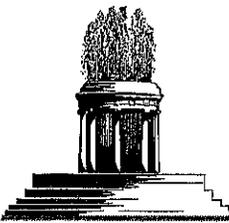


MARSHALL CITY COUNCIL AGENDA

MONDAY – 7:00 p.m.

MARCH 7, 2011



HISTORIC MARSHALL

MAYOR: James Dyer

COUNCIL MEMBERS:
Ward 1 – Wayne Booton
Ward 2 – Nick Metzger
Ward 3 – Brent Williams
Ward 4 – Ryan Traver
Ward 5 – Jody Mankerian
At-Large – Kathy Miller

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) INVOCATION – Mike Donahue, Four Winds Christian Fellowship
- 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. City Council Minutes
Work Session Tuesday, February 22, 2011
Regular Session Tuesday, February 22, 2011
 - B. City Bills
Regular Purchases \$ 64,280.17
Weekly Purchases – 2/18/11 \$ 462,334.98
Weekly Purchases – 2/25/11 \$1,409,548.02
Total \$ 1,936,163.17
- 8) PRESENTATIONS AND RECOGNITIONS
- 9) INFORMATIONAL ITEMS
 - A. Proposed Agreement for Non-Motorized for Hire Vehicles
- 10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION
- 11) OLD BUSINESS
- 12) REPORTS AND RECOMMENDATIONS
 - A. Set Public Hearing – Electric, Water and Sewer Rate Ordinance Amendment
City Council will consider the recommendation to schedule a public hearing for Monday, March 21, 2011 to hear public comment regarding the amendment to the Electric, Water, and Sewer Rate Ordinances.
 - B. Wastewater Project Planning - Award
City Council will consider the recommendation to accept the proposal from Stantec Consulting Michigan Inc. for the 2012 wastewater improvements project planning for the not to exceed cost of \$15,000 and approve the resolution stating intent to reimburse expenditures from the SRF loan, S2 Grant proceeds, or bond proceeds for the improvement to the wastewater collection and treatment facilities.
- 13) APPOINTMENTS / ELECTIONS

MAYOR: James Dyer

COUNCIL MEMBERS:

Ward 1 -- Wayne Booton

Ward 2 -- Nick Metzger

Ward 3 -- Brent Williams

Ward 4 -- Ryan Traver

Ward 5 -- Jody Mankerian

At-Large -- Kathy Miller

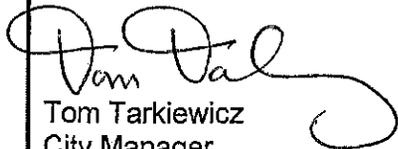
14) PUBLIC COMMENT ON NON-AGENDA ITEMS

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,



Tom Tarkiewicz
City Manager

IN A WORK SESSION Tuesday, February 22, 2011 at 6:00 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 Dyer.

Present: Council Members: Booton, Mayor Dyer, Mankerian, Metzger, Traver, and Williams

Also Present: City Manager Tarkiewicz, City Attorney Beardslee, and Main Street Manager Larkin

Absent: Council Member Miller.

A. Discussion took place regarding the development plans for the Cronin Building and the different tax incentives that are available for the project.

The meeting was adjourned at 6:50 p.m.

James L. Dyer, Mayor

Sandra Bird, Clerk-Treasurer

CALL TO ORDER

IN REGULAR SESSION Tuesday, February 22, 2011 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 Dyer.

ROLL CALL

Roll was called:

Present: Council Members: Booton, Mayor Dyer, Mankerian, Metzger, Traver, and Williams.

Also Present: City Manager Tarkiewicz.

Absent: Council Member Miller.

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

INVOCATION/PLEDGE OF ALLEGIANCE

Kris Tarkiewicz of Family Bible Church gave the invocation and Mayor Dyer led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

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

Moved Booton, supported Metzger, to excuse Council Member Traver from voting on Agenda Item 12A – Cronin Building Development Agreement. On a voice vote: **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

Moved Metzger, supported Williams, to approve the consent agenda:

- A. Approve a proclamation in support of the 2nd Annual Marshall Area Senior Health Fair on April 7, 2011;

Marshall Area Senior Health Fair - 2011

A Proclamation of Endorsement

Whereas, Calhoun County is a community that includes **25,791 citizens aged 60 and older** with more than **5,500 individuals aged 80 years and older**; and

Whereas, the older adults in the Marshall Area and surrounding communities are among our most "treasured resources," united by historical experiences, strengthened by diversity, and interpreting events through varied perspectives and backgrounds to bring wisdom and insight to our community; and

Whereas, increasing numbers of adults are reaching retirement age and remaining strong and active for longer than ever before; and

Whereas, our community can provide that recognition and respect by improving the quality of life for older adults by:

Increasing their opportunities to remain active and engaged in community life;

Bringing forth community resources to assist our older adults, family members and caregivers with the challenges of aging and the supports to thrive,

Joining together with the City of Marshall and Oaklawn Hospital to sponsor events that contribute to healthy senior living and independence,

Now Therefore, We, the Commissioners of Calhoun County, Michigan, in partnership with the City Council of Marshall, and the Board of Oaklawn Hospital do recognize this local initiative and hereby proclaim our support for the 2nd Annual Marshall Area Senior Health Fair on April 7th, 2011.

We urge every citizen to take time now and every day to honor our older adults and the professionals, family members, and volunteers who care for many of them. Our recognition and involvement of older adults can enrich our entire community's quality of life.

Dated this 22nd day of February, 2011

Council of the City of Marshall

**Calhoun County Board of Commissioners
Oaklawn Hospital Board of Directors**

By _____

- B. Approve the recommendation to enter into the Community Compost Center Agreement with the Calhoun County Road Commission and the Board of Public Works of Calhoun County and approve the proposed fees;
- C. Approve minutes of the City Council Work Session and Regular Session held on Monday, February 7, 2011;
- D. Approve city bills in the amount of \$806,953.53.

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

PRESENTATIONS AND RECOGNITIONS

None.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Public Hearing – Industrial Facilities Tax Exemption Certificate for LaserDyne Manufacturing, LLC:

Mayor Dyer opened the public hearing to hear comment of the proposed application for an Industrial Facilities Tax Exemption Certificate for LaserDyne Manufacturing, LLC.

John LaPietra of 386 Boyer Court asked if an analysis had been on the loss of property tax revenue.

Hearing no further comment the hearing was closed.

Moved Williams, supported Metzger, to approve the application for an Industrial Facilities Tax Exemption Certificate for LaserDyne Manufacturing, LLC. On a roll call vote – ayes: Mayor Dyer, Mankerian, Metzger, Traver, Williams, and Booton; nays: **MOTION CARRIED.**

CITY OF MARSHALL
RESOLUTION #2011-06

**RESOLUTION TO APPROVE APPLICATION OF
LASERDYNE MANUFACTURING, LLC
1308 S KALAMAZOO
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR PERSONAL
PROPERTY COSTS**

WHEREAS, pursuant to P.A. 198 of 1974, MCL 211.551 et seq., after a duly noticed public hearing held on August 16, 2010 the Council by Resolution established Industrial Development District No. 32 as requested; and

WHEREAS, Laserdyne Manufacturing, LLC has filed an application for an Industrial Facilities Exemption Certificate with respect to personal property improvements and the acquisition and installation of new machinery and equipment within Industrial Development District 32; and

WHEREAS, in accordance with Act 334, P.A. 1993 amending Act 198, P.A. 1974, a written agreement shall be executed between the applicant and the City of Marshall allowing, under specific circumstances, the reduction and/or revocation of the certificate and recapture of the taxes abated; and

WHEREAS, before acting on said application, the City of Marshall held a hearing on February 22, 2011 in the Council Chambers of Town Hall, located at 323 West Michigan Avenue, Marshall, Michigan, at 7:00 p.m. at which hearing the applicant, public, Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, the facility upgrades, did not begin earlier than six (6) months before January 19, 2011, the date of acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, the acquisition of the upgrades is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Marshall; and

WHEREAS, the granting of said certificate shall not have the effect of substantially impeding the operation of the City of Marshall, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Marshall; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Marshall, after granting this certificate, will

exceed 5% of an amount equal to the sum of the SEV of the local unit, plus the SEV of personal and real property thus exempted.

