behalf of his position with the Senior Millage on the process for the new Senior Center.

COUNCIL and MANAGER COMMUNICATIONS

ADJOURNMENT

The meeting was adjourned at 7:50 P.M.

Jack Reed, Mayor

Trisha Nelson, City Clerk

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
35828	ABLE HEATING & COOLING	MARSHALL HOUSE - REPAIR BOILER		80.00
9930126344	AIRGAS USA LLC	CYLINDER RENTAL		99.70
9940010744	AIRGAS USA LLC	CYLINDER RENTAL		104.60
1628	ALL RELIABLE SERVICES	(2016 LINE CLEARANCE- TREE TRIMMING CONTR	2017.089	4,021.20
86995	ALL-TRONICS INC	SET UP PHONE TREE		227.00
10030524	AMP INC	2016 LINeworkERS RODEO		450.00
14-838804	ARROW UNIFORM	CUST #010198-05		30.02
14-838802	ARROW UNIFORM	CUST #010198-03		153.28
14-831397	ARROW UNIFORM	CUST #010198-03		153.28
14-831394	ARROW UNIFORM	CUST #010198-02		54.25
14-838800	ARROW UNIFORM	CUST #010198-02		54.25
14-838803	ARROW UNIFORM	CUST #010198-06		31.23
14-838797	ARROW UNIFORM	CUST #010198-01		27.47
14-831391	ARROW UNIFORM	CUST #010198-01		27.47
14-831396	ARROW UNIFORM	CUST #010198-04		55.42
14-831399	ARROW UNIFORM	CUST #010198-05		30.02
14-831398	ARROW UNIFORM	CUST #010198-06		31.23
14-838801	ARROW UNIFORM	CUST #010198-04		55.42
225-403811	AUTO VALUE MARSHALL	DSL EXH FL		27.64
225-402894	AUTO VALUE MARSHALL	START FLUID		2.99
225-403244	AUTO VALUE MARSHALL	CABLE TIES		18.03
225-403062	AUTO VALUE MARSHALL	SHOP SUPPLIES		21.22
225-403074	AUTO VALUE MARSHALL	PTO SWITCH		66.58
225-402940	AUTO VALUE MARSHALL	RAINX WW FLUID		47.88
225-403317	AUTO VALUE MARSHALL	OIL FILTER		6.12
225-403173	AUTO VALUE MARSHALL	ELEC FLASHER		9.29
225-400911	AUTO VALUE MARSHALL	12V 1000 CCA		123.00
225-403089	AUTO VALUE MARSHALL	OIL DRI, MINI LAMP, DIELECTRIC GREASE		38.86
2265434272	AUTO ZONE INC	HALOGEN CAPSULE		10.17
109524	B S & A SOFTWARE	BS&A ANNUAL SERVICIE/SUPPORT FEES	2017.143	7,977.00
110916	BAKER TOOL RENTAL & ST	MINI EX		175.00
110716	BAKER TOOL RENTAL & ST	1" CONCRETE BIT		3.00
227346	BENNETT'S WOODWERKS LL	OAK SIDE BOARDS		150.00
2624123	BESCO WATER TREATMENT	DURA CUBE		151.35
2614580	BESCO WATER TREATMENT	SERVICE CALL AT MRLEC		164.70
82978-A	BOSHEARS FORD SALES IN	2010 CHEVY G4500		32.68
92754	BRUTSCHE CONCRETE PROD	1 YARD 5 BAG		127.36
86757	CHAPMAN'S NURSERY & LA	GRASSES, HOSTAS		239.96
16-0173319	CITY OF ALBION	INTERNET		127.49
1600019769	CITY OF JACKSON	MCOLES LED		766.88
110916	COLLINS PROFESSIONAL T	STUMP GRINDING	2017.150	9,760.00
2016EE0149	CONSOLIDATED FLEET SER	UNIT DEC-41 SMEAL, WATERWAY PRES TST, LA		1,170.50
IN79616	CORNERSTONE OFFICE SYS	PSB COPIER CONTRACT		352.67
IN79617	CORNERSTONE OFFICE SYS	CITY HALL COPIER CONTRACT		286.73
92241	CRT, INC	CLOUD STORAGE MONTHLY BILLING		820.75
889773	CRYSTAL FLASH MARSHALL	PROPANE CYLINDERS		19.91
138083	D & D MAINTENANCE SUPP	JANITORIAL SUPPLIES		219.85
138008	D & D MAINTENANCE SUPP	OCTOBER JANITORIAL SERVICES - MRLEC	2017.106	4,454.67
138010	D & D MAINTENANCE SUPP	OCTOBER CLEANING SERVICES AT PSB	2017.057	1,664.00
138011	D & D MAINTENANCE SUPP	OCTOBER JANITORIAL SERVICES @ PARKS		355.00
138009	D & D MAINTENANCE SUPP	OCTOBER JANITORIAL SERVICES @ DPW		173.33
2009700	D.E. WILLIAMS SHIELDS	6" AC STYLE SHIELD		166.00
496025	DARLING ACE HARDWARE	NIPPLE, COUPLING, PIPE THREAD CMPD		11.47
495808	DARLING ACE HARDWARE	THERMOSTAT MECH HEAT		19.99
495994	DARLING ACE HARDWARE	TOILET SEAT		15.99
496048	DARLING ACE HARDWARE	CLEANER BRAKE PARTS, ROPE		204.98
496200	DARLING ACE HARDWARE	ROPE RETURNED		(199.99)
496157	DARLING ACE HARDWARE	TAPE MEASURE, RECIP BLADE, ROOFING SQUAR		52.96
495700	DARLING ACE HARDWARE	NUTS & BOLTS		13.97
495632	DARLING ACE HARDWARE	FILLER CAP		5.99
495556	DARLING ACE HARDWARE	PLASTR PATCHING		5.99
495647	DARLING ACE HARDWARE	BLADE RECIP		12.99
495372	DARLING ACE HARDWARE	LED SHOPLIGHT		24.99
494855	DARLING ACE HARDWARE	DECK STAIN, PAINT		150.95
495719	DARLING ACE HARDWARE	SUPPLIES FOR PARKING LOT LIGHTS		22.94
110116	DEFOREST BROTHERS CONC	ISIDEWALKS - EXCHANGE & E GREEN		1,200.00
INV29889	DORNBOS SIGN INC	HANDICAP SIGN		31.90
INV29898	DORNBOS SIGN INC	SIGNS		885.60
INV29897	DORNBOS SIGN INC	SIGN FOR MULBERRY ST		33.35
MIBAT237044	FASTENAL COMPANY	9V BTRY		44.54
1011403	FIRST ADVANTAGE	KERN, VOKOUN		27.50
110184630	GLOBAL EQUIPMENT COMP	PAIR TRASH LINER BAGS		55.10
3419	GOODWIN'S PLUMBING, LL	WATR SAVER, VAC BREAKER, O-RINGS, SERVIC		194.08
136242001	GOVERNMENT FINANCE OFF	JON BARTLETT, FINANCE DIRECTOR - RENEWA		170.00
7123	GUTTERS R US LLC	WINTERIZE APPLICATION @ MRLEC		360.40
937550	GWIN, DARWIN	MOWED BROOKS NATURE AREA & REMOVED TRASH		225.00
100243-100416	HERITAGE CLEANERS	ACCT #100243		301.10
100243-110116	HERITAGE CLEANERS	ACCT #100243		219.35
75983	HERMANS MARSHALL HARDW	CHAIN, LINK CONNECTORS		53.48

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
79547	HERMANS MARSHALL	HARDW/BATTERIES		11.49
75017	HERMANS MARSHALL	HARDW/BROOM, DUST PAN, HD CAN, CLIP		103.76
75276	HERMANS MARSHALL	HARDW/ALLEN WRENCH SET		10.99
79721	HERMANS MARSHALL	HARDW/HOSE NOZZLE		9.29
75013	HERMANS MARSHALL	HARDW/HOSE FITTINGS		5.29
79692	HERMANS MARSHALL	HARDW/THUMB TACKS		6.86
79807	HERMANS MARSHALL	HARDW/MASKING TAPE		2.79
40812-IN	HYDROCORP	CROSS CONNECTION CONTROL PROGRAM		395.00
21720	IRRIGATOR, INC.	WINTERIZATION OF IRRIGATION SYSTEM @ MRL		90.00
104840	J & K PLUMBING SUPPLY	SUPPLIES		23.07
PC001286222:01	JACKSON TRUCK SERVICE	C-2 LED BEACON SHORT DOME		86.98
PC001284607:01	JACKSON TRUCK SERVICE	V BEAM		264.05
PC001286006:01	JACKSON TRUCK SERVICE	LED BEACON		112.00
103116	JIMMY'S JOHNS	COMPOST CENTER SERVICES		95.00
8562	KELLOGG'S REPAIR	WHEEL ASSM - LAWN MOWER		89.40
30493	LAKELAND ASPHALT CORP	BITUMINOUS AGGREGATES		333.32
30506	LAKELAND ASPHALT CORP	BITUMINOUS AGGREGATES		122.72
110527,110528,110529	LARRY'S FLOOR COVERING	FLOORING FOR APARTMENT TURNS	2017.130	2,415.52
1039722	LEGG LUMBER	MORTAR MIX, PUTTY KNIFE		31.72
1041640	LEGG LUMBER	TREATED MAIL BOX POST		29.99
1041694	LEGG LUMBER	2X10X20 #1 SYP		69.98
12090	LEWEY'S SHOE REPAIR	JEFF MACK'S BOOT ALLOWANCE		95.00
8	M.C. SMITH ASSOCIATES	ELEVATOR MODERNIZATION	2016.200	800.00
S4047741.003	MEDLER ELECTRIC COMPAN	4-IN 2H STL CONDSTRAP		10.83
S4047741.001	MEDLER ELECTRIC COMPAN	2" PVC TERMINAL ADAPTER		11.56
S4047741.002	MEDLER ELECTRIC COMPAN	2" PVC CAP		13.48
S4040352.001	MEDLER ELECTRIC COMPAN	4' LED WRAP FIXTURE		(123.51)
IN89122	MESSICK'S LANCASTER TR	BROOMS AND PADDLES FOR LEAF LOADER	2017.151	3,419.87
IN89122A	MESSICK'S LANCASTER TR	LEAF LOADER BLOWER	2017.149	8,876.86
262815	MICHIGAN INDUSTRIAL GA	PLASMA CUTTER AND ACCESSORIES	2017.147	1,892.64
3612	MICHIGAN METER #3650	REG 4 T/T P/R CF		93.84
2017	MICHIGAN STATE FIREMEN	2017 DEPARTMENT MEMBERSHIP		75.00
1339479	MILLER CANFIELD PADDOC	GENERAL EMPLOYMENT MATTERS		550.00
1659	MUNETRIX LLC	LEVEL 3 MUNICIPAL LICENSE - TRANSPARENCY	2017.152	1,739.00
INV71437	MUNICIPAL SUPPLY CO.	WATER PARTS ORDER	2017.148	2,430.01
574772	NYE UNIFORM COMPANY	PHANTON LT PANTS		154.43
574773	NYE UNIFORM COMPANY	PHANTOM LT PANTS		139.50
574770	NYE UNIFORM COMPANY	PHANTON LT PANT		153.45
578663	NYE UNIFORM COMPANY	VERTX PHANTOM LT PANT		166.63
574388	NYE UNIFORM COMPANY	WOMEN'S SHIRTS & PANTS		121.40
76681	O'LEARY WATER CONDITIO	WATER DELIVERED		72.00
76682	O'LEARY WATER CONDITIO	COOLER RENTAL, WATER DELIVERED		65.50
76684	O'LEARY WATER CONDITIO	SALT DELIVERED		45.00
742797	OFFICE 360	PAPER		197.40
731310	OFFICE 360	CUPS		96.70
736876	OFFICE 360	PAPER, TONER, LABEL, TAG, ENVS, BNDRS		163.72
741004	OFFICE 360	CORR TAPE, NOTE PDS, STICKIT NOTES, TAPE		55.77
1676	PALM TEES	T-SHIRTS PASTRAMI JOE'S, KEMPF, TENNEC		420.00
1672	PALM TEES	SAND VOLLEYBALL, HALLOWEEN & FALL SFTBL		372.00
49051	PEERLESS MIDWEST INC	WELL TESTING 2016	2017.146	1,180.00
56086932	POWER LINE SUPPLY	P G CLAMP		297.67
56086757	POWER LINE SUPPLY	LOCK HANDLE		16.50
56086935	POWER LINE SUPPLY	BUSHING STANDOFF INS		272.24
56086936	POWER LINE SUPPLY	FUSELINK 5A		85.39
56086938	POWER LINE SUPPLY	TOP TIES		552.50
56086933	POWER LINE SUPPLY	TERMINATION KIT COLD SHRINK		394.45
1700	QUALITY CYLINDER SERVI	SEAL KIT, RESEAL 1 SWING CYINDER		139.33
17022	RC SYSTEMS INC.	RECPRO ANNUAL SOFTWARE SUPPORT		3,720.75
249-005272860	REPUBLIC SERVICES #249	ACCT #3-0249-1022021		1,069.39
110866	SHAFAER REDI-MIX INC	3500 PSI 5.5		593.75
8764	SIGNWORLD CONCEPTS	STRIPING & LETTERING ON 2017 FORD SUV		675.00
8729	SIGNWORLD CONCEPTS	MARKINGS FOR NEW PUMPER	2017.049	2,800.00
20316	STANDARD PRINTING & OF	PROPERTY ROOM STAMP		91.62
20539	STANDARD PRINTING & OF	TOWN CRIER - NOVEMBER		177.00
20577	STANDARD PRINTING & OF	UTILITY BILLS DELIVERY CHARGE		7.00
8041547503	STAPLES ADVANTAGE	REPORT COVERS, CHAIRS, INK CART		267.58
3301685	TOSHIBA AMERICA BUSINE	COPIER CONTRACT		91.61
56681075	TRUGREEN	ICE MELT PELLETS		1,168.16
97750	USA BLUEBOOK	PHOSVER3 POWDER PILLOWS, DPD 4, DPD 1, F		235.31
417590	WESCO	TEST POINT ELBOWS		205.92
14226414-1016	WOW! BUSINESS	ACCT #14226414		91.10
GRAND TOTAL:				80,110.64



