

CALL TO ORDER

IN REGULAR SESSION Monday, March 20, 2017 at 7:00 P.M. in the Council Chambers of Town Hall, 323 West Michigan Avenue, Marshall, MI, the Marshall City Council was called to order by Mayor Reed.

ROLL CALL

Roll was called:

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

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: Council Members: Metzger.

Moved Williams, supported McNeil, to excuse Council Member Metzger. On a voice vote – **MOTION CARRIED.**

INVOCATION/PLEDGE OF ALLEGIANCE

Jon Gerten of Family Bible Church gave the invocation and Mayor Reed led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Schurig, supported Williams, to approve the agenda with the addition of item 8A. Garden Club Presentation. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

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

- A. Scheduled a public hearing for Monday, April 17, 2017 to hear public comment on Zoning Amendment Application #RZ17.01 to rezone 924 West Hanover Street from I-1 (Research and Technical District) to B-4 (Regional Commercial District);
- B. Received the FY 2017 and 2018 Administrative Chain of Command Appointments;
- C. Minutes of the City Council Regular Session held on Tuesday, February 21, 2017 and Special Session and Work Session held on Saturday, March 11, 2017;
- D. Approve city bills in the amount of \$ 1,252,089.54.

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

PRESENTATIONS AND RECOGNITION

A. Garden Club Presentation:

Natalie Rector of the Garden Club announced the beautification of the traffic island between McDonald's and Applebee's on Michigan Avenue after 20 years.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Fiber to the Premises Project:

Director of Electric Utility Ed Rice provided the history of the Fiber to the Premises project. The project came about in 2015 when high speed internet was identified as one of the goals in the 5-year Strategic Plan.

Mayor Reed opened the public hearing to hear public comment on the proposed Fiber to the Premises project. All questions will be answered at the end of the comment period.

Carl Gibson of 323 Westbrook Court inquired of how far the fiber project will extend, what the cost will be for users, and stated his appreciation for the project.

Richard Lindsey stated this project is an example of good things that can happen for a community through conversations. It is an exciting project for economic development and moving the City forward. He stated the LDFA unanimously supported the project and commended the City Council for the support of the project.

Kathy Miller of 540 Cosmopolitan commented that the project is the wave of the future and is very excited for this opportunity for the City.

David Hoskins of 325 S. Hamilton Street inquired of how the project will affect private internet providers, where the funding for the project is coming from, and asked for clarification on the competitive quote process.

Dennis Gorsline of 600 N. Madison Street stated he reviewed the Cost Benefit Analysis and feels it was very comprehensive and the rates are very conservative. He inquired of what the profits can be used for and was appreciative of the month by month service.

Matt Robinson of 419 N. Kalamazoo inquired of the tiers of service and the pricing. He stated he is looking forward to having this opportunity for residents.

Council Member Michael McNeil read a prepared statement submitted by resident, Scott Wolfersberger. **(ATTACHMENT A).**

Hearing no further comment, the public hearing was closed.

Director of Electric Utility Ed Rice, Director of Finance Jon Bartlett, Electric Engineer Joe Smith, President of Aspen Wireless James Selby, and Operation Manager at Aspen Wireless Erik Laitala came forward to answer all questions presented by the public and City Council.

MOTION #1

Moved Williams, supported McNeil, to accept, as published, the Fiber to the Premises Cost Benefit Analysis and the associated Accountants' (Baker Tilly) Report on the Cost Benefit Analysis. On a roll call vote – ayes: Costa, McNeil, Mayor Reed, Schurig, Williams, and Caron; nays: none. **MOTION CARRIED.**

MOTION #2

Moved McNeil, supported Williams, to approve the resolution for authorizing the construction and provisioning of the Fiber to the Premises Project. On a roll call vote – ayes: Schurig, Williams, Caron, Costa, McNeil, and Mayor Reed; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2017-04**

**RESOLUTION AUTHORIZING THE CONSTRUCTION AND PROVIDING OF
TELECOMMUNICATION SERVICE THROUGH THE FIBER TO THE PREMISE
PROJECT PURSUANT TO AND INACCORDANCE WITH THE PROVISIONS OF ACT
48 OF THE PUBLIC ACTS OF THE STATE OF MICHIGAN OF 2002, AS AMENDED**

At a regular meeting of the City Council of the City of Marshall, Michigan, held in the Council Chambers, Town Hall located at 323 W. Michigan Avenue, Marshall, Michigan, on the 20th day of March, 2017 at 7 p.m.

PRESENT: Caron, Costa, McNeil, Mayor Reed, Schurig, and Williams.

ABSENT: Metzger

MOTION BY: Council Member McNeil

SUPPORTED BY: Council Member Williams

WHEREAS, on May 18, 2015 and January 19, 2016, the City Council of the City of Marshall approved the expenditure of funds for the purpose for analyzing and

determining the feasibility of the proposed Fiber to the Premise (FTTP) project for the City of Marshall; and

WHEREAS, the purpose of the FTTP project is to provide reliable ultra-high speed fiber internet connection availability to all city residents and businesses at a reasonable cost; and

WHEREAS, the City Council of the City of Marshall has identified ultra-high speed fiber internet connection availability to all city residents and businesses as an objective which promotes economic development, quality of life, housing development, city infrastructure, and otherwise furthers the major goals of the city's strategic plan; and

WHEREAS, the City Council of the City of Marshall recognizes that ultra-high speed fiber internet connection service is included within the definition of telecommunication service under Act 48 of the State of Michigan of 2002, as amended (METRO Act) and that the city has met the requirements of the METRO Act as required by Resolution #2016-10 adopted at a regular meeting the City Council of the City of Marshall, Michigan on the 4th day of April, 2016 at 7:00pm.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marshall approves the construction of an ultra-high speed fiber optic internet connection availability for all city residents and businesses.