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

1. The City Council find and determine that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974, shall not have the effect of substantially impeding the operation of the City of Marshall, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Marshall.
2. The application of Laserdyne Manufacturing LLC, for an Industrial Facilities Exemption Certificate, with respect to real and personal property improvements described as purchase and install new production equipment to be acquired and installed within the Industrial Development District No. 32 is hereby approved to the extent of the equipment that has been received after August 16, 2010.
3. That and IFEC Letter of Agreement, attached, be signed and submitted by Laserdyne Manufacturing LLC to the City of Marshall.
4. The Industrial Facilities Exemption Certificate, when issued, shall be and remain in force and effect for a period of twelve (12) years under the rules and regulations of Act 198 of Public Acts of 1974, as amended, for the new equipment from the date of approval by the State Tax Commission.

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

NAYS: None.

Sandra Bird, Clerk-Treasurer

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of the City of Marshall, County of Calhoun, Michigan at a regular meeting held on February 22, 2011.

Sandra Bird, Clerk-Treasurer

B. Public Hearing – High Street Lot Rezoning:

Mayor Dyer opened the public hearing to hear comment regarding the rezoning request for High Street, parcel #003-582-00, to change from PSP (Public/Semi-Public) to R-3 (Traditional Residential) .

John LaPietra of 386 Boyer Court asked for verification of the address of the High Street Lot.

Hearing no further comment the hearing was closed.

Moved Williams, supported Metzger, to approve the recommendation of the Planning Commission to rezone the High Street Lot. On a roll call vote – ayes: Mankerian, Metzger, Traver, Williams, Booton, and Mayor Dyer; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL
ORDINANCE NO. 2011-06**

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CHANGE THE ZONING OF A CERTAIN PARCEL OF REAL PROPERTY COMMONLY KNOWN AS PARCEL #003-528-00 FROM PUBLIC/SEMI-PUBLIC (PSP) TO TRADITIONAL RESIDENTIAL DISTRICT (R-3).

THE CITY OF MARSHALL, MICHIGAN ORDAINS:

Section 1. Pursuant to the authority granted in Sections 156.021 and 156.030 of the Marshall City Code, the Zoning Map of the City of Marshall is hereby amended so as to change the zoning district for the below described property from Public/Semi-Public (PSP) to Traditional Residential (R-3).

Property Description

MARSHALL CITY COOK & KILLAMS ADDITION LOT 40

Common Address

Parcel 003-528-00. Property not addressed.

Section 2. This Ordinance or a summary thereof shall be published in the *Marshall Advisor Chronicle*, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices, within ten (10) days after its adoption. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signature of the Mayor and the City Clerk.

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

Adopted and signed this 22nd day of February, 2011.

Jim Dyer, MAYOR

Sandra Bird, CLERK-TREASURER

C. Public Hearing – Motor Carrier Enforcement:

Mayor Dyer opened the public hearing to hear comment of the proposed changes to Chapter 71 of the Marshall City Code for Motor Carrier Enforcement.

Eva Hunter of 732 East Michigan Avenue spoke in support of the new ordinance

John LaPietra of 386 Boyer Court asked if State Police will still be able to enforce this ordinance in our jurisdiction.

Hearing no further comment the hearing was closed.

Moved Traver, supported Mankerian, to approve the proposed changes to Chapter 71 of the Marshall City Code for Motor Carrier Enforcement. On a roll call vote – ayes: Metzger, Traver, Williams, Booton, Mayor Dyer, and Mankerian; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL
ORDINANCE 2011- 05**

**AN ORDINANCE TO AMEND CHAPTER 71, OF THE MARSHALL CODE,
ENTITLED "MOTOR CARRIER SAFETY ACT"**

Chapter 71 of the Marshall Code is hereby amended to read as follows:

I. Section 71.090 would be added to Chapter 71.

§71.090 MOTOR CARRIER SAFETY ACT

A. Adoption of Code: The Motor Carrier Safety Act of 1963 (Act no. 181 of the Public Acts of 1963, as amended; MCL 480.11 et seq.), as amended from time to time, and the rules promulgated thereunder, is adopted by reference as herein modified for the purposes of protecting the public. The Motor Carrier Safety Act of 1963, together with the provisions of this ordinance, shall be known and may be cited as the Motor Carrier Safety Act of the City of Marshall. Complete copies of the Act are available at the office of the city clerk for inspection by and distribution to the public.

B. References in Code: References in the Motor Carrier Safety Act of 1963 to "local authorities" shall mean the City of Marshall.

C. Penalty: The penalties provided by the Motor Carrier Safety Act of 1963 are adopted by reference; provided, however, the City may not enforce any provision of the Motor Carrier Safety Act of 1963 for which the maximum period of imprisonment is greater than 93 days, or the maximum fine is greater than \$500, or both.

II. Section 71.080 would be amended as follows, with the current language in this section being eliminated.

§71.080 VEHICLE SIZE, WEIGHT AND LOAD

A. Maximum Loads: It shall be unlawful for any person to operate any vehicle, trailer or semi-trailer, or any combination thereof, or to permit the operation of any such vehicle, trailer or semi-trailer, or combination thereof, when the wheel and axle load of any such vehicle or unit of a combination of vehicles, with or without a load, exceeds the schedule of weights allowed by the laws of the state, as set forth in the Michigan Vehicle Code (MCL 257.722, MSA 9.2422).

B. Width, Height and Length: It shall be unlawful for any person to operate any vehicle, trailer or semi-trailer, or any combination thereof, or to permit the operation of any such vehicle, trailer or semi-trailer, or combination thereof, when the maximum width, height or length of such vehicle or

combination thereof, or unit of a combination of vehicles, and of the load thereon or therein shall exceed the limits fixed by provisions of the Michigan Vehicle Code (MCL 257.717, 257.719, MSA 9.2417, 9.2419), unless a special permit is issued as provided in MCL 257.725, MSA 9.2425.

C. Applicability: This article shall be operative upon all public streets and highways within the city.

D. Stopping Vehicles: The chief of police or his agents, when engaged in the enforcement of this article, or any police officer of the city, may at any time require a vehicle to stop and submit to a weighing of the same by means of either portable or stationary scales either at the location of such stopping or at regularly designated weigh stations of the city for purposes of permitting the officer to ascertain whether the vehicle or part thereof is loaded in conformity with the provisions of the laws of the state and the provisions of this article.

E. Weigh Stations: The chief of police shall be authorized to establish weigh stations, which stations may be located at such places as may, from time to time, be designated by the chief of police and which, when and where so designated, are declared to be public weigh stations for the city.

F. Unloading Access: If it shall be determined upon such weighing that any vehicle or unit of a combination of vehicles is loaded in violation of the terms of this article, it shall be the duty of the driver thereof to forthwith remove so much of such load as will be necessary to reduce the gross weight of such vehicle to limits permitted under this article. Any material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator. If it shall be necessary to store such materials within any portion of a public street or highway, the same shall be stored for not to exceed eight hours, and shall within such period be completely removed from such location by such owner or operator. If such materials are not so removed, the same shall be removed at the expense of the city. Any charges of such removal shall be paid by the owner or operator of such vehicle or the owner of such materials; and the city shall have a lien upon such materials in its possession until such charges are fully paid.

G. Temporary Permits: The city is authorized to temporarily permit the maximum limits set forth in this article to be exceeded. Such exceeding limits of weight shall be authorized only in cases of emergency or upon showing of good cause, and only when the condition of the streets or highways over which such loads are to be carried is such that the same will not be damaged thereby.