MICHIGAN SOUTH CENTRAL POWER AGENCY

720 HERRING ROAD • LITCHFIELD, MICHIGAN 49252
 PHONE (517) 542-2346 • FAX (517) 542-3049
 www.mscca.net

ORIGINAL INVOICE

MARSHALL CITY ELECTRIC DEPARTMENT
 323 WEST MICHIGAN AVENUE
 MARSHALL, MICHIGAN 49068
 Attn: Mr. Tom Tarkiewicz

Invoice Date: 15-Nov-16
 Due Date: 30-Nov-16
 Service From: 01-Oct-16
 To: 31-Oct-16

Peak Demand	17,350 kw			
Total Energy Received	9,002,110 kWh			
Hydro Generation	57,891 kWh			
Net Billing kWh's	8,944,219 kWh			
			Debt Service Costs and Capacity Credits	
<u>Area</u>	<u>Entitlement %</u>	<u>Operating and Maintenance Costs</u>	<u>Debt Service Costs and Capacity Credits</u>	<u>Total</u>
SUBSTATION LOAD COST		305,370.71		305,370.71
MARKET RESOURCE VALUE		(97,187.35)		(97,187.35)
PROJECT 1-ENDICOTT	24.0%	48,532.87	-	48,532.87
PROJECT IV	0.0%	-	-	-
PRAIRIE STATE	16.7%	63,051.79	33,779.59	96,831.38
MENOMINEE HYDRO	24.0%	20,062.20	-	20,062.20
OCONTO FALLS HYDRO	24.0%	14,882.84	-	14,882.84
AFEC	16.5%	33,667.20	8,352.66	42,019.86
AMP HYDRO 1	20.9%	10,336.11	107,856.47	118,192.58
AMP HYDRO 2 GREENUP	18.4%	5,023.99	4,332.15	9,356.14
AMP HYDRO 2 MELDAHL	18.4%	3,790.84	16,158.04	19,948.88
AMP SOLAR	0.0%	-	-	-
AMP CONTRACTS	0.0%	-	-	-
AMPGS	0.0%	-	-	-
TRANSMISSION	14.9%	14,703.04		14,703.04
MISO	16.7%	38,571.67		38,571.67
SUBSTATION	34.4%	-		-
ADMINISTRATION	15.5%	28,526.65		28,526.65
MEMBER	0.0%	-		-
MEMBER HYDRO	32.8%	-		-
CAPACITY		-		-
RATE STABILIZATION		<u>(33,716.15)</u>		<u>(33,716.15)</u>
TOTAL COST	\$	455,616.42	170,478.91	626,095.33
	\$/kWh	0.05094	0.01906	0.07000
CREDITS	\$	-	-	-
	\$/kWh	0.00000	0.00000	0.00000
NET COST	\$	455,616.42	170,478.91	626,095.33
	\$/kWh	0.05094	0.01906	0.07000
			Pay this amount	\$ 626,095.33

Any amounts due and not paid by the due date shall bear interest at the rate of 1% per month until paid.

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
11/04/2016	ANDERSON, MICHAEL	UB refund for account: 2900280035		40.23
110316	BEHLING, FRANK	REFUND SECURITY DEPOSIT		404.00
103116	CALHOUN COUNTY TREASU	OCTOBER TRAILER FEES		80.00
205009058360	CONSUMERS ENERGY	1000 0033 5602		920.50
110416	FREDONIA TOWNSHIP	425 AGREEMENT - 11401 OLD 27 S		499.03
11/04/2016	GASTON, EDWARD	UB refund for account: 2900210037		26.52
460473	HUB INTERNATIONAL MID	NOTARY BOND + E&O		55.00
3097325	IIX INSURANCE INFORMA	MOTOR VEHICLE REPORTS		36.20
3984TZ	JIM'S PAINTING AND PO	APT #403 - PAINT AND PATCH NAIL HOLES		325.00
458	LAPP, RAQUEL	REFUND - ADULT SOFTBALL		48.00
110416	MARENGO TOWNSHIP	425 AGREEMENT 18720 & 18780 PARTELLO RO		4,039.70
1004-1016	MARSHALL COMMUNITY CU	1004 - SCHWARTZ		25.00
110416	MARSHALL TOWNSHIP	425 AGREEMENT		23,096.96
S4046063.002	MEDLER ELECTRIC COMPA	SUPER 88 TAPE		102.81
S4046063.001	MEDLER ELECTRIC COMPA	SUPER 88 TAPE		74.44
10/28/16	MONROE, CONNIE	ENERGY OPTIMIZATION - FURNACE, A/C, THE		615.00
102816	OTENEY, JUDY	ENERGY OPTIMIZATION - LED BULBS		5.99
110216	QUALITY ASPHALT PAVIN	REFUND DEPOSIT LESS WATER & HYDRANT FEE		412.00
457	SHEPHERD, AYRIELLE	REFUND - ADULT SOFTBALL		12.00
10-28-16	STEWART, CHAD	ENERGY OPTIMIZATION - FURNACE & THERMOS		165.00
459	TONYA DERMYER	REFUND - ADULT SOFTBALL		48.00
316079300	U.S. BANK EQUIPMENT F	LEXMARK CONTRACT		58.56
455	VANDYBOGURT, KEVIN	REFUND - ADULT SOFTBALL		48.00
GRAND TOTAL:				31,137.94

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
11/07/16	ACKINS, DELAINE	ENERGY OPTIMIZATION - LED BULBS		10.00
119818	AD-VISOR & CHRONICLE	OCTOBER ADS		679.30
110816	ADAMS, ADALINE	ELECTION INSPECTOR		180.00
11/08/16	ALBRECHT, TAMARA	ELECTION INSPECTOR		155.00
110816	AMBLER, AARON	ELECTION INSPECTOR		120.00
110816	BEGG, CHERYL	ELECTION INSPECTOR		170.00
1028	CALHOUN COUNTY FIRE C	FIREKEEPERS LOCAL REVENUE SHARING		8,925.00
2016 SMR #3	CALHOUN COUNTY TREASU	2016 SUMMER DIST #3 10/01/16--10/31/16		9,707.67
2016 SMR #3	CALHOUN INTERMEDIATE	2016 SUMMER DIST #3 10/01/16--10/31/16		2,670.45
9308277987	CONSUMERS ENERGY	REPAIR UNDERGROUND GAS FACILITY AT 612		1,134.34
110816	CROWLE, BARB	ELECTION INSPECTOR		95.00
110816	DAY, SUSAN	ELECTION INSPECTOR		216.00
110116	FREDS, MATT	SCHOOL LUNCH		11.25
110816	GORSLINE, CHRISTINE	ELECTION INSPECTOR		170.00
110816	HAGERTY, MELISSA	ELECTION INSPECTOR		170.00
110816	HAGERTY, PHILLIP	ELECTION INSPECTOR		180.00
11/08/2016	HUOT, PATRICK	UB refund for account: 700500024		50.20
11113-27301	JOHN DEERE FINANCIAL	DRAFT LINK		286.87
11/08/2016	KARABA, TAYLOR	UB refund for account: 1901550024		122.47
110816	KARNS, SHARON	ELECTION INSPECTOR		170.00
2016 SMR #3	KELLOGG COMMUNITY COL	2016 SUMMER DIST #3 10/01/16--10/31/16		1,541.51
110816	LAING, CLAUDE	ELECTION INSPECTOR		170.00
11/08/2016	LEUNG, YAN SHAN	UB refund for account: 802580001		169.96
110716	LIVINGSTON, DANIEL	ENERGY OPTIMIZATION - LED LIGHTING		120.00
99007320387-1116	LOWE'S	ACCT 9900 732038 7		692.52
110816	MACHATA, ROBERTA	ELECTION INSPECTOR		70.00
2016 SMR #3	MARSHALL DISTRICT LIB	2016 SUMMER DIST #3 10/01/16--10/31/16		1,425.71
2016 SMR #3	MARSHALL PUBLIC SCHOO	2016 SUMMER DIST #3 10/01/16--10/31/16		5,365.93
110716	MCW INDUSTRIAL SERVIC	ENERGY OPTIMIZATION - LED LIGHTING		1,351.20
M 10-16	MICHIGAN SOUTH CENTRA	NATURAL GAS - OCTOBER		135.09
110816	RAUSCH, JANEAN	ELECTION INSPECTOR		170.00
249-005272860	REPUBLIC SERVICES #24	ACCT #3-0249-1022021		1,069.39
11/08/2016	RICHARDSON, TRACY	UB refund for account: 2705920008		54.27
11/03/16	RIETH-RILEY CONSTRUCT	DEPOSIT REFUND LESS WATER & HYDRANT FEE		165.00
11/08/2016	SAUNDERS, DAVID	UB refund for account: 901740033		51.61
110816	SIZEMORE, DARLYNE	ELECTION INSPECTOR		180.00
21063-1116	SPARTAN STORES	CUST #021063		419.25
761-8103602	STATE OF MICHIGAN	STATE FEES FOR WSSN#4150	2017.145	3,037.09
110116	SUNDBERG, KIP	SCHOOL LUNCH		14.23
110816	TARKIEWICZ, KATHY	ELECTION INSPECTOR		90.00
11/08/2016	VOLKER, NICHOLAS	UB refund for account: 2900740047		58.58
110816	WALBECK, DEBORAH L	ELECTION INSPECTOR		204.00
47596787	WEX BANK	ACCT # 0470-00-462076-1		7,707.31
110816	WILLIAMS, KASEY	ELECTION INSPECTOR		180.00
110816	WORKS, SHIRLEY	WORKS, SHIRLEY		140.00
10040269-OCTNOV16	WOW! BUSINESS	ACCT #010040269		1,028.00
10058364-1016	WOW! BUSINESS	ACCT #010058364		32.97
110116	ZEBOLSKY, JOEL	SCHOOL LUNCH		14.23
GRAND TOTAL:				50,881.40



CITY OF MARSHALL, MICHIGAN PROCLAMATION

PALLISTER-KILLIAN SYNDROME AWARENESS DAY

WHEREAS, Pallister-Killian Syndrome (PKS) is a rare genetic disorder resulting from the duplication of the short arm of chromosome 12, occurring at conception with no known cause. Children with this syndrome suffer low muscle tone, seizures, global developmental delays, and hearing and vision loss; and

WHEREAS, Fewer than 300 cases of PKS have been diagnosed in the world; however, many doctors believe that the incidence of PKS is much higher and could be as many as 2,000 cases in the United States alone. Improper testing methods and lack of awareness of this condition are the main causes of these undiagnosed cases; and

WHEREAS, Research, education, and raising awareness within the medical community of PKS will aid in early diagnosis of children, and benefit the families and caregivers of children affected by the disease.

NOW, THEREFORE, I, Jack Reed, Mayor of the City of Marshall, do hereby proclaim December 4, 2016 to be:

PALLISTER-KILLIAN SYNDROME AWARENESS DAY

In the City of Marshall.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Marshall to be affixed this 21st day of November of the year of our Lord two thousand and sixteen.

