

CALL TO ORDER

IN REGULAR SESSION Monday, April 18, 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, Miller, Traver, and Williams.

Also Present: City Manager Tarkiewicz.

Absent: Council Member Metzger.

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

INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Dyer led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Williams, supported Mankerian, to approve the agenda with the addition of the Michigan South Central Power Agency invoice in the amount of \$616, 801.44. On a voice vote: **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

Moved Miller, supported Booton, to approve the consent agenda:

- A. Approve the issuance of Outdoor Café Licenses for Schuler's Inc. and Pastrami Joe's effective May 1, 2011 and expires April 30th of the following year;
- B. Approve the recommendation to authorize the Clerk-Treasurer to sign the completed terms and conditions of accepting terms for the US Department of Transportation Airport Improvement program grants;
- C. Approve minutes of the City Council Regular Session held on Monday, April 4, 2011;
- D. Approve city bills in the amount of \$749, 504.90.

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

PRESENTATIONS AND RECOGNITIONS

Angela Semifero, Interim Director of the Marshall Public Library, provided information regarding the services provided at the library.

INFORMATIONAL ITEMS

Carl Fedders, Director of Public Services, provided an event update on the Remote Control Plane Swap Meet at Brooks Field.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Electric, Water, and Sewer Rate Ordinance Amendment:

Mayor Dyer opened the public hearing to hear public comment regarding the proposed changes to the Electric, Water, and Sewer Rate Ordinances.

Dawn Lund of Utility Financial Solutions provided rationale behind the rate changes for the utility funds.

John LaPietra of 386 Boyer Court inquired how the average user was calculated.

Hearing no further comment the hearing was closed.

Moved Williams, supported Miller, to approve the ordinance to amend Section 9 of Electric Ordinance 4.5 (a) and Section 5 of Electric Ordinance 4.6. On a roll call vote – ayes: Mayor Dyer, Mankerian, Miller, Traver, Williams, and Booton; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN
ORDINANCE # 2011-08

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
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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

Energy Charge: (Minimum 1000 kW), plus
Adjustment \$0.076 per kWh plus Power Supply Cost

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 & 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 signature of the Mayor and City Clerk.

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

Adopted and passed by the Marshall City Council this 18th day of April, 2011.

Marshall City Council, Regular Session
Monday, April 18, 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 April 18, 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 \$0.065 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 \$0.065 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 positive differential derived in (b) by 1.08 to compensate for City's Distribution System Losses. If the differential derived in (b) is negative, the monthly power supply cost adjustment shall be \$0.000 per kWh.

Effective Date: May 1, 2011.

Moved Miller, supported Mankerian, to approve the ordinance to amend of Section 10 of Water and Wastewater Rates Ordinance 4.4(c). On a roll call vote – ayes: Mankerian, Miller, Traver, Williams, Booton, and Mayor Dyer; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN
ORDINANCE #2011-09

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.

Effective for bills mailed after

Size of Meter	May 1, 2011 Monthly Charge	January 1, 2012 Monthly Charge	January 1, 2013 Monthly Charge
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:

Effective for bills mailed after

Usage	May 1, 2011 per 100 cft	January 1, 2012 per 100 cft	January 1, 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:

Effective for bills mailed after

	May 1, 2011 Service Charge	January 1, 2012 Service Charge	January 1, 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 /100 cft	\$2.90 /100 cft	\$3.10/100 cft

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

Effective for bills mailed after

	May 1, 2011 Service Charge	January 1, 2012 Service Charge	January 1 2013 Service Chg
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 /100 cft	\$4.35 /100 cft	\$4.65 /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 May 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 April 18, 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: April 18, 2011

Sandra Bird, CLERK-TREASURER

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Bichler/Arroyo Proposal:

Moved Miller, supported Traver, to approve the retention of Birchler/Arroyo Planning Consulting Firm to assist the Hospital Neighborhood Committee with drafting language for the Hospital Overlay Growth District. On a roll call vote – ayes: Miller, Traver, Williams, Mayor Dyer, and Mankerian; nays: Booton.
MOTION CARRIED.

Mayor Dyer read a prepared statement from Dave Deppe, a member of the Hospital Neighborhood Committee:

Dear Council,

I believe you will be voting on a request from the Hospital/Neighborhood Committee tonight to bring in a consultant to help write the rules and regulations for the proposed Hospital Overlay District.

As a member of the Hospital/Neighborhood Committee, I wanted to express my full support for this proposal even though I cannot be at the Council meeting tonight. I feel that it is very, very important to bring in an outside person that can lend an unbiased approach to this important document.

I urge the Mayor and the Council to approve the cost of this consultant to help in the efforts of the committee. Thank you for your consideration of this request.

Sincerely,

Dave Deppe

B. Dial-A-Ride Transit Application for State Financial Assistance for 2011-2012 Fiscal Year:

Moved Traver, supported Mankerian, to adopt the Resolution of Intent to authorize the City of Marshall DART to seek financial assistance from the State of Michigan for its public transportation service as revised. On a roll call vote – ayes: Traver, Williams, Booton, Mayor Dyer, Mankerian, and Miller; nays: none. **MOTION CARRIED.**

C. Disposal of 1980 Snorkel Fire Truck:

Moved Williams, supported Mankerian, to approve the recommendation to use Public Surplus Inc. to dispose of the 1980 Snorkel Fire Truck using staff's guidelines and setting reserve price of \$10,000 with the understanding that if the reserve is not met, staff can rebid or accept a bid that is equal to or exceeds the scrap metal price. On a roll call vote – ayes: Williams, Booton, Mayor Dyer, Mankerian, Miller, and Traver; nays: none. **MOTION CARRIED.**

APPOINTMENTS / ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Tracy Trudell of 1212 Comstock commented regarding the Pratt Park development.

Jerry Clifton of 15766 17 ½ Mile Road commented regarding the performance of the City Manager.

Heather Vote of the Substance Abuse Council announced the "Take Back Initiative" that will be held Saturday, April 30, 2011 at Town Hall for the return of any unused prescription medications.

John LaPietra of 386 Boyer Court commented regarding his stand for peace.

Katie Doud of 305 E Michigan Avenue provided an update on the Forever Young program.

Vince Trudell of 1212 Comstock commented regarding the Pratt Park

Marshall City Council, Regular Session
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development.

COUNCIL AND MANAGER COMMUNICATIONS

None.

CLOSED SESSION

Moved Booton, supported Williams, to enter into closed session under Section 8 (a) of the Michigan Open Meetings Act to discuss the evaluation of the City Manager. On a roll call vote – ayes: Booton, Mayor Dyer, Mankerian, Miller, Traver, and Williams; nays: none. **MOTION CARRIED.**

At 8:18 p.m. moved to closed session.

At 9:55 p.m. moved to open session.

ADJOURNMENT

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

James L. Dyer, Mayor

Sandra Bird, Clerk-Treasurer