H. Exempt Vehicles: The provisions of this article shall not apply to fire apparatus or to a vehicle operated under the terms of a special permit issued as provided in this article.

III. The following would be added to the current penalty provisions in Section 71.999.

§71.999 PENALTY

C. Any driver or owner of a vehicle who shall knowingly fail to stop at any weigh station, or who shall knowingly fail to submit to a weighing of his vehicle, upon conviction thereof, shall be guilty of a misdemeanor punishable by up to 93 days in jail and/or a fine of up to \$500.00.

D. Unless specifically declared to be a civil infraction, it is a misdemeanor for a person to drive or move, or for the owner to cause or permit to be driven or moved, on a street or highway a vehicle or vehicles of a size or weight exceeding the limitations stated in, or otherwise in violation of, the following provisions of the Michigan Motor Vehicle Code, Act 300 of 1949, as amended: MCL 257.716 through MCL 257.726b, which provisions are hereby adopted by reference, including, but not limited to, all provisions relating to fines and costs imposed thereunder for weight and all other violations; provided, however, that the penalty for a violation of the criminal provisions of this article shall not exceed a fine of \$500.00, or imprisonment for 93 days, or both.

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.

This Ordinance is declared to be effective immediately upon publication.

Adopted and signed this 22nd day of February, 2011.

James L Dyer, MAYOR

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 an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on February 22, 2011, 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.

Sandra Bird, CLERK-TREASURER

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Cronin Building Development Agreement:

Moved Williams, supported Metzger, to authorize the Clerk-Treasurer to sign the Option Agreement, Property Lease & Development Agreement, and the Amendment for Lease Improvement and Purchase of Real Estate with Cronin Redevelopment, LLC for the redevelopment of the Cronin Building. On a roll call vote – ayes: Traver, Williams, Booton, Mayor Dyer, Mankerian, and Metzger; nays: none. **MOTION CARRIED.**

B. Byways Grant – Heritage Marketing and Promotion Contract:

Moved Metzger, supported Mankerian, to retain Morris Arvoy as the Heritage Marketing and Promotion consultant for \$20,000 and authorize the City Clerk to execute an agreement for services. On a roll call vote – ayes: Williams, Booton, Mayor Dyer, Mankerian, and Metzger; nays: none. **MOTION CARRIED.**

C. High Street Lot Sale:

Second Reading of the resolution for the High Street Lot Sale took place and no council action was taken.

D. Revisions to City Council Rules of Procedure:

Moved Williams, supported Booton, to adopt the changes to the City Council

Rules of Procedure. On a voice vote – **MOTION CARRIED.**

E. Police Vehicle Purchase:

Moved Booton, supported Williams, to authorize the purchase of a 2011 Ford Crown Victoria from Boshears Ford in the amount of \$20,728.00. On a roll call vote – ayes: Booton, Mayor Dyer, Mankerian, Metzger, Traver, and Williams; nays: none. **MOTION CARRIED.**

APPOINTMENTS / ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Brian Mason of 320 N. Mulberry informed Council of the relocation of his business downtown and his need for parking spaces.

Kay Mead, owner of Serendipity, spoke of the benefits of having Marshall Carriage Company on Main Street.

Carl Field of 1000 East Michigan Avenue spoke in favor of Marshall Carriage Company.

Allison Miko of 832 East Michigan Avenue works as a Ghost Tour Guide for Marshall Carriage Company and spoke in favor of the business.

Sam Jones of Battle Creek also works as a Ghost Tour Guide for Marshall Carriage Company and spoke in favor of the business.

John LaPietra of 386 Boyer Court spoke regarding tax incentives and the effect on Marshall's economy.

Katie Dow of 16499 Division Drive spoke regarding ways to get the younger generation involved with Marshall.

COUNCIL AND MANAGER COMMUNICATIONS

None.

CLOSED SESSION

Moved Traver, supported Metzger, to convene into Closed Session under the Michigan Open Meetings Act to discuss attorney-client privilege information and collective bargaining. On a roll call vote – ayes: Mayor Dyer, Mankerian, Metzger, Traver, Williams, and Booton; nays: none. **MOTION CARRIED.**

Marshall City Council, Regular Session
Tuesday, February 22, 2011
Unofficial

Moved to Closed Session at 8:58 p.m.

Returned to open session at 9:45 p.m.

ADJOURNMENT

The meeting was adjourned at 9:55 p.m.

