

CALL TO ORDER

IN REGULAR SESSION Monday, October 18, 2010 at 7:00 P.M. in Council Chambers of Town Hall, 323 West Michigan Avenue, Marshall, MI, the Marshall City Council was called to order by Mayor Smith.

ROLL CALL

Roll was called:

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

Also Present: City Manager Tarkiewicz

Absent: None.

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

INVOCATION/PLEDGE OF ALLEGIANCE

Scott Loughrige of Cross Roads Church and Ministries gave the Invocation and Mayor Smith led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Dyer, supported Miller, to approve the agenda with the addition of Item 12A Airport and Planning Commission Appointments, Work Session minutes from October 19, 2010, and the Michigan South Central Power Agency Invoice for a new bill total of \$1,220,390.51. On a voice vote: **MOTION CARRIED.**

Moved Dyer, supported Miller, to add as item 9B Discussion of 911 funding alternatives. On a voice vote: **MOTION CARRIED.**

PRESENTATIONS AND RECOGNITION

Ken Jendryka, Chairman of the Hospital/Neighborhood Committee provided an update on the progress and findings of the committee thus far.

INFORMATIONAL ITEMS

City Manager Tarkiewicz informed Council that Fishbeck provided the cost to investigate the storm sewer problem at the intersection of Allen Road and O'Keefe and that cost is \$3,000.

PUBLIC COMMENT ON AGENDA ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Public Hearing – Revisions to Chapter 98: Airport and Aircraft:

Mayor Smith opened the public hearing to hear public input regarding the revisions to Chapter 98: Airport and Aircraft.

City Manager Tarkiewicz provided a recap of the proposed revisions to the ordinance.

Hearing no further comment the hearing was closed.

Moved Miller, supported Metzger, to approve the changes to Ch. 98: Airport and Aircraft of the Marshall City Code. On a roll call vote – ayes: Dyer, Mankerian, Metzger, Miller, Mayor Smith, Traver, and Williams; nays: none. **MOTION CARRIED.**

B. 911 Funding Alternatives:

Council Member Williams provided an explanation of the procedure for the decision of the funding options. The council was provided with four funding options at the special council meeting with the City of Albion from the Dispatch Advisory Board. Those four funding options are:

1. Formula based on population and calls for service
2. Based on calls for service only
3. Weighted call for service-based on percentages of police, fire, ambulance calls.
4. Funding exclusively through telephone surcharge

Council discussed these funding options and reasons behind their preferences. Consensus was to rule out option #1 and #4. The differences between options #2 and #3 are small. There is no significant difference that stands out and the funding to be required from the municipalities is within a few dollars of each other. Also, the individual townships that were non-contributors in the past would feel the least hardship from these options. Council consensus was to support option #2 Straight call for service funding method. This method is most practical and is based on the actual calls for service from each entity.

Moved Dyer, supported Metzger, to adopt a resolution to support funding option #2: Straight calls for service to be submitted to the Calhoun County Consolidated Dispatch Authority. On a roll call vote – ayes: Mankerian, Metzger, Miller, Mayor Smith, Traver, Williams, and Dyer; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN
RESOLUTION #2010-28

WHEREAS the Calhoun County Consolidated Dispatch Authority Board (CCFDA) is looking for a long term plan that is fundamentally fair to all residents of the County and the local governmental units to fund the Central Dispatch Center;

WHEREAS the CCFDA provided four different funding alternatives to the local governmental units;

WHEREAS the Marshall City Council discussed these funding alternatives at the Regular City Council Meeting on October 18, 2010;

THEREFORE BE IT RESOLVED that the Marshall City Council hereby resolves to support Option #2: Call for Service Fee for funding the future of the Calhoun County Consolidated Dispatch Authority.

Sandra Bird, Clerk-Treasurer

I, Sandra Bird, being duly sworn as the Clerk-Treasurer for the City of Marshall, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on October 18, 2010 and that said meeting was conducted and that the minutes of said meeting were kept and will be or have been made available.

Sandra Bird, Clerk-Treasurer

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. AMP Solar Power Supply Agreement:

Moved Dyer, supported Williams, to adopt the supplement to the Power Sales Agreement with AMP for 1.360 kW of solar energy. On a roll call vote – ayes: Dyer, Mankerian, Metzger, Miller, Mayor Smith, Traver, and Williams; nays: none. **MOTION CARRIED.**

Moved Dyer, supported Williams, to amend the resolution by removing the final sentence of Section 1. On a voice vote: **MOTION CARRIED.**

RESOLUTION APPROVING STANDARD SOLAR ENERGY SCHEDULE AND
SUPPLEMENT THERETO
AND OTHER MATTERS

City of Marshall
County of Calhoun, State of Michigan
RESOLUTION #2010-26

Minutes of a regular meeting of the City Council of the City of Marshall, County of Calhoun, State of Michigan held on the 18th day of October, 2010, at 7:00 o'clock, p.m., Eastern Time.