BE IT FURTHER RESOLVED that should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.

AYES: Schurig, Williams, Caron, Costa, McNeil, and Mayor Reed

NAYES: None.

ABSTAINED: None.

This Resolution shall take effect upon adoption.
Dated March 20, 2017

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 a resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on March 20, 2017 and that said meeting was conducted and that the minutes of said meeting were kept and will be or have been made available.

Trisha Nelson, City Clerk

MOTION #3

Moved Schurig, supported Caron, to adopt the proposed FY2017 budget for the Fiber to the Premises Fund 570. On a roll call vote – ayes: McNeil, Mayor Reed, Schurig, Williams, Caron, and Costa; nays: none. **MOTION CARRIED.**

MOTION #4

Moved McNeil, supported Williams, to approve the first inter-fund loan/advance to the Fiber to the Premises Fund 570 in an amount of \$1,000,000 from the LDFA and \$1,500,000 from the Electric & General Fund bearing interest of 2% per year. On a roll call vote – ayes: Williams, Caron, Costa, McNeil, Mayor Reed, and Schurig; nays: none. **MOTION CARRIED.**

MOTION #5

Moved Williams, supported Caron, to approve the expediting of the new Marshall FiberNet Project and waive the competitive bid policy by retaining Aspen Wireless, Inc. on a lump sum basis not to exceed \$400,000 for engineering and construction services related to the new FiberNet project. On a roll call vote – ayes: Costa, McNeil, Mayor Reed, Schurig, Williams, and Caron; nays: none. **MOTION CARRIED.**

MOTION #6

Moved Williams, supported McNeil, to approve the proposed salary for the Manager of FiberNet Technology at \$55,000 and the Manager of FiberNet Marketing/Customer Service at \$50,000-\$55,000. On a roll call vote – ayes: Caron, Costa, McNeil, Mayor Reed, Schurig, and Williams; nays: none. **MOTION CARRIED.**

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Reconstruction of Arms Street:

Moved Williams, supported Schurig, to approve the bid for reconstruction of Arms Street from Hunter-Prell Co of Battle Creek, MI in the amount of \$239,297.00 with a contingency amount of \$10,703.00 for a total of \$250,000.00 and to authorize the City Clerk to sign the contract. It is also recommended the City Council approve a

budget adjustment increasing the Motor Vehicle Highway (MVH) – Local Capital Outlay account 203-900-970.00 by \$80,000.00. On a roll call vote – ayes: McNeil, Mayor Reed, Schurig, Williams, Caron and Costa; nays: none. **MOTION CARRIED.**

B. Marshall House Parking Lot Paving:

Moved Williams, supported McNeil, to approve the bid for the paving of the Marshall House parking lot from Thompson Construction Company, LLC of Coldwater, MI in the amount of \$83,695.00 with a contingency amount of \$4,305.00 for a total of \$88,000.00. On a roll call vote – ayes: Schurig, Williams, Caron, Costa, McNeil, and Mayor Reed; nays: none. **MOTION CARRIED.**

C. Shearman Park Pavilion:

Moved McNeil, supported Williams, to approve the quote from Fifthroom.com of Gibsonia, PA in the amount of \$24,999.00 for the purchase of a pavilion structure to be installed at Shearman Park. On a roll call vote – ayes: Caron, Costa, McNeil, Mayor Reed, Schurig, and Williams; nays: none. **MOTION CARRIED.**

D. Asset Management Plan:

Moved Williams, supported Schurig, to approve the quote from Stantec Engineering for Asset Inventory at the Water Treatment Plant in an amount not to exceed \$12,500. On a roll call vote – ayes: Costa, McNeil, Mayor Reed, Schurig, Williams, and Caron; nays: none. **MOTION CARRIED.**

E. Additional Engineering Services – Bridge Replacement on S. Marshall Avenue Bridge over the Kalamazoo River:

Moved Williams, supported Schurig, to approve the additional fees from DLZ Michigan, Inc. of Lansing, MI for additional Professional Engineering Services for the Bridge Replacement on S. Marshall Avenue in an amount not to exceed \$35,382.04 and to approve a budget amendment increasing Major Streets Capital Outlay budget 202-900-970.00 by the same amount. On a roll call vote – ayes: McNeil, Mayor Reed, Schurig, Williams, Caron, and Costa; nays: none. **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Kathy Miller of 540 Cosmpolitan spoke regarding the Grand Street park and offered thanks for the hard of everyone involved.

Richard Lindsey spoke regarding the Senior Center and the signing of the lease.

Kathleen Oerther, business owner, spoke regarding an event she will be holding on July 22nd, a bed race and wait staff race.

COUNCIL AND MANAGER COMMUNICATIONS

ADJOURNMENT

The meeting was adjourned at 8:56 p.m.

Jack Reed, Mayor

Trisha Nelson, City Clerk