James L. Dyer, Mayor

Sandra Bird, Clerk-Treasurer

VENDOR APPROVAL SUMMARY REPORT

Date: 03/03/2011

Time: 10:37am

Page: 1

CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
ALL-TRONICS INC	9157	RPR ANSWERING MACHINE	172.00	0.00
APT US&C	3370	MEMBERSHIP--MICHELLE MASTEJ	135.00	0.00
AQUAQUALITY POOLS & SPAS	5888	VACUUM	1,449.00	0.00
ARISTA TRUCK SYSTEMS, INC	300081	#304 SPREADER VALVE	1,024.28	0.00
ARROW UNIFORM	6839	CUST #010198-03	572.66	0.00
AUTO GLASS SOLUTIONS, LLC	6595	M-2 WINDSHIELD	350.00	0.00
AUTO VALUE MARSHALL	21340	DART #12 OIL SEALS	1,065.18	0.00
BAKER TOOL RENTAL & STORAGE	9733	UPS - RADAR GUN	22.25	0.00
BATTERIES PLUS	6532	CELL PHONE BATTERY	32.99	0.00
BIO-CARE, INC.	4002	RESPIRATORY SURVEILLANCE PROGR	2,950.00	0.00
BOBCAT OF LANSING	5868	#362 MIRROR HEAD	734.40	0.00
BONNIE'S TAILORING	2257	ALTERATIONS	12.00	0.00
CARLETON EQUIPMENT COMPANY	7189	CANCEL #1-16658 (POWERPLAN)	0.00	0.00
CB HALL ELECTRIC COMPANY	3387	EXIT SIGN BATTERIES @ PSB	237.50	0.00
COGITATE INC	8443	Monthly Support	140.00	0.00
COLE CHRYSLER DODGE JEEP	2996	#102 SOCKET-TAIL, LAMP-TAIL	159.60	0.00
CORPORATE CLEAN INC	217897	GENERAL CLEANING	765.00	0.00
CRF, INC	6541	MAINTENANCE KIT - PRINTER	221.00	0.00
CUSTER WORKPLACE INTERIORS	400155	KEYS	50.00	0.00
D & D MAINTENANCE SUPPLY	7271	JANITORIAL SUPPLIES	179.30	0.00
DARLING ACE HARDWARE	7281	#326 ANGLE, BAR FLAT ALUM	351.44	0.00
DORNBOS SIGN & SAFETY	6378	TRUCK INSPECTION SIGNS	161.30	0.00
EASTENAL COMPANY	5789	TOWELS	79.48	0.00
FIRE EXTINGUISHER SERVICE	7360	ANNUAL FIRE EXT INSPECTION	86.15	0.00
GARAGE DOORS UNLIMITED	300432	SERVICE CALL - PSB	404.38	0.00
GRAINGER	3644	SAMPLER TUBING	125.76	0.00
HD SUPPLY FACILITIES MAINT	9781	TRASH LINERS, FILL VALVE	88.90	0.00
HERMANS MARSHALL HARDWARE	7446	DUCT TAPE, SILICONE CAULK	77.88	0.00
HOLLAND BUS COMPANY	5874	DART #13 SWITCH INT DOOR OPEN	38.38	0.00
INTERACTIVE LEARNING SYSTEMS	3911	HOSTING & GEN MAINT FOR 2011	550.00	0.00
JACKSON TRUCK SERVICE	7495	MDL 60 STROBE L	652.69	0.00
JOHN D BRUNDAGE &	6437	JANUARY SERVICES	3,150.00	0.00
JS BUXTON	8962	LIME	1,134.77	0.00
JUSTICE FENCE	7498	RPR DAMAGE TO FENCE	358.00	0.00
K & D INDUSTRIES WEST	2385	HAZMAT CLEANUP-PAINTING CITY H	865.00	0.00
KAR LABORATORIES INC	8817	CYANIDE ANALYSIS	100.00	0.00
KELLOGG COMMUNITY COLLEGE	7507	EMT 110 70 / FF MATT PARRS	50.00	0.00
KELLOGG'S REPAIR GARAGE	5869	#325 AIR FILTER	20.94	0.00
KIMBALL ELECTRIC	7518	SERVICE CALL	466.00	0.00
LAKELAND ASPHALT CORPORATION	7526	COLD PATCH	786.84	0.00
LAWSON PRODUCTS	6497	PTO LOCK SQUARE PIN	59.94	0.00
LESLIE O'DELL	9124	SERVICE CALL	310.00	0.00
MARSHALL COMMUNITY FOUNDATION	7559	EQUIP SUBSIDY FOR PUBLIC TV	7,500.00	0.00
MARSHALL LUMBERTOWN	7569	FLOOR REPAIR	94.77	0.00
MARTIN OVERRISER	9249	HERITAGE RTE BYWAYS PROJECT	1,085.00	0.00
MICHIGAN PIPE & VALVE	8400	CREDIT-12 US HYD EXT MET250	114.13	0.00
MIDWEST POLICE MOTORCYCLE TRNG	400152	MOTORCYCLE TRAINING	2,990.00	0.00
MILL SUPPLY, INC.	400153	PARKING LAMP LENS ONLY	24.68	0.00
MILLER CANFIELD PADDOCK &	7683	JANUARY SERVICES	2,758.71	0.00
MRWA	4513	MEMBERSHIP DUES	500.00	0.00
MSC INDUSTRIAL SUPPLY CO	6831	#4 ENGINE OIL PRESSURE GAUGE	36.72	0.00
MUZZALL GRAPHICS	7707	A/P LASER CHECKS	435.50	0.00
NAK NORDBERG	6200	#5 ENGINE LINER O-RINGS	410.66	0.00
NAPA OF MARSHALL	2939	22AH BAT OSR PACK	165.99	0.00
NO-TWIST SCREEN PRINTING	7732	FLOOR HOCKEY T-SHIRTS	1,244.40	0.00
POWER LINE SUPPLY	7821	METER SOCKET	1,674.59	0.00
R S TECHNICAL SERVICE	7807	SERVICE SCADA RADIO COMM	2,442.71	0.00
RADIO SHACK	7811	DVD-R 16X	25.98	0.00
RAFT	400154	RISK MNGMNT-LANKERD, MCDONALD	55.00	0.00
REALPAGE INC	5126	MH - SITE ACCESS FEE	650.00	0.00
SCHINDLER ELEVATOR CORP	3030	03/01/11--02/29/12 MH, PSB, CITY	8,429.57	0.00
SHERWIN-WILLIAMS	2073	FLOORING - HALLWAYS	10,649.83	0.00
SIGN WORLD	8199	ADOPT-A-PARK SIGNS	245.00	0.00
SIC METER SERVICE INC	7841	3/4 METER COUPLING	269.02	0.00
STANDARD PRINTING & OFFICE	7903	CARTRIDGE	72.69	0.00
STATE ELECTRONICS COMPANY, INC	217827	BATTERIES	668.00	0.00
STATE OF MICHIGAN	300238	A.GROENEVELD--SECURITY ISSUES	35.00	0.00

VENDOR APPROVAL SUMMARY REPORT

Date: 03/03/2011

Time: 10:37am

Page: 2

CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
TRI-COUNTY INTERNATIONAL TRUCK	8034	DART #4 PULLEY	249.19	0.00
VERMEER OF MICHIGAN, INC	9676	BLADE SHARPENING	363.02	0.00
WALTS MOVING SERVICE	400151	MARSHALL HOUSE	900.00	0.00
Grand Total:			64,280.17	0.00

CHECK NUMBER SERIES AS OF FRIDAY, 03/04/11

Beginning # Ending # Dated

PAYROLL-ACH	71163	71170	02/19/11--03/04/11
A/P & P/R-OTHER	86724	86897	02/19/11--03/04/11

VENDOR APPROVAL SUMMARY REPORT

Date: 02/18/2011

Time: 10:41am

Page: 1

CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
A T & T	3176	269 781-9815 267 0	1,558.85	0.00
ANALYTICAL TESTING & CONSULT.	21399	TESTING FOR HON.HOUSE,GAR HALL	355.00	0.00
PHILLIP BLAKESLEE	400147	REIMBURSE PLUMBER'S FEE	166.00	0.00
BLUE CROSS AND BLUE SHIELD	7946	GROUP #17902-001	3,142.98	0.00
BLUE CROSS BLUE SHIELD OF MI	9681	GROUP #17902-902	44,358.46	0.00
BLUE CROSS BLUE SHIELD OF MI	9621	GROUP #17902-003	1,927.45	0.00
BLUE CROSS BLUE SHIELD OF MI	9629	GROUP #17902-002	77,928.63	0.00
CALHOUN COUNTY SENIOR SERVICES	400141	SENIOR HEALTH FAIR	25.00	0.00
CALHOUN COUNTY TREASURER	7177	01/16/11-01/31/11 PERS - IFT	21,771.08	0.00
CALHOUN INTERMEDIATE	7178	01/16/11-01/31/11 PERS AD VAL	62,478.11	0.00
CAREFREE CLEARWATER LTD	400143	PURCHASE ANODES FOR FOUNTAIN	297.00	0.00
CARLETON EQUIPMENT COMPANY	7189	CANCEL #1-16658 (POWERPLAN)	0.00	0.00
COMMERCIAL OFFICE PRODUCTS	9769	CALCULATOR	599.56	0.00
DEAN TRAILWAYS OF MICHIGAN	2343	APRIL BUS TRIP-HENRY FORD MUS	100.00	0.00
ALEC EGNATUK	9593	EXPENSE REIMBURSEMENT	55.04	0.00
DEREK FOX	400142	REFUND UTILITY DEPOSIT	100.00	0.00
MARTHA FROHM	400146	REFUND UTILITY OVERPAYMENT	58.32	0.00
CATHY GALLOWAY	300141	13-53-007-820-00 REFUND	307.83	0.00
GRIFFIN PEST SOLUTIONS	6272	619 HOMER RD	62.00	0.00
IPA VENTURES	400144	REFUND ONLINE TAX PAYMENTS	1,997.63	0.00
PAT JEFFERS	400145	FIRE FIGHTING CLOTHING	500.00	0.00
KELLOGG COMMUNITY COLLEGE	7507	01/16/11-01/31/11 PERS - IFT	34,263.28	0.00
TERRI KNOTWELL	21780	TAX OVERPAYMENT	14.25	0.00
MAFC	21194	R. KIESSLING - MEMBERSHIP	105.00	0.00
MARSHALL COMMUNITY CU	7558	2998 - DIXON	1,188.60	0.00
MARSHALL DISTRICT LIBRARY	8065	01/16/11-01/31/11 PERS - IFT	8,455.89	0.00
MARSHALL FIREFIGHTER AMBULANCE	7561	01/16/11-01/31/11 PERS - IFT	8,761.44	0.00
MARSHALL PUBLIC SCHOOLS	7574	01/16/11-01/31/11 REAL AD VAL	190,083.62	0.00
JUSTIN MILLER	6865	EXPENSE REIMBURSEMENT	22.31	0.00
ONE COMMUNICATIONS	2729	ACCT #7018274	1,344.93	0.00
PHYSIO CONTROL	21794	TO REFUND FOR CK #1001057932	68.08	0.00
JAMES SCHWARTZ	300391	EXPENSE REIMBURSEMENT	45.21	0.00
VERIZON WIRELESS	217862	ACCT #683169426-0001	57.48	0.00
JILL WAGER	400125	REFUND UTILITY OVERPAYMENT	17.21	0.00