PRESENT: Members Dyer, Mankerian, Metzger, Miller, Mayor Smith, Traver, and Williams.

ABSENT: None.

The following preamble and resolution were offered by Member Dyer and supported by Member Williams:

WHEREAS, the City of Marshall (the "City") owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers; and

WHEREAS, the City is a member of the Michigan South Central Power Agency (the "Agency"); and

WHEREAS, the City is also a member of American Municipal Power, Inc, ("AMP") (formerly American Municipal Power-Ohio, Inc.); and

WHEREAS, the City and the Agency have agreements in place under which the Agency is to supply to the City and the City is to purchase from the Agency, all bulk power needs of the City related to its municipal electric utility system; and

WHEREAS, the City and the Agency, and the Agency's other member municipalities (the "Agency Members"), acting individually and, along with other municipalities which own and operate electric utility systems, jointly, endeavor to arrange for reliable, reasonably priced supplies of electric power and energy for ultimate delivery to their customers; and

WHEREAS, AMP is an Ohio nonprofit corporation, organized to own and operate facilities, or to provide otherwise, for the generation, transmission or distribution of electric power and energy, or any combination thereof, and to furnish technical services on a cooperative, nonprofit basis, for the mutual benefit of its members, such members, including the City, being political subdivisions that operate municipal electric utility systems in Ohio, Michigan, Pennsylvania,

Virginia and West Virginia; and

WHEREAS, the Agency, each of the Agency Members and AMP have entered into a separate Master Services Agreement (each an "MSA") under which certain services may be provided, pursuant to Schedules entered into between the Agency, an Agency Member and AMP; and

WHEREAS, the Agency and the City have determined that they can utilize additional sources of reliable and environmentally sound "green" electric capacity and energy on a long term basis at reasonable costs, and have requested that AMP arrange for the same; and

WHEREAS, in furtherance of this purpose, AMP and Standard Energy, LLC ("Standard"), have entered into an agreement under the terms of which AMP is to purchase and Standard is to supply and sell up to 300 MW of capacity and associated energy from Solar Energy Systems ("Solar") from solar facilities to be constructed and connected to AMP Member electric utility systems ("Solar Facilities") for a period of thirty (30) years; and

WHEREAS, the City, through the Agency, now has the right, but not the obligation, to acquire solar capacity and energy from Solar Facilities by approval and execution of the Standard Solar Energy Schedule (the "SSES") authorized below as well as have the potential to have a Solar Facility installed on the City's or the Agency's electric system; and

WHEREAS, it is necessary for the Agency to be a party to the SSES through the execution and delivery of a Supplement thereto substantially in the form on file with the City Clerk (the "Supplement", and together with the SSES, the "Contract"); and

WHEREAS, the MSA and the Contract provide that, so long as the City and the Agency maintain their contractual agreements under which the Agency must supply and the City must purchase from the Agency all of the City's bulk power needs, and until the Agency and the City file a notice of termination of agency with AMP, the Agency shall act as agent for the City under the Contract, and exercise and perform all rights, duties and obligations of the City thereunder, including but not limited to, the right to receive power and energy, and the obligation to pay all Service Fees, Rates and Charges and other amounts owing by the City thereunder; provided, that in the event the Agency fails to pay on behalf of the City any amounts owing under the Contract, the City shall nevertheless be liable therefor; and

WHEREAS, the MSA and the Contract provide that any amount payable by the City thereunder shall be payable solely from the revenues of the City's municipal electric utility system as an operating expense; and

WHEREAS, in order to assure the Agency and its bondholders that there will be sufficient payments from the Agency Members to offset the costs of the Agency under the Contract, it may be necessary for the City to agree to enter into an Additional Power Purchase Agreement (the "Additional Agreement")

substantially in the form of the Additional Power Purchase Agreement, (the "2002 Agreement") dated December 16, 2002 between the City and the Agency, providing that in the event the City terminates its agreement to purchase all its bulk power needs from the Agency until all outstanding bonds of the Agency are paid or defeased, the City shall nevertheless remain responsible for paying its share of the costs incurred by the Agency under the Contract, at least until such time as all bonds of the Agency are paid in full or defeased; and

WHEREAS, the proposed form of the SSES, as supplemented by the Supplement has been reviewed by this Council and this Council has been advised on the same, and the form of the 2002 Agreement has been previously reviewed by this Council and this Council has been advised on the same; and

WHEREAS, it is necessary and desirable to act upon the SSES, the Supplement, and the Additional Agreement:

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The SSES and the Supplement, drafts of which are on file with the City Clerk, are hereby approved, and the Mayor and the City Clerk Treasurer are authorized and directed, upon request of the City Manager to execute on behalf of the City a final form of the SSES and the Supplement, substantially in the form approved by this resolution with such completions and changes therein as may be necessary and approved by the City Attorney and the City Manager.