Jack Reed
Mayor



ADMINISTRATIVE REPORT
November 21, 2016 City Council Meeting

REPORT TO: Honorable Mayor and City Council

FROM: Kristin Bauer, Director of Public Services
Tom Tarkiewicz, City Manager

SUBJECT: METRO ACT Application
Climax Telephone Company/CTS Telecom Inc.

BACKGROUND: Pursuant to Public Act 48 of 2002, the Metropolitan Extension Telecommunication Rights-of-Way Oversight Act (METRO Act), Climax Telephone Company/CTS Telecom Inc. has requested "Access to and on-going use of public ways" within the City of Marshall.

The required application, fee and supporting documentation has been properly submitted. It is their intent to provide facilities for fiber based internet, data and telephone service within Marshall. No specific location or construction schedule was submitted with this application. The attached Unilateral Permit stipulates submittal of the locations and schedule information for city review and coordination prior to applying for a permit to work within the public right-of-way (ROW).

RECOMMENDATION: It is recommended that City Council approve the attached METRO ACT Unilateral Permit, for Climax Telephone Company/CTS Telecom Inc., for a term of 5 years. This permit stipulates that the proposed construction locations and schedule be submitted for City review and coordination prior to application of a required ROW permit.

FISCAL EFFECT: 100% of fees collected by the State of Michigan's Public Service Commission will be distributed back to the City of Marshall for use on certain "rights-of-way related purposes" per PA 48 of 2002.

ALTERNATIVES: As suggested by Council.

CITY GOAL CLASSIFICATION:

GOAL AREA I. ECONOMIC DEVELOPMENT

Goal Statement: Sustain and intensify the economic vitality of the Marshall area.

323 W. Michigan Ave.
Marshall, MI 49068
p 269.781.5183
f 269.781.3835
cityofmarshall.com

Respectfully Submitted,

Kristin Bauer,
Director of Public Services

Tom Tarkiewicz,
City Manager



CERTIFICATE OF LIABILITY INSURANCE

CTSCOMM-03

NDELL

DATE (MM/DD/YYYY)

9/26/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER License # 0019304-1 Hub International Midwest East 625 Kenmoor Ave SE Suite 200 Grand Rapids, MI 49546	CONTACT NAME: Nancy Dell PHONE (A/C, No, Ext): (269) 982-3884 FAX (A/C, No): EMAIL ADDRESS: nancy.dell@hubinternational.com													
	<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A: National Fire Insurance of Hartford</td> <td>20478</td> </tr> <tr> <td>INSURER B: Continental Casualty Company</td> <td>20443</td> </tr> <tr> <td>INSURER C: American Casualty Co of Reading PA</td> <td>20427</td> </tr> <tr> <td>INSURER D: Cincinnati Insurance Company</td> <td>10677</td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: National Fire Insurance of Hartford	20478	INSURER B: Continental Casualty Company	20443	INSURER C: American Casualty Co of Reading PA	20427	INSURER D: Cincinnati Insurance Company	10677	INSURER E:		INSURER F:
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INSURED CTS Communications Corporation DBA CTS Telecom & Climax Telephone Company 13800 E Michigan Ave Galesburg, MI 49053														

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVO	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJEC <input type="checkbox"/> LOC OTHER:		6016249275	01/01/2016	01/01/2017	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Cyber Liability \$ 1,000,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		C6016249289	01/01/2016	01/01/2017	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTIONS 10,000		C6016249308	01/01/2016	01/01/2017	EACH OCCURRENCE \$ 9,000,000 AGGREGATE \$ 9,000,000 \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in MI) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N N/A	WC6016249292	01/01/2016	01/01/2017	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER EL EACH ACCIDENT \$ 1,000,000 EL DISEASE - EA EMPLOYEE \$ 1,000,000 EL DISEASE - POLICY LIMIT \$ 1,000,000
A	Errors & Omissions		6016249275	01/01/2016	01/01/2017	1,000,000
D	Directors & Officers		BCD0004865	01/01/2016	01/01/2017	2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Employee Practice Liability \$1,000,000 limit \$10,000 deductible

CERTIFICATE HOLDER City of Marshall 323 W Michigan Ave Marshall, MI 49068	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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**METRO Act
Unilateral Form
Revised 12/06/02**

**RIGHT-OF-WAY
TELECOMMUNICATIONS PERMIT**

This permit issued this 22 day of November, 2016 by City of Marshall, MI.

1 Definitions

- 1.1 Date of Issuance shall mean the date set forth above.
- 1.2 Manager shall mean Municipality's City Manager or his or her designee.
- 1.3 METRO Act shall mean the Metropolitan Extension Telecommunications Right-of Way oversight Act, Act No. 48 of the Public Acts of 2002, as amended.
- 1.4 Municipality shall mean City of Marshall, a Michigan municipal corporation.
- 1.5 Permit shall mean this document.
- 1.6 Permittee shall mean Climax Telephone Company organized under the laws of the State of Michigan whose address is 13800 E. Michigan Ave., Galesburg, MI 49053-9658.
- 1.7 Public Right-of-Way shall mean the area on, below, or above a public roadway, highway, street, alley, easement, or waterway, to the extent Municipality has the ability to grant the rights set forth herein. Public Right-of-Way does not include a federal, state, or private right-of-way.
- 1.8 Telecommunications Facilities or Facilities shall mean the Permittee's equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify or provide telecommunication services or signals. Telecommunication Facilities or Facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in Section 332(d) of Part I of Title III of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communications device.
- 1.9 Term shall have the meaning set forth in Part 7.

2 Grant

- 2.1 Municipality hereby issues a permit under the METRO Act to Permittee for access to and ongoing use of the Public Right-of-Way identified on Exhibit A to construct, install and maintain Telecommunication Facilities on the terms set forth herein.
 - 2.1.1 Exhibit A may be modified by Manager upon written request by Permittee.
 - 2.1.2 Any decision of Manager on a request by Permittee for a modification may be appealed by Permittee to Municipality's legislative body.
- 2.2 Overlapping. Permittee shall not allow the wires or any other facilities of a third party to be overlapped to the Telecommunication Facilities without Municipality's prior written consent. Municipality's right to withhold written consent is subject to the authority of the Michigan Public Service Commission under Section 361 of the Michigan Telecommunications Act, MCL § 484.2361.
- 2.3 Nonexclusive. The rights granted by this Permit are nonexclusive. Municipality reserves the right to approve, at any time, additional permits for access to and ongoing usage of the Public Right-of-Way by telecommunications providers and to enter into agreements for use of the Public Right-of-Way with and grant franchises for use of the Public Right-of-Way to telecommunications providers, cable companies, utilities and other providers.

3 Contacts, Maps and Plans

- 3.1 Permittee Contacts. The names, addresses and the like for engineering and construction related information for Permittee and its Telecommunication Facilities are as follows:
Scott Gerdeman, VP of Operations, sgerdeman@ctstelecom.com, 269-746-3250
Ken Deloof, Outside Plant Engineer, kdeloof@ctstelecom.com, 269-209-4833
Roy Schoonhoven, Outside Plant Engineer, rschoonhoven@ctstelecom.com, 269-209-4828
13800 E. Michigan Ave., Galesburg, MI 49053-9658
- 3.2 The address, e-mail address, phone number and contact person (title or name) at Permittee's local office (in or near Municipality) is Scott Gerdeman, VP Operations, 13800 E. Michigan Ave., Galesburg, MI 49053-9658. 269-746-3250 sgerdeman@ctstelecom.com.
 - 3.2.1 If Permittee's engineering drawings, as-built plans and related records for the Telecommunication Facilities will not be located at the preceding local

office, the location address, phone number and contact person (title or department) for them is same as above.

- 3.2.2 The name, title, address, e-mail address and telephone numbers of Permittee's engineering contact person(s) with responsibility for the design, plans and construction of the Telecommunication Facilities is as follows:

Scott Gerdeman, VP of Operations, sgerdeman@ctstelecom.com,
269-746-3250

Ken Deloof, Outside Plant Engineer, kdeloof@ctstelecom.com,
269-209-4833

Roy Schoonhoven, Outside Plant Engineer,
rschoonhoven@ctstelecom.com, 269-209-4828
13800 E. Michigan Ave., Galesburg, MI 49053-9658

- 3.2.3 The address, phone number and contact person (title or department) at Permittee's home office/regional office with responsibility for engineering and construction related aspects of the Telecommunication Facilities is same as above.

- 3.2.4 Permittee shall at all times provide Manager with the phone number at which a live representative of Permittee (not voice mail) can be reached 24 hours a day, seven (7) days a week, in the event of a public emergency.
24 Hour Emergency Number: 269-746-4411

- 3.2.5 Permittee shall immediately notify Municipality in writing as set forth in Part 12 of any inaccuracies or changes in the preceding information.

- 3.2 Route Maps. Within ninety (90) days after the substantial completion of new Facilities in a Municipality, a provider shall submit route maps showing the location of the Telecommunication Facilities to both the Michigan Public Service Commission and to the Municipality, as required under Section 6(7) of the METRO Act, MCLA 484.3106(7).

- 3.3 As-Built Records. Permittee, without expense to Municipality, shall, upon forty-eight (48) hours notice, give Municipality access to all "as-built" maps, records, plans and specifications showing the Telecommunication Facilities or portions thereof in the Public Right-of-Way. Upon request by Municipality, Permittee shall inform Municipality as soon as reasonably possible of any changes from previously supplied maps, records, or plans and shall mark up maps provided by Municipality so as to show the location of the Telecommunication Facilities.

4 Use of Public Right-of-Way

- 4.1 No Burden on Public Right-of-Way. Permittee, its contractors, subcontractors, and the Telecommunication Facilities shall not unduly burden or interfere with the present or future use of any of the Public Right-of-Way. Permittee's aerial cables and wires shall be suspended so as to not endanger or injure persons or property in or about the Public Right-of-Way. If Municipality reasonably determines that any portion of the Telecommunication Facilities constitutes an undue burden or interference, due to changed circumstances, Permittee, at its sole expense, shall modify the Telecommunication Facilities or take such other actions as Municipality may determine is in the public interest to remove or alleviate the burden, and Permittee shall do so within a reasonable time period. Municipality will attempt to require all occupants of a pole or conduit whose facilities are a burden to remove or alleviate the burden concurrently.
- 4.2 No Priority. This Permit does not establish any priority of use of the Public Right-of-Way by Permittee over any present or future permittees or parties having agreements with Municipality or franchises for such use. In the event of any dispute as to the priority of use of the Public Right-of-Way, the first priority shall be to the public generally, the second priority to Municipality, the third priority to the State of Michigan and its political subdivisions in the performance of their various functions, and thereafter as between other permit, agreement or franchise holders, as determined by Municipality in the exercise of its powers, including the police power and other powers reserved to and conferred on it by the State of Michigan.
- 4.3 Restoration of Property. Permittee, its contractors and subcontractors shall immediately (subject to seasonal work restrictions) restore, at Permittee's sole expense, in a manner approved by Municipality, any portion of the Public Right-of-Way that is in any way disturbed, damaged, or injured by the construction, installation, operation, maintenance or removal of the Telecommunication Facilities to a reasonably equivalent (or, at Permittee's option, better) condition as that which existed prior to the disturbance. In the event that Permittee, its contractors or subcontractors fail to make such repair within a reasonable time, Municipality may make the repair and Permittee shall pay the costs Municipality incurred for such repair.
- 4.4 Marking. Permittee shall mark the Telecommunication Facilities as follows: Aerial portions of the Telecommunication Facilities shall be marked with a marker on Permittee's lines on alternate poles which shall state Permittee's name and provide a toll-free number to call for assistance. Direct buried underground portions of the Telecommunication Facilities shall have (1) a conducting wire placed in the ground at least several inches above Permittee's cable (if such cable is nonconductive); (2) at least several inches above that, a continuous colored tape with a statement to the effect that there is buried cable beneath; and (3) stakes or

other appropriate above ground markers with Permittee's name and a toll-free number indicating that there is buried telephone cable below. Bored underground portions of the Telecommunication Facilities shall have a conducting wire at the same depth as the cable and shall not be required to provide the continuous colored tape. Portions of the Telecommunication Facilities located in conduit, including conduit of others used by Permittee, shall be marked at its entrance into and exit from each manhole and handhole with Permittee's name and a toll-free telephone number.