Grand Total: 462,216.24 0.00

Prescription Reimbursements 118.74

TOTAL CASH DISBURSEMENTS \$462,334.98

VENDOR APPROVAL SUMMARY REPORT

Date: 02/25/2011

Time: 10:22am

Page: 1

CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
360 SERVICES INTERNATIONAL	6631	POSTAGE FOR ASSESSMENTS	1,462.50	0.00
ASHGROVE APTS	300213	REFUND UTILITY OVERPAYMENT	64.91	0.00
CALHOON COUNTY TREASURER	7177	NOTARY FEE - SHERRY WINTERS	96,145.72	0.00
CALHOON INTERMEDIATE	7178	02/01/11-02/14/11 PERS - IFT	264,474.58	0.00
CARLETON EQUIPMENT COMPANY	7189	CANCEL #1-16658 (POWERPLAN)	0.00	0.00
COMFORT INN-MT PLEASANT	2648	TRACY HALL - #174941890	76.50	0.00
COMMERCIAL OFFICE PRODUCTS	9769	STENO BOOKS RETURNED	705.70	0.00
CONSUMERS ENERGY	8560	1000 0916 3203	8,589.11	0.00
JIM CRITESER	400149	REFUND UTILITY OVERPAYMENT	4.28	0.00
DELTA DENTAL PLAN OF MICHIGAN	7294	CUST #MIO22820001	4,490.21	0.00
CODY DRUMM	25123	LUNCH	12.73	0.00
SCOTT DUNSFORD	400134	REFUND UTILITY OVERPAYMENT	49.04	0.00
GREGORY HARRIS	400150	UTILITY DEPOSIT REFUND	27.50	0.00
HI-LITE CRUZ-IN	217951	UTILITY DEPOSIT REFUND	37.74	0.00
KELLOGG COMMUNITY COLLEGE	7507	WINTER 2010 PROPERTY TAX	166,066.67	0.00
KNAUF, ERNIE	300242	EXPENSE REIMBURSEMENT	7.50	0.00
MARSHALL DISTRICT LIBRARY	8065	WINTER 2010 PROPERTY TAX	36,647.85	0.00
MARSHALL FIREFIGHTER AMBULANCE	7561	WINTER 2010 PROPERTY TAX	42,925.01	0.00
MARSHALL PUBLIC SCHOOLS	7574	WINTER 2010 PROPERTY TAX	717,579.99	0.00
MEDLER ELECTRIC COMPANY	7604	CFL'S	16.50	0.00
MPTA	21545	TIM EGGLESTON--RURAL TRANSIT	60.00	0.00
MUNIER HEATING & COOLING	7703	PERMIT FEE REFUND	70.00	0.00
NAPA OF MARSHALL	2939	FLXK HNDL JELLY BLADE	43.50	0.00
STANDARD PRINTING & OFFICE	7903	DELIVERY CHG	7.00	0.00
STATE OF MICHIGAN	2444	NOTARY FEE - SHERRY WINTERS	10.00	0.00
STATE OF MICHIGAN	3448	02/01/11-02/14/11 PERS - IFT	68,787.58	0.00
KATHY STREMLER	400148	REFUND UTILITY OVERPAYMENT	3.39	0.00
SUNTRUST EQUIP FINANCE &	9678	CONT #443-4004651-001	1,149.78	0.00
LUCAS TICE	300431	LUNCH	12.73	0.00
Grand Total:			1,409,528.02	0.00

Prescription Reimbursements 20.00

TOTAL CASH DISBURSEMENTS \$1,409,548.02

PROPOSED AGREEMENT NON-MOTORIZED FOR HIRE VEHICLES

Findings: The City of Marshall finds and declares that it is in the public interest and public welfare that all non-motorized vehicles for hire, particularly horse drawn vehicles be regulated under the police power of the City of Marshall. This is to promote the safety and welfare of the citizens and residents and visitors to the City of Marshall, to reduce pollution in the City and to reduce interference with the flow of traffic throughout the City of Marshall.

Definition of Horse Drawn Vehicle: Shall for the purpose of this agreement be defined as follows: Any vehicle drawn by horses which has a passenger carrying capacity, to carry for hire persons through the City of Marshall.

Inspection Required: No person shall operate or drive a non-motorized vehicle to include any horse drawn carriages for hire upon any street, alley, highway or roadway within the City of Marshall until an inspection of equipment used on the public right of way has been completed by the Marshall Police Department. Payment of the required inspection fee is required. Inspection shall be done each calendar year of operation.

- Clearly describe the route to be used by said vehicle as well as loading and unloading zones.
- Designate the maximum number of passengers for each inspected vehicle.
- Inspection Fee of \$20.00 per vehicle.

Limitation on Use of Public Streets:

- No non-motorized vehicle for hire shall be allowed to cross Michigan Avenue in the Downtown District except at intersections controlled by traffic signals.
- Right turns are encouraged at all intersections when possible.
- No such vehicles shall be allowed to stop for the purpose of picking up or discharging passengers at any point on Michigan Avenue other than one designated pick/drop off zone as agreed upon between the City of Marshall and the owner/operator.
- The route to be taken by such vehicles, together with the location of parking spaces to pick up and discharge passengers, shall be subject to the approval of the City Manager and the Chief of Police.
- The owner/operator shall provide a designated route of travel for tours.

Insurance Requirements: The owner of every non-motorized for hire vehicle shall procure and file with the City Clerk a liability insurance policy, together with a receipt showing payment of the premium thereof issued by a good and responsible insurance company recognized by industry standards. The insurance company must be authorized to do business in the State of Michigan. The amount of liability insurance for horse drawn vehicles shall be at least \$1,000,000.00 for bodily injury to or death, and in an amount of not less than \$1,000 in medical coverage for each passenger. Such policy of insurance may be in the form of a separate policy for each horse drawn vehicle, or may be in the form of a fleet policy covering all horse drawn vehicles operated by such owners; provided, however, that such a policy shall provide for the same amount of liability for each horse drawn vehicle operated. The insurance company shall be

notified and on the policy should the insurance be cancelled or not in force for any reason. In the event of no insurance, all business operations shall cease immediately until new insurance can be enforced.

Hours of Operation: Non-motorized vehicles shall be allowed to operate on any streets of the City of Marshall during the hours of 8:00am to 12:00 midnight local time. Any extended hours must be approved prior by the City Manager and the Chief of Police.

Fares: Fares to be charged for passenger service by non-motorized for hire vehicles shall be established by the operator and shall be reasonable amounts.

Manure Control:

- All horse drawn vehicles shall not be allowed to operate unless the horses are equipped with an adequate device to prevent manure from falling upon the streets of the City of Marshall and no licensee or driver of such vehicle shall cause the same to be operated, or operate the same upon the streets of the City unless the animals are so equipped.
- Any manure that should escape onto the streets of the City shall be promptly removed by the operator.
- Any manure retained within the city of Marshall shall be deposited in a sealed container so as to prevent ventilation for flies and the escaping of odor, except in a district zoned for agriculture.
- Any such manure stored or retained in temporary storage shall be totally removed from the Downtown District before the end of business.
- The operator of all horse drawn vehicles shall be obligated to reimburse the actual cost incurred by the City for the removal and clean up of any manure or/or urine.