2. The City, and the Agency, as agent for the City, are hereby authorized through the execution and delivery of the Contract, to (i) acquire under the Contract a Contract Amount of up to 1,360 kW, (ii) make any determinations and approvals required thereunder, if any, as the Agency and the City Manager of the City shall deem necessary and advisable; and, (iii) indicate that the Agency or the City desires to host a Solar Facility and negotiate for subsequent approval of this Council any agreements required for the Agency or the City to be a host.

3. The City Manager is authorized to include in the Contract documents related to the City's outstanding electric revenue bonds, to the extent the City Manager is advised by the City Attorney or the City's or Agency's bond counsel that such listing is appropriate or required.

4. The Additional Agreement, in substantially the form of the 2002 Agreement, a copy of which is on file with the City Clerk, is hereby approved, and, if advised by the Agency that such action is necessary or appropriate, the Mayor and the City Clerk Treasurer are authorized and directed to execute on behalf of the City a final form of the Additional Agreement substantially in the form approved by this resolution with such completions and changes therein as may be necessary and approved by the City Attorney and the City Manager.

5. As provided in the form of the Contract and the MSA, the City appoints the Agency as its agent for all purposes under the Contract, unless and until the City and the Agency file a termination of agency with AMP as provided in the Supplement.

6. If any section, subsection, paragraph, clause or provision or any

part thereof of this resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this resolution shall be unaffected by such adjudication and all the remaining provisions of this resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

7. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

8. This resolution shall take effect at the earliest date allowed by law.

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

NAYS: None.

RESOLUTION DECLARED ADOPTED.

Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on October 18, 2010, 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 as required by said Act.

Clerk

B. MDOT Extension of Agreement – Heritage Route Scenic Byways Grant:

Moved Miller, supported Williams, to adopt the resolution authorizing the Clerk Treasurer to sign the MDOT contract extension and extend the Professional Services Agreement with Martin Overhiser. On a roll call vote – ayes: Miller, Mayor Smith, Traver, Williams, Dyer, Mankerian, and Metzger; nays: none.
MOTION CARRIED.

CITY OF MARSHALL, MICHIGAN

RESOLUTION #2010-27

WHEREAS the October 16, 2006 agreement between the City and the Marshall Historical Society for museum improvements with money from a second National Scenic Byways Grant is extended to June 30, 2013, and

WHEREAS the October 16, 2006 agreement between the City and Martin Overhiser is extended to June 30, 2013, and

WHEREAS the attached contract between the Michigan Department of Transportation and the City of Marshall amending Contract No. 2001-0357 to extend the Contract to June 30, 2013,

THEREFORE BE IT RESOLVED that the City Clerk -Treasurer be authorized to sign the contract extension on behalf of the City of Marshall.

Sandra Bird, Clerk-Treasurer

I, Sandra Bird, being duly sworn as the Clerk-Treasurer for the City of Marshall, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on October 18, 2010 and that said meeting was conducted and that the minutes of said meeting were kept and will be or have been made available.

Sandra Bird, Clerk-Treasurer

APPOINTMENTS / ELECTIONS

A. Airport Board and Planning Commission Appointments:

Moved Williams, supported Metzger, to approve the reappointments of David Mead and Scott Southwell to the Airport Board and the appointment of Steve Buller to the Airport Board with terms expiring October 1, 2013. It is further recommended that Tim Banfield and John Fleming be reappointed to the Planning Commission with terms expiring November 1, 2013. On a voice vote - **MOTION CARRIED.**

CONSENT AGENDA

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

Marshall City Council, Regular Session
Monday, October 18, 2010

- A. Approve minutes of the City Council Regular Session held on Monday, October 4, 2010, minutes of the City Council Special Session held on Monday, October 11, 2010, and minutes of the City Council Work Session held on Saturday, October 16, 2010;
- B. Approve city bills in the amount of \$1,220,390.51.

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

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

COUNCIL AND MANAGER COMMUNICATIONS

None.

ADJOURNMENT

The meeting was adjourned at 8:10 p.m.

Bruce R. Smith, Mayor

Sandra Bird, Clerk-Treasurer