- 4.5 Tree Trimming. Permittee may trim trees upon and overhanging the Public Right-of-Way so as to prevent the branches of such trees from coming into contact with the Telecommunication Facilities, consistent with any standards adopted by Municipality. Permittee shall dispose of all trimmed materials. Permittee shall minimize the trimming of trees to that essential to maintain the integrity of the Telecommunication Facilities. Except in emergencies, all trimming of trees in the Public Right-of-Way shall have the advance approval of Manager.
- 4.6 Installation and Maintenance. The construction and installation of the Telecommunication Facilities shall be performed pursuant to plans approved by Municipality. The open cut of any Public Right-of-Way shall be coordinated with the Manager or his designee. Permittee shall install and maintain the Telecommunication Facilities in a reasonably safe condition. If the existing poles in the Public Right-of-Way are overburdened or unavailable for Permittee's use, or the facilities of all users of the poles are required to go underground then Permittee shall, at its expense, place such portion of its Telecommunication Facilities underground, unless Municipality approves an alternate location. Permittee may perform maintenance on the Telecommunication Facilities without prior approval of Municipality, provided that Permittee shall obtain any and all permits required by Municipality in the event that any maintenance will disturb or block vehicular traffic or are otherwise required by Municipality.
- 4.7 Pavement Cut Coordination. Permittee shall coordinate its construction and all other work in the Public Right-of-Way with Municipality's program for street construction and rebuilding (collectively "Street Construction") and its program for street repaving and resurfacing (except seal coating and patching) (collectively, "Street Resurfacing").
- 4.7.1 The goals of such coordination shall be to encourage Permittee to conduct all work in the Public Right-of-Way in conjunction with or immediately prior to any Street Construction or Street Resurfacing planned by Municipality.
- 4.8 Compliance with Laws. Permittee shall comply with all laws, statutes, ordinances, rules and regulations regarding the construction, installation, and

maintenance of its Telecommunication Facilities, whether federal, state or local, now in force or which hereafter may be promulgated. Before any installation is commenced, Permittee shall secure all necessary permits, licenses and approvals from Municipality or other governmental entity as may be required by law, including, without limitation, all utility line permits and highway permits. Permittee shall comply in all respects with applicable codes and industry standards, including but not limited to the National Electrical Safety Code (latest edition adopted by Michigan Public Service Commission) and the National Electric Code (latest edition). Permittee shall comply with all zoning and land use ordinances and historic preservation ordinances as may exist or may hereafter be amended.

- 4.9 Street Vacation. If Municipality vacates or consents to the vacation of Public Right-of-Way within its jurisdiction, and such vacation necessitates the removal and relocation of Permittee's Facilities in the vacated Public Right-of-Way, Permittee shall, as a condition of this Permit, consent to the vacation and remove its Facilities at its sole cost and expense when ordered to do so by Municipality or a court of competent jurisdiction. Permittee shall relocate its Facilities to such alternate route as Municipality, applying reasonable engineering standards, shall specify.
- 4.10 Relocation. If Municipality requests Permittee to relocate, protect, support, disconnect, or remove its Facilities because of street or utility work, or other public projects, Permittee shall relocate, protect, support, disconnect, or remove its Facilities, at its sole cost and expense, including where necessary to such alternate route as Municipality, applying reasonable engineering standards, shall specify. The work shall be completed within a reasonable time period.
- 4.11 Public Emergency. Municipality shall have the right to sever, disrupt, dig-up or otherwise destroy Facilities of Permittee if such action is necessary because of a public emergency. If reasonable to do so under the circumstances, Municipality will attempt to provide notice to Permittee. Public emergency shall be any condition which poses an immediate threat to life, health, or property caused by any natural or man-made disaster, including, but not limited to, storms, floods, fire, accidents, explosions, water main breaks, hazardous material spills, etc. Permittee shall be responsible for repair at its sole cost and expense of any of its Facilities damaged pursuant to any such action taken by Municipality.
- 4.12 Miss Dig. If eligible to join, Permittee shall subscribe to and be a member of "MISS DIG," the association of utilities formed pursuant to Act 53 of the Public Acts of 1974, as amended, MCL § 460.701 et seq., and shall conduct its business in conformance with the statutory provisions and regulations promulgated thereunder.
- 4.13 Underground Relocation. If Permittee has its Facilities on poles of Consumers

Energy, Detroit Edison or another electric or telecommunications provider and Consumers Energy, Detroit Edison or such other electric or telecommunications provider relocates its system underground, then Permittee shall relocate its Facilities underground in the same location at Permittee's sole cost and expense.

- 4.14 Identification. All personnel of Permittee and its contractors or subcontractors who have as part of their normal duties contact with the general public shall wear on their clothing a clearly visible identification card bearing Permittee's name, their name and photograph. Permittee shall account for all identification cards at all times. Every service vehicle of Permittee and its contractors or subcontractors shall be clearly identified as such to the public, such as by a magnetic sign with Permittee's name and telephone number.

5 Indemnification

- 5.1 Indemnity. Permittee shall defend, indemnify, protect, and hold harmless Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions from any and all claims, losses, liabilities, causes of action, demands, judgments, decrees, proceedings, and expenses of any nature (collectively "claim" for this Part 5) (including, without limitation, attorneys' fees) arising out of or resulting from the acts or omissions of Permittee, its officers, agents, employees, contractors, successors, or assigns, but only to the extent such acts or omissions are related to the Permittee's use of or installation of facilities in the Public Right-of-Way and only to the extent of the fault or responsibility of Permittee, its officers, agents, employees, contractors, successors and assigns.
- 5.2 Notice, Cooperation. Municipality will notify Permittee promptly in writing of any such claim and the method and means proposed by Municipality for defending or satisfying such claim. Municipality will cooperate with Permittee in every reasonable way to facilitate the defense of any such claim. Municipality will consult with Permittee respecting the defense and satisfaction of such claim, including the selection and direction of legal counsel.
- 5.3 Settlement. Municipality will not settle any claim subject to indemnification under this Part 5 without the advance written consent of Permittee, which consent shall not be unreasonably withheld. Permittee shall have the right to defend or settle, at its own expense, any claim against Municipality for which Permittee is responsible hereunder.

6 Insurance

- 6.1 Coverage Required. Prior to beginning any construction in or installation of the Telecommunication Facilities in the Public Right-of-Way, Permittee shall obtain insurance as set forth below and file certificates evidencing same with

Municipality. Such insurance shall be maintained in full force and effect until the end of the Term. In the alternative, Permittee may satisfy this requirement through a program of self-insurance, acceptable to Municipality, by providing reasonable evidence of its financial resources to Municipality. Municipality's acceptance of such self-insurance shall not be unreasonably withheld.

- 6.1.1 Commercial general liability insurance, including Completed Operations Liability, Independent Contractors Liability, Contractual Liability coverage, railroad protective coverage and coverage for property damage from perils of explosion, collapse or damage to underground utilities, commonly known as XCU coverage, in an amount not less than Five Million Dollars (\$5,000,000).
 - 6.1.2 Liability insurance for sudden and accidental environmental contamination with minimum limits of Five Hundred Thousand Dollars (\$500,000) and providing coverage for claims discovered within three (3) years after the term of the policy.
 - 6.1.3 Automobile liability insurance in an amount not less than One Million Dollars (\$1,000,000).
 - 6.1.4 Workers' compensation and employer's liability insurance with statutory limits, and any applicable Federal insurance of a similar nature.
 - 6.1.5 The coverage amounts set forth above may be met by a combination of underlying (primary) and umbrella policies so long as in combination the limits equal or exceed those stated. If more than one insurance policy is purchased to provide the coverage amounts set forth above, then all policies providing coverage limits excess to the primary policy shall provide drop down coverage to the first dollar of coverage and other contractual obligations of the primary policy, should the primary policy carrier not be able to perform any of its contractual obligations or not be collectible for any of its coverages for any reason during the Term, or (when longer) for as long as coverage could have been available pursuant to the terms and conditions of the primary policy.
- 6.2 Additional Insured. Municipality shall be named as an additional insured on all policies (other than worker's compensation and employer's liability). All insurance policies shall provide that they shall not be canceled, modified or not renewed unless the insurance carrier provides thirty (30) days prior written notice to Municipality. Permittee shall annually provide Municipality with a certificate of insurance evidencing such coverage. All insurance policies (other than environmental contamination, workers' compensation and employer's liability insurance) shall be written on an occurrence basis and not on a claims made basis.

- 6.3 Qualified Insurers. All insurance shall be issued by insurance carriers licensed to do business by the State of Michigan or by surplus line carriers on the Michigan Insurance Commission approved list of companies qualified to do business in Michigan. All insurance and surplus line carriers shall be rated A+ or better by A.M. Best Company.
- 6.4 Deductibles. If the insurance policies required by this Part 6 are written with retainages or deductibles in excess of \$50,000, they shall be approved by Manager in advance in writing. Permittee shall indemnify and save harmless Municipality from and against the payment of any deductible and from the payment of any premium on any insurance policy required to be furnished hereunder.
- 6.5 Contractors. Permittee's contractors and subcontractors working in the Public Right-of-Way shall carry in full force and effect commercial general liability, environmental contamination liability, automobile liability and workers' compensation and employer liability insurance which complies with all terms of this Part 6. In the alternative, Permittee, at its expense, may provide such coverages for any or all its contractors or subcontractors (such as by adding them to Permittee's policies).
- 6.6 Insurance Primary. Permittee's insurance coverage shall be primary insurance with respect to Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions (collectively "them"). Any insurance or self-insurance maintained by any of them shall be in excess of Permittee's insurance and shall not contribute to it (where "insurance or self-insurance maintained by any of them" includes any contract or agreement providing any type of indemnification or defense obligation provided to, or for the benefit of them, from any source, and includes any self-insurance program or policy, or self-insured retention or deductible by, for or on behalf of them).

7 Term

- 7.1 Term. The term ("Term") of this Permit shall be until the earlier of:
 - 7.1.1 Five (5) years from the Date of Issuance; or
 - 7.1.2 When the Telecommunication Facilities has not been used to provide telecommunications services for a period of one hundred and eighty (180) days by Permittee or a successor or an assignee of Permittee; or
 - 7.1.3 When Permittee, at its election and with or without cause, delivers written notice of termination to Municipality at least one-hundred and eighty (180) days prior to the date of such termination; or
 - 7.1.4 Upon either Permittee or Municipality giving written notice to the other of

the occurrence or existence of a default by the other party under Sections 4.8, 6, 8 or 9 of this Permit and such defaulting party failing to cure, or commence good faith efforts to cure, such default within sixty (60) days (or such shorter period of time provided elsewhere in this Permit) after delivery of such notice; or

7.1.5 Unless Manager grants a written extension, one year from the Date of Issuance if prior thereto Permittee has not started the construction and installation of the Telecommunication Facilities within the Public Right-of-Way and two years from the Date of Issuance if by such time construction and installation of the Telecommunication Facilities is not complete.

8 Performance Bond or Letter of Credit

8.1 Municipal Requirement. Municipality may require Permittee to post a bond (or letter of credit) as provided in Section 15(3) of the METRO Act, as amended [MCL § 484.3115(3)].

9 Fees

9.1 Establishment; Reservation. The METRO Act shall control the establishment of right-of-way fees. The parties reserve their respective rights regarding the nature and amount of any fees which may be charged by Municipality in connection with the Public Right-of-Way.

10 Removal

10.1 Removal; Underground. As soon as practicable after the Term, Permittee or its successors and assigns shall remove any underground cable or other portions of the Telecommunication Facilities from the Public Right-of-Way which has been installed in such a manner that it can be removed without trenching or other opening of the Public Right-of-Way. Permittee shall not remove any underground cable or other portions of the Telecommunication Facilities which requires trenching or other opening of the Public Right-of-Way except with the prior written approval of Manager. All removals shall be at Permittee's sole cost and expense.

10.1.1 For purposes of this Part 10, "cable" means any wire, coaxial cable, fiber optic cable, feed wire or pull wire.

10.2 Removal; Above Ground. As soon as practicable after the Term, Permittee, or its successor or assigns at its sole cost and expense, shall, unless waived in writing by Manager, remove from the Public Right-of-Way all above ground elements of

its Telecommunication Facilities, including but not limited to poles, pedestal mounted terminal boxes, and lines attached to or suspended from poles.

- 10.3 Schedule. The schedule and timing of removal shall be subject to approval by Manager. Unless extended by Manager, removal shall be completed not later than twelve (12) months following the Term. Portions of the Telecommunication Facilities in the Public Right-of-Way which are not removed within such time period shall be deemed abandoned and, at the option of Municipality exercised by written notice to Permittee as set forth in Part 12, title to the portions described in such notice shall vest in Municipality.

- 11 Assignment. Permittee may assign or transfer its rights under this Permit, or the persons or entities controlling Permittee may change, in whole or in part, voluntarily, involuntarily, or by operation of law, including by merger or consolidation, change in the ownership or control of Permittee's business, or by other means, subject to the following:
 - 11.1 No such transfer or assignment or change in the control of Permittee shall be effective under this Permit, without Municipality's prior approval (not to be unreasonably withheld), during the time period from the Date of Issuance until the completion of the construction of the Telecommunication Facilities in those portions of the Public Right-of-Way identified on Exhibit A.