Maintenance of Equipment:

- All vehicles shall be equipped with such safety devices as are required by the State of Michigan. Particular emphasis shall be given to the adequacy of front and rear lights on each vehicle which is used at night time operation.
- A slow moving sign shall be placed and visible from the rear of the horse drawn vehicle.
- All vehicle and tack shall be maintained in a clean and safe condition
- Exterior signs shall be prohibited from being placed on the outside of the horse drawn vehicles except that two signs identifying the operator's company name will be allowed on each vehicle.
- All vehicles will be equipped with hydraulic or disk foot brakes which shall be maintained in proper working conditions at all times.

Health Certificate Requirement: The operator of all horse drawn vehicles shall file with the City Clerk such Doctor of Veterinary Medicine certificate of health as the City Manager may require for all animals used in the operation of such vehicles.

Horse Drawn Vehicle Drivers: All drivers of horse drawn vehicles shall be at least eighteen (18) years of age, shall be a licensed driver with a valid driver's license issued by any State in the United States of America, and shall have received at least 12 hours of instruction and training in the operation of a horse drawn vehicle.

Suspension of Operations:

- The Chief of Police may suspend an operator's business at any time, if, in their opinion, the public health or safety is endangered, or a public nuisance is created.
- Operations shall also be suspended on Michigan Avenue and/or Kalamazoo Avenue/Brewer Street in the event an emergency detour is established for vehicles on I-94 and/or I-69.
- The operator may appeal to the City Manager to resume operations.

The above listed requirements are not to exclude any other incidents of concern as they may arise. This is a cooperative agreement between the City of Marshall and the owner operators of non-motorized vehicles for hire. This agreement shall be modified as needed and shall be renewed at the beginning of each calendar year.

Tom Tarkiewicz
City Manager

Brian Mason
Owner/Operator

City of Marshall

323 West Michigan Avenue • Marshall, MI 49068-1578 • Phone (269) 781-5183 • FAX (269) 781-3835



ADMINISTRATIVE REPORT MARCH 7, 2011 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council

FROM: Carl Fedders, Director of Public Services
Sandra Bird, Clerk-Treasurer
Tom Tarkiewicz, City Manager

SUBJECT: Electric, Water, and Sewer Rate Ordinance Amendment -
Establishment of a Public Hearing

BACKGROUND: The City of Marshall has recently contracted with Courtney & Associates and Utility Financial Solutions and they have completed an analysis on the electric, water and sewer rates. As a result of that analysis and meeting with a subcommittee of the council, the following changes to the rates are being suggested to be implemented in three separate stages with effective dates of April 1, 2011, January 1, 2012, and January 1, 2013.

Copies of these reports will be distributed to council as soon as final versions are available.

The proposed rate ordinances and revised Power Supply Cost Adder are attached. It is requested that City Council schedule a public hearing for March 21, 2011 to hear public comments on the proposed amendments.

The average residential, commercial, and industrial customer will receive the following change:

April 2011

Electric (reduction)

Residential (545 kWh per month)	-\$6.97
Commercial (16 kW & 4,752 kWh per month)	-\$111.84
Industrial (3 kW & 260,000 kWh per month)	-\$1,508.00

Water (increase)

Residential (350 cf per month)	\$0.71
Commercial (1,900 cf per month)	\$2.15
Industrial (38,659 cf per month)	\$51.89

Sewer (increase)

Residential (350 cf per month)	\$2.18
Commercial (1,900 cf per month)	\$7.14
Industrial (38,659 cf per month)	\$123.71



January 2012

Water (increase)

Residential (350 cf per month)	\$0.96
Commercial (1,900 cf per month)	\$2.06
Industrial (38,659 cf per month)	\$33.21

Sewer (increase)

Residential (350 cf per month)	\$2.48
Commercial (1,900 cf per month)	\$7.04
Industrial (38,659 cf per month)	\$140.97

January 2013

Water (increase)

Residential (350 cf per month)	\$0.91
Commercial (1,900 cf per month)	\$2.06
Industrial (38,659 cf per month)	\$34.21

Sewer (increase)

Residential (350 cf per month)	\$1.57
Commercial (1,900 cf per month)	\$5.29
Industrial (38,659 cf per month)	\$91.83

RECOMMENDATION: It is recommended that the City Council establish a public hearing for March 21, 2011 to amend the Electric, Water and Sewer Rate Ordinance.

FISCAL EFFECTS: The proposed FY 2012 electric rate decreases will save the customers an estimated \$960,000. The proposed FY 2011, FY 2012 and FY 2013 Wastewater rates will increase the customer's annual charges by \$38,143, \$109,811 and \$69,239, respectively. The proposed FY 2011, FY 2012 and FY 2013 Water rates will increase the customers' annual charges by \$48,590, \$270,810 and \$104,107, respectively. The combined overall 3-year impact will be a savings for the customers of approximately \$319,300.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,



Carl Fedders
Director of Public Services



Sandra Bird
Clerk-Treasurer



Tom Tarkiewicz
City Manager

CITY OF MARSHALL, MICHIGAN
ORDINANCE _____

THE CITY OF MARSHALL ORDAINS

An Ordinance to amend Section 9 of Electric Ordinance 4.5(a) and
Section 5 of Electric Ordinance 4.6

Residential Service Rate "A"

Service Charge: \$7.00 per customer per month, plus,
Energy Charge: \$0.106 per kWh plus Power Supply Cost Adjustment

Residential Rate "A-1"

Service Charge \$7.00 per customer per month, plus
Energy Charge:
 Winter: \$0.106 per kWh plus Power Supply Cost Adjustment for the first
 600 kWh (October through May)
 \$0.066 per kWh plus Power Supply Cost Adjustment for all over
 600 kWh per month (October through May)
 Summer: \$0.106 per kWh plus Power Supply Cost Adjustment for all kWh
 (June through September)

Residential Rate-Life Support "LS"

Service Charge: \$4.00 per customer per month, plus,
Energy Charge: \$0.096 per kWh plus Power Supply Cost Adjustment

Commercial/Industrial Secondary Service "B"

Service Charge: \$ 15.00 per customer per month, plus
Energy Charge: \$ 0.107 per kWh plus Power Supply Cost Adjustment for all kWh
used per month

Commercial/Industrial Secondary Service "B1"

Service Charge: \$ 15.00 per customer per month, plus
Energy Charge:
 Winter \$ 0.067 per kWh plus Power Supply Cost Adjustment
 Summer \$ 0.107 per kWh plus Power Supply Cost Adjustment

Commercial/Industrial Secondary Service "C"

Service Charge: \$ 15.00 per customer per month, plus
Capacity Charge: \$10.35 per kW for all billing demand per month, plus
Energy Charge: \$0.064 per kWh plus Power Supply Cost Adjustment

Industrial Primary Service "D"

Service Charge: \$ 100.00 per customer per month, plus
Capacity Charge: \$9.15 per kW for all billing demand per month (Minimum 25 kW), plus
Energy Charge: \$0.076 per kWh plus Power Supply Cost Adjustment

Industrial Primary Service Rate "D-2"

Service Charge: \$ 100.00 per customer per month, plus
Capacity Charge: \$ 9.15 per kW for all billing demand per month (Minimum 1000 kW), plus
Energy Charge: \$0.076 per kWh plus Power Supply Cost Adjustment

Economic Development Rate "E"

Capacity Charge: To be determined under special contract.
Energy Charge: To be determined under special contract.

Monthly Security Light Rental Rate

7000 Lumen (175W) Mercury Vapor Lamp	\$9.00 per month per fixture
Suburbanair Fixture	
19100 Lumen (400W) Mercury Vapor Lamp	\$15.00 per month per fixture
47200 Lumen (1000W) Mercury Vapor Lamp	\$18.00 per month per fixture

Temporary Electric Service:

Service connection charge will be a minimum \$35.00

Minimum monthly charge for KWh consumed, as determined by General Secondary Rate B, and no case less than \$9.00, as determined by Watt-hour meter installed on the job. For single phase temporary service connection of more than 100 amps, there will be a charge of \$1.50 per amp. Michigan Sales Tax will be added to all bills when applicable. The rules, regulations and billing procedures shall be those in effect in the City on the effective day of this Ordinance. In addition to other remedies provided and authorized by law, the City shall have the right to shut off and discontinue the supply of electric power to any premises, for the non-payment of the rates when due. If such rates and charges are not paid within ten business days after the due date thereof, then electric power service to such premises may be discontinued. Electric power service discontinued shall not be restored until all sums then due and owing shall be paid or satisfactory arrangements have been made to pay, plus an additional charge of Twenty (\$20.00) dollars for the restoration of service during business hours or Seventy Five (\$75.00) dollars after business hours.