 - 11.2 After the completion of such construction, Permittee must provide notice to Municipality of such transfer, assignment or change in control no later than thirty (30) days after such occurrence; provided, however,
 - 11.2.1 Any transferee or assignee of this Permit shall be qualified to perform under its terms and conditions and comply with applicable law; shall be subject to the obligations of this Permit, including responsibility for any defaults which occurred prior to the transfer or assignment; shall supply Municipality with the information required under Section 3.1; and shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which Municipality reasonably deems necessary, and

 - 11.2.2 In the event of a change in control, it shall not be to an entity lacking the qualifications to assure Permittee's ability to perform under the terms and conditions of this Permit and comply with applicable law; and Permittee shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which Municipality reasonably deems necessary.

 - 11.3 Permittee may grant a security interest in this Permit, its rights thereunder or the Telecommunication Facilities at any time without notifying Municipality.

12 Notices

12.1 Notices. All notices under this Permit shall be given as follows:

12.1.1 If to Municipality, to 323 W. Michigan Ave., Marshall, MI 49068, with a copy to 900 S. Marshall Ave., Marshall, MI 49068

12.1.2 If to Permittee, to 13800 E. Michigan Ave., Galesburg, MI 49053.

12.2 Change of Address. Permittee and Municipality may change its address or personnel for the receipt of notices at any time by giving notice thereof to the other as set forth above.

13 Other items

13.1 No Cable, OVS. This Permit does not authorize Permittee to provide commercial cable type services to the public, such as “cable service” or the services of an “open video system operator” (as such terms are defined in the Federal Communications Act of 1934 and implementing regulations, currently 47 U.S.C. §§ 522 (6), 573 and 47 CFR § 76.1500).

13.2 Effectiveness. This Permit shall become effective when Permittee has provided any insurance certificates and bonds required in Parts 6 and 8, and signed the acknowledgement of receipt, below.

13.3 Authority. This Permit satisfies the requirement for a permit under Section 5 of the METRO Act [MCL 484.3105].

13.4 Interpretation and Severability. The provisions of this Permit shall be liberally construed to protect and preserve the peace, health, safety and welfare of the public, and should any provision or section of this Permit be held unconstitutional, invalid, overbroad or otherwise unenforceable, such determination/holding shall not be construed as affecting the validity of any of the remaining conditions of this Permit. If any provision in this Permit is found to be partially overbroad, unenforceable, or invalid, Permittee and Municipality may nevertheless enforce such provision to the extent permitted under applicable law.

13.5 Governing Law. This Permit shall be governed by the laws of the State of Michigan.

City of Marshall Michigan
323 W. Michigan Ave.
Marshall, MI 49068

By: _____

Its: _____

Date: _____

Acknowledgement of Receipt: Permittee acknowledges receipt of this Permit granted by Municipality.

Climax Telephone Company (CTS
Communications)
13800 E. Michigan Ave.
Galesburg, MI 49053-9658

By: _____

Its: _____

Date: _____

Exhibit A

Public Right-of-Way to be Used by Telecommunication Facilities

Per the METRO ACT application, location of anticipated construction is yet to be determined. This SHALL be submitted to the City of Marshall for approval and coordination prior to applying for a ROW permit.

Per the METRO ACT application, a construction schedule is yet to be determined. This SHALL be submitted to the City of Marshall for approval and coordination prior to applying for a ROW permit.

Attachment Agreements will be required between the City of Marshall-Electric Department and Climax Telephone Company prior to any work attachment work. All potential work locations will require review by the City of Marshall prior to beginning of any installation.

Exhibit B

Bond – See attached

::ODMA\PCDOCS\GRR\764521\3



ADMINISTRATIVE REPORT
November 21, 2016 - CITY COUNCIL MEETING

TO: Honorable Mayor and City Council
FROM: Tom Tarkiewicz, City Manager
SUBJECT: Sale of Hughes Street land parcel

BACKGROUND: At the October 17th Council meeting, the Council directed City Staff to advertise the parcel of land. The abutting property owners were also notified of the Request for Proposals for the redevelopment of the parcel. Two proposals were received from Mr. Kelly Williams and Mr. Frank Boley. Their proposals are attached.

The 2016 Target Market Analysis found the need for rental multi-family units. Mr. Williams proposes to fulfill the need. Also, the development of residential units fits the City's Master Plan.

RECOMMENDATION: It is recommended that the City Council accept the proposal from Mr. Kelly Williams and direct the City Attorney to develop the sale documents and authorize the City Clerk to sign the documents.

FISCAL EFFECTS: The City, pursuant to State law, will be able to retain the original purchase price of the land and any associated closing costs, all maintenance and land improvement costs, and all administrative costs related to the sale of the property. The purchase price of the property, less the above mentioned costs must be returned to the County Treasurer pursuant to State law.

CITY GOAL CLASSIFICATION:

GOAL AREA 3. HOUSING DEVELOPMENT

Goal Statement: Provide for progressive, diverse and unique housing opportunities.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

November 10, 2016

Ms. Trisha Nelson
City Clerk
City of Marshall
323 West Michigan
Marshall, MI 49068

Re: Proposal to the City of Marshall to purchase a parcel of land designated as:

Parcel of Land, 53-000-825 -00 -Marshall City, Upper Village, lot 823 EXCE E 145' of S 280', LOT 824 EX S2 280', and Lot 825.

Commonly known as 333E. Hughes Street. The Parcel is approximately 2.2 acres with 166' of frontage and 236' deep. The existing zoning is R2 residential.

Dear Ms. Nelson:

The proposed price offer for the above mentioned parcel of land is \$15,000.00.

The proposed use of the land is for multi-family rental apartments, which would be designed for conversion to condominium ownership of Individual housing units.

If the land is acquired by myself and my partners, we will immediately confirm the amount of land coverage allowed under current zoning for multi-family rental apartments in that area. We will discuss with the City of Marshall any possibilities for rezoning, possibly for higher density than exists under the current zoning.

When we have concluded as to what might be able to be built on this parcel of land, we will prepare a preliminary site plan for the parcel on which will be indicated the location of the proposed buildings and any roads or driveways as well as the location of any existing utilities and any additional utilities to be installed.

In conjunction with exploring what might be built on this land, we will be attempting to find out what long term financing might be available for the development that we have in mind. Having satisfied ourselves that the market exists, having approval from the City of Marshall for the development that we propose, satisfactory development and construction

costs, approvals from the City of Marshall and long term financing, we should be ready to proceed with the development of Upper Village Woods.

As to my background in construction, I have been a builder of single family homes in the Marshall area for many years as has my associate builder John Zacharski. I retired in June of this year from the Marshall Public School System where I was the Instructor for Industrial Arts, the hands-on-use of wood, metal, plastic and finishes. I was the instructor for these disciplines for 30 years. I am currently assisting Dr. Randy Davis as the Coordinator of the STEP Program for the Marshall/Albion School District. I also own and manage several multi-family residences in Marshall.

The timetable to answer the various questions for a development of this nature will probably take from four to six months. Hopefully construction would be able to be started no later than the fall of 2017.

We will be assisted in this project by my father-in-law Tom Franke who has fifty plus years in the development, construction and operation of multi family rental and condominium developments in Grand Rapids and Southeast Michigan.

There seems to be a need for multi-family residences in Marshall, which if developed will hopefully some housing for employees of economic expansion currently being worked on by Marshall' s MAEDA organization

The amount that we propose to pay for the parcel under consideration is \$15,000.00 plus legal and other fees.

Sincerely,

A handwritten signature in black ink that reads "Kelly F. Williams". The signature is written in a cursive style with a large, sweeping "K" and "W".

Kelly F. Williams
208 West Prescott St.
Marshall, MI 49068

FRANK BOLEY

PROPOSAL FOR PURCHASE & DEVELOPMENT
333 EAST HUGHES STREET
PARCEL 53-000-825-00
NOVEMBER 8, 2016

Purchase price offer -

Cash payment of \$3,900.00

Development plan -

My development plan is centered around restoring the historic beer caves in the western part of the parcel. This will be accomplished with a strong emphasis on environmental concerns. Protecting the flood-plane and the riverbank will be of utmost importance so runoff is minimized.

After restoration of the caves is completed, they will be secured so that once again, they may be used for their original purpose. Ideally, beer will be transported by river upstream to the caves where it will be stored and aged for a period of time. When the process is complete, the beer will be transported down river, packaged, and thereupon distributed throughout the world.

The cave restoration project will take approximately five to six years to complete. Quite likely, the concept will require modification and changes as unforeseen issues surface and new directions are explored.

This project will complement the Marshall River-Walk and the North Country Trail projects. The pleasant view as well as the sounds and smells of nature will be preserved. Visitors to the river-walk will be treated to scenes of birds and turtles instead of an apartment complex. News about restoration of the long-forgotten beer caves has many possibilities, maybe even as an interesting sidelight for tourists. It would complement other Marshall history projects.

Business experience of proposer -

In the City of Marshall, I built the Linden Hills #6 subdivision which consists of Fennimore St and Whispering Pines. The concept came about in 1988, and the first home was built in 1990. At the time, the project was the first such development in many years. No new streets had been built in twenty years. Throughout the project, the encouragement of Chet Travis, Dave Davis, and Dick Watson of the City of Marshall was very helpful. Linden Hills #6 presently has 19 nice homes all paying property taxes on a regular basis.

A few years later, I built the Linden Hills #7 subdivision which consists of Deerfield Ln, Brandi's Place, and Winding Way. This popular area was quickly built up with an additional 21 homes.

As Linden Hills #7 was being built, I began working with the City to build Linden Hills #8. This third project was to extend Deerfield Ln, add a new street called Kristi Lane, and extend Winding Way all the way to West Drive. Linden Hills #8 was to have 27 new houses. Sadly, times had changed. After spending \$18,000 on engineering cost, we were never able to get approval for the new development. To this day, I thank Tom Tarkiewicz who worked tirelessly to help us devise a plan that would be acceptable to the City Council. Finally, I was forced to set that project aside.

Consequently, in the late 1990's, I began working on Country Hills #3 subdivision. Located on the north side of I-94, Country Hills #3 consists of two new streets called Country Hills and Hickory Hills. That new neighborhood now has 23 new homes.

As my fourth project, Country Hills #4 subdivision was completed in 2007. My latest project extended Hickory Hills and added a new street called Oak Ridge. Country Hills #4 has 19 building lots on nice streets with curbs, underground electricity, natural gas service, and street lights, overlooking a pond.

Future projects -

When the City of Marshall seems receptive to new development, I plan to return to the Linden Hills area and explore possibilities there. I think the quality of my four completed developments demonstrate my ability to follow through and complete a project. I invite you to visit Linden Hills #6, Linden Hills #7, Country Hills #3, and Country Hills #4. You are also invited to review the plans of the now abandoned Linden Hills #8 subdivision. Those plans should be on file in the City's records. The records will show that we worked for years in an attempt to develop the Linden Hills area. You are invited to ask Tom Takriewicz more about those projects. I am very proud of the quality of all of my previous projects.

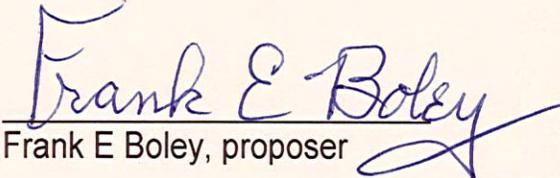
Proposer contact information -

Home	Frank Boley 53 Friendship Lane Marshall, MI 49068 269-781-4313
Business	Frank Boley & Co 1200 West Michigan Ave Marshall, MI 49068 269-789-1099

E-mail frank@frankboley.com

Fax 269-789-2786

Thank you for sending me a Request for Proposal. It was nice to be recognized.


Frank E Boley, proposer

CITY OF MARSHALL
October 28, 2016
REQUEST FOR PROPOSALS

PURCHASE & DEVELOPMENT OF 333 E. HUGHES STREET PARCEL

The City of Marshall is requesting Proposals for purchase and development 333 E. Hughes Street. The City currently owns this vacant parcel. The parcel is described as:

53-000-825-00 - Marshall City, Upper Village, lot 823 EXC E 145' OF S 280', LOT 824 EXC S 280', AND LOT 825. Commonly known as 333 E. Hughes Street.

The parcel is approximately 2.2 acres with 166' of frontage and 236' deep. The current zoning is R2, residential. The City of Marshall Zoning Ordinance can be researched at www.CityofMarshall.com.

The proposal shall include:

- Purchase price offer.
- A development plan which includes:
 - Proposed use of land
 - Proposed timetable
 - Business Experience of Proposer
- Proposer contact information

Proposals will be evaluated based on the following criteria:

- Property Use
- Benefit to community
- Time table
- Sale price
- Other criteria as to be determined

The minimum bid is \$3019.23. The buyer will be responsible for all legal and closing costs. The Buyer will enter into a binding development agreement with the City.

Proposals are due by November 10, 2016. Proposals are to be delivered to City Clerk, Trisha Nelson, at 323 West Michigan Avenue Marshall, Michigan 49068. Electronic or faxed proposals will not be accepted. The proposal must be signed by the Buyer.

The City reserves the right to accept or reject any or all bids, waive any informalities and accept the proposal which best suits the City. The City of Marshall reserves the right to take other action before a contract is signed or a purchase order is approved; even after City Council accepts or approves the bid. If you have any questions, please contact Tom Tarkiewicz, City Manager at 269-558-0315 or by email at ttarkiewicz@cityofmarshall.com.

Previous experience

IN the City

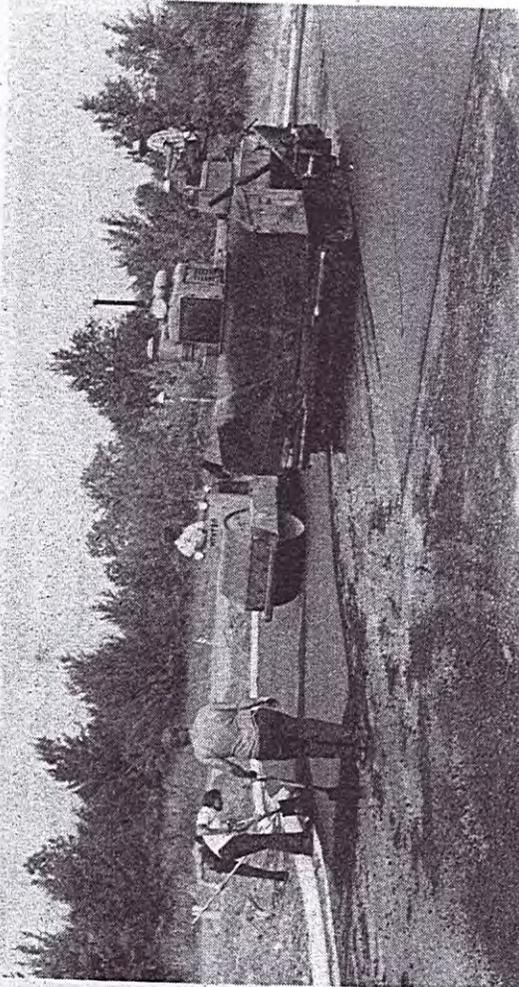
Additional Information

priced from \$19,000 to just under \$25,000.

Boley said interested individuals should be able to acquire legal title to a lot by mid-November but that arrangements can be made to hold a lot prior to that time.

Boley added that John Bidwell "would be happy to give a price" on construction of a home on one of the lots but that buyers are free to hire other builders if they wish.

For further information on the lots, persons may call Boley at 781-5126 or Bidwell at 781-3274.



Following completion of sewer and water lines and the building of curbs, blacktopping got underway at the subdivision development.

Work underway on new subdivision

A new subdivision is being developed in the northwestern part of Marshall by Frank Boley of Boley Jackson and Company, P.C., and home-builder John Bidwell.

The two are acting as partners in developing 19 lots of various sizes on Fennimore Drive, which heads west from Sherman Drive, and on Whispering Pines, which is an extension of Fennimore. Whispering Pines features a turnaround at the end of the street.

Hoffman Brothers of Battle Creek was hired as general contractor for sewer and water lines, with subcontractors hired to do the curbs and blacktopping.

The development, named "Linden Hills" subdivision number six, will offer lots

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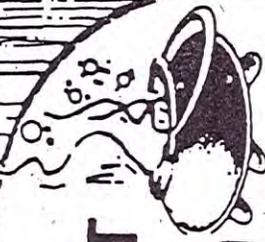
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Choice of Potato and

\$6.95

City's final census count for 1990 is 6,941

There's room for growth

By JAMES MOSES
Editor

The federal census bureau has raised the Marshall population count for 1990 from 6,891 to 6,941, an increase of 50 people.

That's still well below the city population of 7,201 for 1980. According to the 1990 census, Marshall lost 260 residents from 1980 to 1990.

City Manager Chet Travis said the census bureau probably gave Marshall credit for 12 one-family houses on the north side of North Drive West, bordering Marshall Township. City officials had determined the census bureau didn't give Marshall credit for those houses in the 1990 count, and asked for a recount.

"If you count 2.5 people per house, the 12 houses on North Drive West give Marshall another 30 people," Travis said. "But we can't be sure where the additional count came from. The recount information doesn't state where the people are."

Because couples are having fewer children, the average number of people per household is only 2.5.

City officials also had said the modern apartment houses on Arms Street may have more residents than were counted by census officials in 1990.

Travis said employment increased in Marshall during the Eighties, but more workers live outside the city limits. Rodney Lizak, community economic development director, says Interstates 94 and 69 allow people to commute to Marshall from as far as Kalamazoo, Lansing, and Jackson.

Travis said the city will continue to investigate a city income tax, so those who live outside the city limits but work in Marshall would help pay for city services, including street maintenance and police patrol. If a tax is implemented, those workers would be taxed half the amount of a city resident who works in Marshall.

"So far, it seems that the person who would get stuck (with a city income tax) is the city resident who also works in Marshall," Travis said.

"But the income tax may be necessary in the future. I'm sure it will be discussed by the city council every year at budget (approval) time."

Travis said there is plenty of room for residential housing. Marshall might have space for another 600 homes, spread among four areas:

- The O'Keefe Road area on the north-east side.

- The former Brewer farm property on the north side of town.

- Linden Hills subdivision on the north-west side.

- City-owned property bordering the L. Alta Brooks Industrial Park and Brace Lake on the south side. "This area (near the lake) may not be suitable for industrial or commercial development," Travis said.

He said a new street could be extended from the industrial park to 18 1/2 Mile Road, just north of the lake, for a residential development near the lake. Most of this city property is farmland now.

With completion of the West Drive-Industrial Road connection this summer, more property will be open to possible commercial and industrial development, Travis said. He said Conrail is expected to build a crossing gate for the connection this summer. The curb and gutter is done, and blacktop will be applied to finish the street this spring.

Marshall accountant Frank Boley and builder John Bidwell are planning a 22-lot addition in the Linden Hills area bordering Sherman Drive. Travis said the preliminary site plan for single-family houses has been sent to the planning commission for review.

In 1989, Boley and Bidwell developed 19 lots in the same area. "Most of these lots have now been purchased by various new homeowners. They, in turn, have selected a builder of their choice and have built a new home," Boley said in his letter to the city council.

Boley said the project added more than \$1 million in new assessed valuation to the city.

The next Boley and Bidwell project would have houses arranged on three new streets — Deerfield Lane extending from Sherman Drive, and two streets ending in cul-de-sacs, Brandi's Place and Winding Way. Deerfield Lane and Winding Way could be extended in the future.

The plan shows a water main connection from the existing cul-de-sac at Whispering Pines to the new cul-de-sac on Brandi's Place. This will avoid a "dead-end" water pipe, for better water circulation, Travis said.

He said the city will try to avoid "dead-end" water pipes in new developments. Sediment builds up in these pipes and discolors water pumped to homes.

Work begins on new residential subdivision

9/15/92

Development booming in northwest part of city; lots starting at \$23,000

By JAMES MOSES
Editor

Marshall utility linemen were at work, side-by-side with a road crew, in the Linden Hills Subdivision No. 7 on Monday.

The dust was thick as trucks, backhoes and bulldozers jockeyed for position along three new residential streets just west of Sherman Drive.

"They're really going today," said Frank Boley, a Marshall accountant. He and local builder John Bidwell are developing another section of the Linden Hills area on the northwest side of town.

Their first project in this area, called Linden Hills Subdivision No. 6, started in September 1989. All 19 lots have been sold and most have new houses on them, Boley said.

The new project, with 21 lots, is just to the north. One of these has been sold and another is in the "interested buyer" stage, Boley said.

"The subdivision is for the person who wants to build a house of his or her own choosing, and who wants to live inside the city limits," Boley said. He said Bidwell

built many of the houses in the first subdivision, but the lot owner may select any licensed builder.

Boley and Bidwell do review house plans, however, to make sure they are up to high standards. One requirement concerns size. A ranch-style home must be at least 1,800 square feet and a two-story house must have 2,000, Boley said.

Lot prices range between \$23,000 and \$29,000. The higher-priced lots are larger and usually sit on cul-de-sacs, Boley said. The new subdivision covers about nine acres.

On Monday, utility crews were laying underground electric service and telephone lines. Road workers were laying gravel, in preparation for paving, which Boley said should begin this week. Storm sewer, water lines and sanitary sewer have been installed.

The new east-west street connecting to Sherman Drive is called Deerfield Lane. A cul-de-sac, called Brandi's Place, is to the south of Deerfield. Another street, named Winding Way, is to the north. This street could be lengthened if another subdivision is begun, Boley said.

Real estate gamble paid off for pair

By JAMES MOSES
Editor

Marshall's housing boom was just a whisper in 1988, when John Bidwell and Frank Boley bought 70 acres of rolling land west of Sherman Drive.

They took a gamble, but the Linden Hills development paid off in return to the partners, newcomers to Marshall, more children in the schools, and a larger residential tax base.

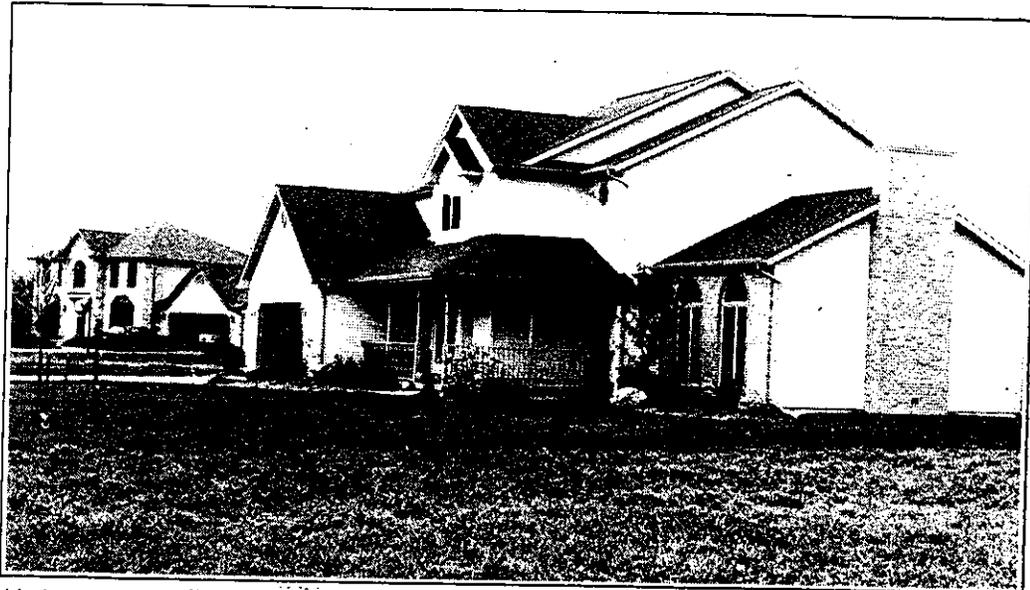
The irony is that Bidwell, a home builder, and Boley, an accountant, were almost forced to take the plunge. "There were no lots available in Marshall to build on," Boley said. "John had been building houses for years, and he has a very good reputation. He could build outside town, and he was, but he couldn't find anywhere to build inside the city limits."

Realtors and developers would sell a lot and finished house, but Bidwell was stuck if someone wanted him to build in Marshall.

Boley said Dave Sherman and Jack Twist, who had developed Sherman Drive and Wright Lane in the Sixties, offered to sell the vacant land. They called their first phases "Linden Hills," so the new partners kept the name.

Lot sales for Linden Hills No. 6 began in spring 1989 along an extension of Fennimore Street and a new drive, Whispering Pines. The first 19 lots sold at a steady pace, and Linden Hills No. 7, with another 21 lots, was laid out in 1992. New streets were Deerfield, Brandi's Place and Winding Way.

The next phase is No. 8, with 27 lots. Bidwell and Boley will extend Winding Way to West Drive, and storm drainage will flow to an existing pond. The partners have two more phases on the drawing board, with another 60 lots planned.