This Ordinance is adopted under the provisions of Public Acts of Michigan, 1933 as amended.

This Ordinance amendment shall be published in full in the Ad-visor & Chronical, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices, within ten days after its adoption. This ordinance shall be recorded in the ordinance book and such recording shall be authenticated by the signature of the Mayor and City Clerk.

This ordinance is declared to take effect on April 1, 2011.

Adopted and Passed by the Marshall City Council this 21st day of March, 2011.

James Dyer
MAYOR

Sandra Bird
CLERK-TREASURER

CERTIFICATE

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 an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on March 21, 2011, 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.

Sandra Bird, CLERK-TREASURER

Power Supply Cost Adjustment Applicable to City Electric Rate Schedules

Applicability

The Power Supply Cost Adjustment set forth herein shall apply to all of City's Electric Rate Schedules, except for the Monthly Security Light Rental Rate. The applicable adjustment shall be applied to the total kWh billed to customers for the meter reading period that City determines as most nearly corresponding to the meter reading period(s) set forth in City's purchased power billings from its supplier(s).

Base Power Supply Cost

The rates and charges set forth in City's Electric Rate Schedules are based on the cost of City's power supply requirements as furnished by Michigan South Central Power Agency (MSCPA). The Base Power Supply Cost included as City's Electric Rate Schedules is \$0.055 per kWh.

Monthly Determination of Power Supply Cost Adjustment

Each month City's Power Supply Cost Adjustment shall be determined as follows:

- A. The City's Running 6-Month Power Supply Cost per kWh shall be determined to 4 decimal places by dividing (1) the sum of the past 6 months power supply cost, including the most recent months billing, by (2) the sum of the past 6 months net energy delivered to the City, including the most recent months billing.
- B. The Base Power Supply Cost of \$0.055 per kWh shall then be subtracted from the Running 6-Month Power Supply Cost per kWh determined in (a) above.
- C. The Monthly Power Supply Cost Adjustment per kWh shall be determined by multiplying the differential derived in (b) by 1.08 to compensate for City's Distribution System Losses.

Effective Date: April 1, 2011.

CITY OF MARSHALL, MICHIGAN
ORDINANCE _____

THE CITY OF MARSHALL ORDAINS

An Ordinance to amend Section 10 of Ordinance No. 4.4(c)

WHEREAS, it is the intention of the City of Marshall that up to five (5%) percent of surplus generated annually be allocated specifically for the purpose of equipment replacement or as otherwise deemed necessary by the Marshall City Council.

THE CITY OF MARSHALL ORDAINS:

I. Based on the recommendation of the City Manager, Section 10 of Ordinance 4.4(c) is hereby amended to read as set forth below. These rates comply with the provisions of the ordinances authorizing outstanding bonds secured by revenues of the System, which are Ordinance 4.4(c), 4.4(e), 4.4(f) and 4.4(g).

1. METERED WATER

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

2. WATER READINESS TO SERVE CHARGE

(a) Readiness to Serve Charge shall be billed by meter size.

<u>Size of Meter</u>	<u>April 2011 Monthly Charge</u>	<u>January 2012 Monthly Charge</u>	<u>January 2013 Monthly Charge</u>
5/8"	\$13.38	\$14.00	\$14.50
3/4"	\$13.38	\$14.00	\$14.50
1"	\$13.38	\$14.00	\$14.50
1½"	\$47.00	\$48.00	\$48.00
2"	\$86.50	\$86.50	\$86.50
3"	\$194.00	\$195.00	\$195.00
4"	\$355.00	\$360.00	\$365.00
6"	\$775.00	\$780.00	\$785.00

(b) 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.

3. 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.

4. 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.

5. WATER COMMODITY CHARGE

(a) Water Commodity Charges inside the corporate limits of the City of Marshall:

Usage	April 2011 per 100 cft	January 2012 per 100 cft	January 2013 per 100 cft
0 to 1000 cft	\$1.79	\$1.87	\$1.95
1001 to 3000 cft	\$1.51	\$1.64	\$1.78
3001 to 15,000 cft	\$1.18	\$1.36	\$1.53
15,001 to 400,000 cft	\$0.94	\$0.96	\$1.05
400,001 cft and over	\$0.84	\$0.96	\$1.05

(b) 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.

6. FIRE PROTECTION RATES

Automatic sprinkler services or hose connections for fire protection services only:

6" or smaller connection	\$120 per annum
8" connection	\$220 per annum
10" connection	\$340 per annum
12" connection	\$500 per annum

7. RATES FOR CIRCUSES, TENT SHOWS, CARNIVALS, EXHIBITIONS AND CONSTRUCTION

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.

8. RATES COVERING WATER MAIN TAPPING

All service taps to water mains shall be made by the Water Department except when approved by the Water Superintendent. The charge for the water main tapping shall be paid by the customer and shall include all materials, equipment, and contracted costs incurred by the City.

9. METER TESTING

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.

10. TURN-ON CHARGE

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.

11. WATER CONNECTION FEE

(a) Water Connection Fee

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.

(b) Computation of Water Connection Fee

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 1.5 times the in-city rate.

12. SEWER RATES

(a) Monthly Rates for sewer service inside the corporate limits of the City of Marshall shall be:

	April 2011 Service Charge	January 2012 Service Charge	January 2013 Service Charge
1" Water Meter	\$12.50	\$13.60	\$14.45
1½" Water Meter	\$15.50	\$17.75	\$20.00
2" Water Meter	\$18.00	\$21.50	\$25.00
3" Water Meter	\$25.00	\$28.00	\$35.00
4" Water Meter	\$42.00	\$48.00	\$55.00
6" Water Meter	\$60.00	\$70.00	\$80.00
Commodity Charge	\$2.54 per 100 cft	\$2.90 per 100 cft	\$3.10 per 100 cft

(b) Monthly Rates for sewer service outside the corporate limits of the City of Marshall shall be:

	April 2011 Service Charge	January 2012 Service Charge	January 2013 Service Charge
1" Water Meter	\$13.70	\$15.10	\$15.95
1½" Water Meter	\$16.70	\$19.25	\$21.50
2" Water Meter	\$19.20	\$23.00	\$26.50
3" Water Meter	\$26.20	\$29.50	\$36.50
Commodity Charge	\$3.81 per 100 cft	\$4.35 per 100 cft	\$4.65 per 100 cft
Flat Rate Customers	\$31.19	\$35.10	\$37.50

13. SUMMER SEWER DISCOUNT FOR LAWN SPRINKLING

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.

14. SANITARY SEWER CONNECTION FEE

(a) Sanitary Sewer Connection Fee

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.

(b) Computation of Sanitary Sewer Connection Fee

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.

15. WATER AND WASTE WATER SERVICE AS LIEN ON PREMISES

The Charges for water and 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.

This Ordinance amendment shall be published in full in the Ad-visor & Chronicle, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices, within ten days after its adoption. This ordinance shall be recorded in the ordinance book and such recording shall be authenticated by the signatures of the Mayor and City Clerk.

This Ordinance is declared effective April 1, 2011.