Linden Hills is home to bigger houses since 1989, when lot sales began. Partners John Bidwell and Frank Boley have planned larger lots for the next phase of development.

Houses have been going up like clockwork. Only four lots are still available in Linden Hills No. 7.

Larger lots in demand

Boley said lots have gotten larger since 1989 to meet demand for bigger houses. "We've actually lost two sales because our lots weren't big enough. People showed us their plans and we said, 'Whew!'" Boley said. "We saw we had to go larger."

Street frontage has progressed from 92 feet in No. 6 to 140 feet planned in No. 8. Average cost for a lot was \$22,100 for No. 6, and \$26,600 for No. 7. Selling prices have ranged from \$128,000 to \$194,000. Linden Hills is open to all builders, though Bidwell and Boley review house plans, and all Realtors.

Large lots overlooking the pond in No. 8 will be most desirable, Boley said. The back yard view will be across the clear water, into an oak woods, which will remain uncut along the

Linden Hills north border.

Buyers are attracted to Marshall because of its schools, Boley said. "We seem to get a lot of business from Battle Creek, and the people are very interested in the school district. Marshall's competition seems to be Lakeview (schools), because buyers want good opportunity for their children."

Boley reviewed a list of recent purchasers in Linden Hills No. 7. Three are employed by State Farm Insurance Cos., two by Kellogg Company and one is retired from Kellogg. One is a psychologist, another works for the Michigan Health Department, a third is a salesman for a tool company.

There's an electrical engineer who works in Kalamazoo, and retired couples who probably moved here to be close to their children, Boley said.

In total, the newcomers have 15 children — six preschoolers and nine in the Marshall schools, Boley said.

Clinton backs out of Jerusalem tour due to political tantrums

JERUSALEM (AP) — President Clinton opted out of a visit to Jerusalem's holy places Thursday after a tentatively planned tour stirred up a political ruckus between Israelis and Palestinians.

Both Palestinians and Israelis claim the city as their capital, and both insisted on being Clinton's sole escort on a walking tour of Christian, Muslim and Jewish shrines in the walled Old City.

Jerusalem's Jewish mayor, Ehud Olmert, said he was sorry the tour was scrapped, and the Palestinians claimed a diplomatic victory.

1967 Mideast war and annexed as part of its capital. The West, including the United States, does not recognize the annexation, and the Palestinians claim the Arab sector as their capital.

The Americans don't recognize the Jewish sector as Israel's capital either, and keep their embassy in Tel Aviv. But U.S. heads of state always stay in Jerusalem.

The whole issue of Jerusalem's status is so sensitive that Israel and the Palestine Liberation Organization have decided not even to discuss it until

Bolivia gears up for solar eclipse

LA PAZ, Bolivia (AP) — A solar eclipse will plunge an area from southern Peru to Brazil into darkness next week, and thousands of tourists and scientists are coming to Bolivia for a good view.

Bolivians boast the clear skies often found on the altiplano highlands in the Andes make it the perfect place for viewing

Historic Marshall

BY JOHN J. COLLINS

Marshall's Linden Hills Development Produces 23 New Single Family Homes

Marshall has long been known for its fine array of 19th Century homes. However, there are lots of contemporary homes and buildings in Marshall as well...some 1,300 of them. Many of these have been built in just the last four years when state and national statistics indicated a building slowdown.

Two of the most successful Marshall developers have been John Bidwell and Frank Boley and their Linden Hills projects. In June 1988, Bidwell and Boley bought 66 acres in the northwest quadrant of Marshall from Dave Sherman and Jack Twist.

Twist and Sherman had earlier developed Wright Lane and Sherman Drive from their Linden Hills property. Bidwell and Boley immediately started developing lots west of Sherman Drive and north of Verona Road.

The first of these was designated Linden Hills No. 6 and contained 19 lots. The developers, of course, prepare the property as a building site, provide city services and hook-ups, curb and gutter and paved roads.

"We've also made a determined effort to save major trees on the property," says Boley. "This gives the development a more mature look while providing the buyer an additional amenity."

The property is part of parcels said to have once been owned by famed New York historical novelist James Fenimore Cooper. Thus the first three streets were named James, Fennimore, and Cooper in his honor.

However, one of the rules of putting things on paper is that artists and planners are not great spellers. Thus it was when the first site plan came to the city planning commission, the streets were James, Fennimore and *Copper!*

The error was quickly corrected and forgotten. It still, however, made a great story to tell the members of the Cooperstown (N.Y.) Rotary Club at Cooper's ancestral home while also visiting the baseball museum.

All of the lots were sold quickly and there were buildings on them by November, 1992. Development of Linden Hills No. 7 started in June, 1992. Two houses were completed in late 1992 and two more are ready to go up this spring.

Linden Hills No. 7 has 21 building sites complete with all underground utilities such as electric, telephone, natural gas, and cable TV. All of the lots are being sold as residential building sites. The lots are subject to a

resale option which provides a first option to repurchase vacant lots before allowing them to be sold to a third party.

Each of the lots is approximately 4/10's of an acre and has an average frontage of 120 feet.

"We're particularly pleased with the location," says Bidwell. "Our development has easy access to the Marshall business district, as well as the I-69 and I-94 interstates. But they're still quiet lots, isolated from highway noise and traffic."

Bidwell has been a home builder for more than 30 years and either he or members of his family built most of the structures in Linden Hills No. 6. His partner Boley is a certified public accountant who handles the business end of the development.

The Linden Hills development still has a potential of 92 additional building sites, so Boley and Bidwell have plenty of space for additional single family housing in addition to the 40 that have been developed.

Shortly before the purchase of the land another developer and his attorney told a planning commission public hearing that there would never be another single family dwelling built in Marshall.

When asked if this statement had

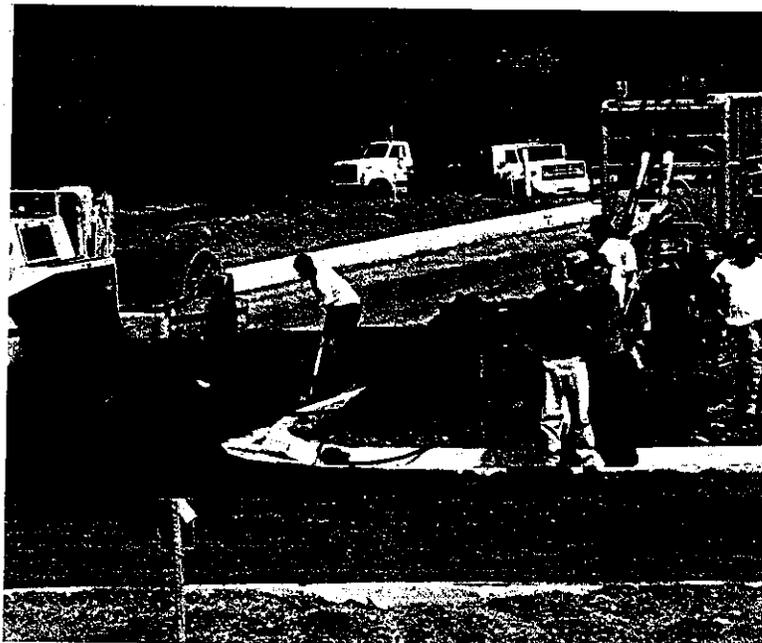
bothered him, Bidwell said, "No, not at all. I knew I already had five or six customers who wanted me to build homes as soon as suitable sites were available."

All of which indicates that there is room in Marshall for new home construction as well as historic 19th Century homes.

Marshall Musings... It's good to hear that Channel 3, WWMT-TV of Kalamazoo, is bringing its "Our Town" promotion back to Marshall the week of April 12. The first "Our Town" series was held in Marshall in June, 1989, and has since become the station's most popular and long-running regional promotion.

"As soon as we started showing the Marshall programming we started getting invitations from all over our West Michigan viewing area," says Station Manager Gil Bittner. "Marshall got us off to a fine start so we're happy to be cycling back to the 'City of Hospitality'."

The very active Marshall Area Garden Club has a guest speaker coming to town on Tuesday, April 27. She's Janet Macunowich of Waterford and her subject is "Ready, Set, Grow Perennials!" The program will be held at the B.E. Henry Building starting at 7:00



Construction vehicles prepare curb and gutters for road installation at Linden Hills development.

activities was in. Those cuts

Township: Karen Shilling, R-Homer and Byron McDonald, I-Battle Creek. All board

department of public works to be merged with the road commission. He felt the DPW

administrator will be the county's chief fiscal and administrative officer, a job the end of January.

all city officials look d to challenges in 1993

critical if Marshall is to stay on the cutting edge, in maintaining and expanding its

north of Marshall. The 62-acre site is now part of the city because of a Public Act 425 agreement, allowing Marshall to serve the new office building with city water, sewer and electricity.



"I think the highlight, as far as municipal government is concerned, is that the city and Marshall Township were able to sit down and negotiate the land transfer (the Act 425 agreement)," Evans said. "Having a cooperative relationship made a positive statement to State Farm."

Evans also said the Local Development Finance Authority, formed just this year, will enhance the L. Alta Brooks Industrial Park. The LDFA successfully petitioned the city council to add land to the park, then established the authority to finance extending utilities — to be ready if a new industry comes knocking.

"You need to have all the infrastructure. When you have a place to build a plant, it makes the park a lot easier to market," Evans said.

He said the city-owned Brooks Field airport is a good neighbor for the industrial park. Airports are directly linked to industrial development, Evans said.

In addition, the new Industrial Road-West Drive bypass is a convenient truck

in 1992. Administration took it beyond the all Forward with ability to other is, and civic

b. The plan tments and ity Manager community r, and Marin

ann and ec. 14. The tory Council

o serve as groups. ll Forward number of ity," Evans ht (on April project was

zed at the s about 250 iders were

Forward is

industrial, commercial and residential base," Evans said.

He said State Farm Insurance Companies' decision to stay in Marshall was a compliment to the town. "State Farm is an outstanding corporate citizen and that firm's commitment to stay in Marshall has significance beyond what I can explain," Evans said.

"If Marshall had lost such a major corporate citizen, I'm not sure if anyone can fully appreciate what that would have done to our local economy."

Within the next eight years, State Farm plans to build a new regional office just



City manager Maunce Evans stands next to a home under construction in the city's Linden Hills residential development.

route, Evans said. "We've received Linden Hills area houses, and Marshall has compliments. The industrial community is pleased to have it available," Evans said.

The city council remains committed to reducing millage and electric rates in 1993, and it will begin an expensive street repair program next year, Evans said.

He pointed out that residential development continues, with the new Evans said.

Marshall

Chronicle

Thursday March 21, 1996
Since 1879

35 Cents

Home Delivery
25¢

Oaklawn Hospital Board elects Lucy Franke, Jim Brasseur, and Brad Haines as new officers

The Oaklawn Hospital Board of Directors recently elected new officers to serve two-year terms, ending in January, 1998.

Lucy Frank, a six-year member of the Oaklawn Board who recently completed a term as vice president under outgoing president Rosemary Davis, was named president.

A graduate of the University of Wisconsin, Franke is involved in numerous activities in the community, including two terms on the Oaklawn Hospital Development Council and as chair of that group in 1995.

She has also served as Co-chair of the Home Tour and as President of the Marshall Historical Society.

Franke has been involved in Marshall Forward, and the Local Development Finance Authority since it's inception.

She and her husband, Thomas, have a blended family of eight grown children

Jim Brasseur, a seven-year member of the Oaklawn Board of Directors, has been elected vice-president. He formerly served as secretary - treasurer on the Oaklawn Board.

Brasseur, owner of McDonald's of Calhoun County and McDonald's of Jackson County, attended Eastern Michigan University and Wayne State University.

A member of the Albion

College Board of Trustees, Brasseur is also active in the St. Phillip's Church in Battle Creek. He and his wife, Pat, have two children.

Brad Haines, who was elected to the board in 1995, was named as secretary-treasurer. Haines holds a Bachelor's and Master's degree from Michigan State University and serves as an assistant superintendent for Business in the Marshall Public Schools. He has served as the chairman of the Marshall Area Chamber of Commerce and the Marshall Economic Development Advisory Council.

Haines and his wife, Kathy, have two children.

Support for - 'business experience of the proposer'

I have built 4 subdivisions. You will find they are of very high quality work. I have never made an agreement with the City and not followed through.

This agreement was made in 1996. That's 20 years ago. The road was never connected. The City just let it go. I don't believe it was ever intended to happen.

City Council approves new phase in development

By BRODIE H. BROCKIE
Chronicle Staff Writer

The Marshall City Council met Monday at City Hall where the council approved growth in two local development projects.

The Preliminary Plat for Phase II of the Pristanchia development was approved.

Phase II will consist of 20 additional lots located north of Wright Lane and east of Ventura Way.

On March 13, the City of Marshall Planning Commission held a public hearing to receive comments regarding the Preliminary Plat and determined that it conformed substantially to the Preliminary Plat (stage one).

The council also approved a new agreement between the City of Marshall and Calhoun Development Company for the first phase of the Pristanchia development project. 57

The new agreement adds the requirement that an emergency access road must be constructed extending Ventura Way to Linden Street and then made into a permanent public street by July 1, 2001.

The Second Stage Preliminary Plat for Linden Hills was also approved by the council.

The plat consists of 30 lots located west of Sherman Drive and east of West Drive.

Don Comp launches bill to...

Support for - 'business experience (Honesty and integrity) of the proposer"

I have built 4 subdivisions. You will find they are all of very high quality work. I believe I have always paid for the installation of all utilities and street lights.

In this story, the City of Marshall was charged \$56,556 for decorative light poles for other subdivisions. (Wow!) The records will show that I never asked the City for special grants like this.

present, cosponsors with per check of 5 checks for \$20.

6/5/94

City council meeting held Monday

By **BRODIE H. BROCKIE**
Chronicle Staff Writer

Marshall's City Council held their regular meeting Monday where they took action on several items.

A presentation was made by Matt Isaacs of Boy Scout Troop #337. Isaacs explained to the council his plan to retire several U.S. flags at Oak Ridge Cemetery on Flag Day (June 14). The flags would be burned and then placed in a designated plot to be decorated with a plaque.

Isaacs expressed his desire to give flags a proper place of disposal so they don't end up in a landfill. He also explained that he is seeking donations to pay for the plaque.

Councilmember Rodney Lizak moved that the council support the project and donate \$100. The motion passed unanimously.

When asked by Councilmember Kathy Tarr, Isaacs explained that any additional

donations could be sent to:

Boy Scout Troop #337
c/o David and Jenny Isaacs
331 N. Division
Marshall, MI 49068

The council took action on an item tabled from the previous City Council Meeting. The item was a request from Ann Adams, Director of Administrative Services and Maurice Evans, City Manager, that the pay grade structure for non union employees be increased by 4.58%, quartile through maximum. The request was supported with a unanimous decision.

The Council voted to purchase decorative light poles from Reed City Power Supply for the Looking Glass and Norfolk Developments at the cost of \$56,556. The Council also voted to approve the purchase of a Ford vehicle through Campus Ford for \$19,547, to be used as a patrol car.

Approval for the Police Department's Sergeant's Contract was granted by the Council. Also

approved was a change in retirement benefits for Fire Fighters from B-3 to a B-4 effective July 1 of this year.

All items in the Consent Agenda were passed with a single unanimous vote. Items on the Consent Agenda were: the sale of Lot 18 in Industrial Park to Advanced Fuel Components for \$3,000; the transfer of stock in 1996 Class C-SDM licensed business (Kelly's Pub, 405 W. Pearl); the setting of a public hearing on Monday, June 17 at 7 p.m. to receive comments concerning budget adjustments; approval of a request from Apostolic Christian Fellowship to use Carver Park for a Youth Rally on Saturday, June 15 from 6 p.m. to 9 p.m.; approval of the minutes from the Monday, May 30 meeting; approval of regular city bills (\$133,841.11); and the sale of the McNary House located at 832 East Michigan Avenue.



ADMINISTRATIVE REPORT
November 21, 2016 - CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: Michael Hackworth, Dept. of Public Works
Kristin Bauer, Director of Public Services
Tom Tarkiewicz, City Manager

SUBJECT: Agreement to Discontinue Joint Operations with Calhoun County of the Community Compost Center.

BACKGROUND: In 2015 an agreement was reached regarding Joint Operations at the Community Compost Center at 19646 Division Dr. This agreement stipulated that the county would contribute \$12,000/yr. and the city would operate the site on the county's property. Historically the operational costs for this site average approximately \$45,000/yr. It has been determined that the city could operate a compost site for city residents only at reduced hours and costs on a site adjacent to the Department of Public Works garage. We are anticipating a savings of \$15,000/yr. to the City's General Fund budget.

Attached is the agreement between Calhoun County and the City of Marshall that, due to budget constraints, the future interests of both parties are best served by closing the compost site at 19646 Division Drive, Marshall. Further information will follow regarding future composting operations for city residents.

RECOMMENDATION: To authorize the City Manager and Staff to enter into an agreement with Calhoun County to close the Community Compost Center immediately and proceed with closure operations (material processing) over a period not to exceed three (3) years and share the costs equally between the City and County for this closure.

FISCAL EFFECTS: An annual savings of \$15,000 (less closing costs) to the General Fund. The full \$15,000 savings will begin in FY21 There will also be a savings in fuel costs by having the Compost Center in town.

CITY GOAL CLASSIFICATION:

GOAL AREA 2. QUALITY OF LIFE

Goal Statement: To achieve and sustain a concentrated effort to promote a vibrant community atmosphere in the Marshall area.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Kristin Bauer
Director of Public Services

Michael Hackworth
DPW Superintendent

Tom Tarkiewicz
City Manager

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Marshall, MI 49068

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cityofmarshall.com

MEMORANDUM

TO: SARAH KELLY
FROM: MIKE HACKWORTH
SUBJECT: COMPOST CLOSURE
DATE: 11/02/16
CC:

The City of Marshall agrees to work in good faith with Calhoun County and the Solid Waste Coordinator to close the Compost Center at 19646 Division Drive, Marshall, MI.

All operations and expenditures will be agreed to by each party prior to their execution when practical and all costs, including labor, equipment, advertising, and all other relevant costs will be shared equally by each party. Management and administrative costs will not be included in the cost sharing agreement.

It is the understanding that Calhoun County will renew the Community Compost Center's registration in March of 2017. That registration will be valid until March 2020. Both parties agree that it may take up to three (3) years to close the site.

**STATEMENT OF AGREEMENT BY THE CITY OF MARSHALL
AND CALHOUN COUNTY**

"It is the agreement of Calhoun County and the City of Marshall that due to budget constraints the future interests of both parties are best served by closing the compost site at 19646 Division Drive, Marshall. Further information will follow from each organization concerning future composting operations"

Operation of Compost Site after 11/19 Closure

- No raw materials will be allowed into the compost site after 11/19/16 by the public or any agency. City of Marshall crews will process the existing raw brush and leaves as quickly as possible but no later than April 1, 2017 to establish a baseline of zero unprocessed material onsite. Any additional unprocessed material left at the site will not be subject to the terms of this agreement.
- City will turn windrows monthly to aid in composting from April to October.
- City will screen windrows with rented trommel as early as weather allows to provide as much screened compost material as possible annually.

- The Solid Waste Coordinator will be contacted when operations are ongoing by the City at the Center.
- City and Calhoun County will share 50/50 in the cost of the compost closure operation. An open accounting of labor, equipment and other any costs will be provided to the Solid Waste Coordinator by January 31st of each year. When the parties have agreed on the accounting of labor, equipment, and costs, an invoice will be submitted to Calhoun County by the City of Marshall for fifty percent (50%) of those costs.
- Locks and keys to the site will be shared by the City of Marshall, the Solid Waste Coordinator, and the Calhoun County Road Department.
- Operations will continue at equally shared cost for three (3) years ending March 2020 or until the parties agree that the compost site is closed.

Removal of Materials from Compost Site

- The City will haul and stockpile as much screened compost as they can to their yard for future use.
- Both parties will work together to find commercial outlets for screened compost and wood chips. There will be no charge for materials. Loading will be done by appointment by the City, trucking to be done by the receiving party.
- “Free Compost Days” will be advertised to the general public if both parties agree there is a need to do so. This is the only time the general public will be allowed access to the closed site.
- This will continue for three (3) years ending March 2020 or until the compost center can be officially closed.

Notification of Interested Parties

- Starting November 25, 2016 the “Statement of Agreement” notice of the closing of the compost site will be placed in the Marshall Advisor, Battle Creek Shopper, and Albion Morning Star to run two consecutive weeks. Closure notices will again be posted to the above outlets in March 2017. Concurrent postings can be made to all relevant social media sites or other outlets as determined by each party.
- The “Statement of Agreement” on page one will be mailed to landscape and tree service companies in Calhoun County to assist them in future planning.
- The City of Marshall alone will determine the timing for notification of its citizens as to the availability of a compost site for its residents.



ADMINISTRATIVE REPORT
November 21, 2016 - CITY COUNCIL MEETING

TO: Honorable Mayor and City Council
FROM: Tom Tarkiewicz, City Manager
SUBJECT: Fair Labor Standards Act – 2016 Overtime Rule

BACKGROUND: In 2014, President Obama directed the Secretary of Labor to update the overtime regulations to reflect the original intent of the Fair Labor Standards Act, and to simplify and modernize the rules so they're easier for workers and businesses to understand and apply. The department has issued a final rule that will put more money in the pockets of middle class workers – or give them more free time.

The final rule will:

- Raise the salary threshold indicating eligibility from \$455/week to \$913 (\$47,476 per year), ensuring protections to 4.2 million workers.
- Automatically update the salary threshold every three years, based on wage growth over time, increasing predictability.
- Strengthen overtime protections for salaried workers already entitled to overtime.
- Provide greater clarity for workers and employers.

The final rule will become effective on December 1, 2016. The final rule does not make any changes to the duties test for executive, administrative and professional employees.

This rule affects four salaried City employees:

City Clerk	\$45,497
HR Coordinator	\$47,440
DART Manager	\$45,483
City Treasurer	\$44,930

Since the City Treasurer was promoted to his position in April of 2016, it is recommended he would become an hourly employee until his one year anniversary, at which time, he will be given supervisory responsibilities and a pay adjustment.

There are three options:

Option A – Pay overtime to these three individuals and make them hourly employees. We estimated their overtime and the estimated wages would be:

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City Clerk	$\$45,497 + \$2,756 = \$48,253$
HR Coordinator	$\$47,440 + \$ 821 = \$48,261$
DART Manager	$\$45,483 + \$3,148 = \$48,631$

Estimated wage cost increase = \$6,725

Option B – Increase salary over the \$47,476 level and maintain their salaried classification. Since there is a \$1,943 difference between the City Clerk and HR Coordinator, it is proposed to keep the same differential.

City Clerk	$\$45,497 + \$2,003 = \$47,500$
HR Coordinator	$\$47,440 + \$2,003 = \$49,443$
DART Manager	$\$45,483 + \$2,017 = \$47,500$

Total wage cost increase = \$6,023

Option C - Reduce the salary by an amount close to what their estimated overtime might be and make them hourly employees. We have estimated their overtime and the wage decrease would be:

City Clerk	$\$45,497 - \$2,756 = \$42,741$
HR Coordinator	$\$47,440 - \$ 821 = \$46,619$
DART Manager	$\$45,483 - \$3,148 = \$42,335$

My recommendation is Option B. The three employees desire to be salaried employees instead of hourly employees. It is appropriate to have these positions as salaried and gives more flexibility to perform their duties. The overtime work is needed in their respective departments.

RECOMMENDATION: It is recommended that the City Council approve the salary of the City Clerk to be \$47,500, the Human Resources Coordinator to be \$49,443, and the Dial-A-Ride Manager to be \$47,500.

FISCAL EFFECTS: General Fund overall expenditures will increase by approximately \$3,525 and DART expenditures will increase by approximately \$1,180 for FY17. These increases were not budgeted in FY17

ALTERNATIVES: As suggested by Council.

Respectfully submitted,



Tom Tarkiewicz
City Manager



ADMINISTRATIVE REPORT
November 21, 2016 – City Council Meeting

REPORT TO: Honorable Mayor and Council Members
FROM: Tom Tarkiewicz, City Manager
SUBJECT: Calhoun County Consolidated Dispatch Authority Board Appointment

BACKGROUND: The City currently has a Director (representative) on the CCCDA Governing Board of Directors whose term is set to expire at year's end. Formal appointments are necessary for these Director positions for a term of two (2) years starting January 1, 2017 thru December 31, 2018. Directors are eligible for reappointment at the request of the governmental unit originally appointing him/her; term limits do not apply. If a vacancy occurs during mid-term, the vacancy shall be filled by the governmental unit or entity by appointing another Director for the remainder of the original term. .

RECOMMENDATION: It is recommended that the Council appoint a representative to the Calhoun County Consolidated Dispatch Authority Board for a term of January 1, 2017 to December 31, 2018.

FISCAL EFFECTS: None

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Tom Tarkiewicz
City Manager

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