James Dyer, MAYOR

Sandra Bird, CLERK-TREASURER

CERTIFICATE

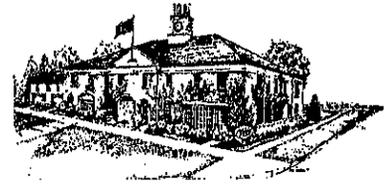
I, Sandra Bird, being duly sworn as the Clerk-Treasurer for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on March 21, 2011, and that said 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.

Date: March 21, 2011

Sandra Bird, CLERK-TREASURER

City of Marshall

323 West Michigan Avenue - Marshall, MI 49068-1578 - Phone (269) 781-5183 - FAX (269) 781-3835



ADMINISTRATIVE REPORT **March 7, 2011 - City Council Meeting**

REPORT TO: Honorable Mayor and City Council

FROM: Carl Fedders, Director of Public Services
Alec Egnatuk, Wastewater Superintendent
Tom Tarkiewicz, City Manager

SUBJECT: Wastewater Project Planning - Award

BACKGROUND: As part of the rate analysis of the wastewater fund the consultant recommended that the capital improvements for the next three years be grouped into a single bond issue. The list of projects includes:

- Replacement of Two (2) Existing Lift Stations
- Replacement of the Wastewater SCADA System
- WWTP Sludge Pump and Sludge Tank Mixer Replacement
- WWTP Valve Replacement
- WWTP Controls Replacement
- In-line Muffin Monster Exchanges Replacement (2)
- Installation of a Stand-By Generator at the WWTP
- Emergency bypass pump
- Electric Gate
- Driveway/parking lot Improvements

Staff has moved forward through the budgeting process with the assumption that a single general obligation bond will be sold to finance a portion of the capital improvement plan in the water, wastewater and electric funds.

In December of 2010 the legislation signed to commit an additional \$40 million in S2 Grants. The grants are available to cover planning and design for potential State Revolving Fund (SRF) and Strategic Water Quality Initiatives Fund (SWQIF) applicants. The grants will cover 90 percent of eligible costs. Recipients are limited to \$1 million in total grant assistance including grant awards under the prior S2 Grant program. S2 Grant applications will be available once funds become available via the legislative appropriation process. The application process has not yet been released, but should be released soon. This is will be the first time that the city has applied for the S2 Grant.

In addition to the grant opportunity, the SRF program offers a low 2.5% interest loan financing program that assists qualified local municipalities with the construction of needed water pollution control facilities. Michigan enacted 1988 PA 317, The Clean Water Assistance Act, to establish the SRF which is now codified as Part 53, 1994 PA 451, of the Natural Resources and Environmental Protection Act.

The SRF loan also allows portions of the capital improvement plan, with useful life expectancies less than 20 years, to be funded. These projects would not be eligible for funding through the use of a general obligation bond.

In order to meet the July 1, 2011 submittal deadline the City must begin as soon as possible. The proposed timeline allows construction to begin as soon as April 2012. The City of Marshall solicited proposals from Stantec Consulting, Fishbeck, Thompson, Carr, and Huber (FTCH), C2AE, Prien and Newhof, and DLZ. All of these consultants have had previous working relationships with SRF funding mechanisms and the City.

The proposals were rated using the following categories:

1. Proposal Fee
2. Experience and familiarity with the City of Marshall and their design, bidding, contracting and construction standards and practices
3. Experience and reputation providing State Revolving Funds services to other communities in Michigan. The engineering firm shall submit a list of clients and references for successfully funded State Revolving Fund Plans completed within the past two (2) years.
4. Experience and familiarity with wastewater collection and treatment systems.

Below are the results:

	<u>City</u>	<u>Price</u>
Stantec Consulting	Ann Arbor	\$15,000
Prien and Newhof	Grand Rapids	\$16,500
C2AE	Lansing	\$29,750
DLZ	Lansing	Declined to submit
FTCH	Grand Rapids	Declined to submit

After reviewing the proposals, staff recommends that Stantec Consulting be awarded the contract. The City of Marshall has a good working relationship with Stantec Consulting and has entered into a number of contracts over the years dealing with different projects. These projects included the last upgrade to the wastewater plant and the 2008 water and sewer master plan. The knowledge from these projects puts them in a very good position to serve our needs effectively and efficiently. Their staff has an impressive resume in dealing with SRF program (over \$64 million) and the S2 Grant

process. They are also well aware of the restrictive timeline and have presented an aggressive schedule.

In addition to the award of the contract, staff recommends that the attached resolution be adopted. Because of the opportunity to have all or a portion of this expenditure reimbursed, the City is required to state this intention through a resolution as required by the Internal Revenue Code for tax-exempt debt. The attached resolution allows the city to use the SRF, S2 Grant, or a general obligation bond for reimbursement.

RECOMMENDATION: It is recommended that the City Council accept the proposal from Stantec Consulting Michigan Inc. for the 2012 wastewater improvements project planning for the not to exceed cost of \$15,000 and approve the resolution stating intent to reimburse expenditures from the SRF loan, S2 Grant proceeds, or bond proceeds for the improvement to the wastewater collection and treatment facilities.

FISCAL EFFECTS: To increase the funding and amend the Wastewater Fund Capital Outlay expenditure budget line item 590-900-970.00 by \$15,000 for the consulting costs. The source of funding will be the use of prior year fund balance reserves. These costs could be reimbursed from the bond proceeds for the improvement to the wastewater collection and treatment facilities.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,



Carl Fedders
Director of Public Services



Alec Egnatuk
Wastewater Superintendent



Tom Tarkiewicz
City Manager

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2011-_____**

**RESOLUTION STATING INTENT TO
REIMBURSE EXPENDITURES FROM BOND PROCEEDS FOR IMPROVEMENT TO
THE WASTEWATER AND WATER COLLECTION, DISTRIBUTION AND
TREATMENT FACILITIES**

A RESOLUTION TO PROVIDE FOR:

Statement of Intent to reimburse expenditures from bond proceeds required by Internal Revenue Code for tax-exempt debt.

WHEREAS, the City of Marshall, County of Calhoun, State of Michigan (the "City") is developing a plan to improve various equipment and infrastructure at the wastewater treatment plant and the wastewater collection system (the "Project"); and

WHEREAS, the City may receive a loan to finance costs of the Project from the State Revolving Fund through the Michigan Department of Natural Resources and Environment or a limited tax obligation bond to finance the Project.

WHEREAS, the Internal Revenue Service has issued Treasury Regulation § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended, governing proceeds of debt used for reimbursement, pursuant to which the City must declare official intent to reimburse expenditures with proceeds of such debt before making the expenditures.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City hereby makes the following declaration of official intent for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(1) As of the date of this resolution the City reasonably expects to reimburse itself for the expenditures described in (2) below with proceeds of debt to be incurred by the City.

(2) The expenditures described in this paragraph (2) are to pay certain costs associated with the Project which were or will be paid subsequent to sixty (60) days prior to the date hereof or which will be paid prior to the issuance of the debt from the general funds or capital fund of the City.

(3) As of the date hereof, the maximum principal amount of debt expected to be issued for reimbursement purposes, including reimbursement of debt issuance costs, Two Million One Hundred Thousand Dollars (\$2,100,000) which debt may be issued in one or more series and/or together with debt for other purposes.

(4) A reimbursement allocation of the expenditures described in paragraph (2) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Project to reimburse the City for a capital expenditure made pursuant to this Resolution.

(5) The expenditures for the Project are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of "placed in service" under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

(6) No proceeds of the borrowing paid to the City in reimbursement pursuant to this Resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in paragraph (4) above.

2. This declaration is executed to indicate the intent of the City only, and does **NOT** bind the City to acquire and construct any improvements or to issue any bonds or other obligations of the City.

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

Sandra Bird, Clerk-Treasurer

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the City Council of the City of Marshall, County of Calhoun, State of Michigan, at a Regular meeting held on March 7, 2011 at 7:00 o'clock p.m., prevailing Eastern Time, 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 267.

Sandra Bird, Clerk-Treasurer