



MARSHALL CITY COUNCIL AGENDA

MONDAY – 7:00 P.M.

DECEMBER 3, 2012

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) INVOCATION – Barry Chaffin, Church of Christ
- 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. 2013 City Council Meetings

City Council will receive dates of the 2013 City Council Meetings.

B. 2013 Boards and Commissions

City Council will receive the listing of the Board and Commission positions that are scheduled to expire and the term of office.

C. City Council Minutes

Work Session..... Monday, November 19, 2012

Regular Session..... Monday, November 19, 2012

D. City Bills

Regular Purchases.....\$350,925.12

Weekly Purchases –11/16/12.....\$ 17,509.10

Weekly Purchases –11/23/12.....\$ 163,971.48

Total\$ 532,405.70

8) PRESENTATIONS AND RECOGNITIONS

A. Introduction of Theresa Sears

Natalie Huestis, Director of Community Services, will introduce the new Marshall House Administrator, Theresa Sears.

B. Downtown Tree Project Resolutions of Appreciation

C. CCFDA Recognition

9) INFORMATIONAL ITEMS

10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

11) OLD BUSINESS

Mayor:

James Dyer

Council Members:

Ward 1 - Wayne Booton

Ward 2 - Nick Metzger

Ward 3 - Brent Williams

Ward 4 - Jack Reed

Ward 5 - Jody Mankerian

At-Large - Kathy Miller



12) REPORTS AND RECOMMENDATIONS

A. Special Land Use #SLU 12.03 for a Group Child Day Care Home at 815 Forest Street

City Council will consider the recommendation to approve the Special Land Use Permit for a Group Child Day Care Home at 815 Forest Street under the conditions set forth by the Planning Commission.

B. Brooks Nature Area (BNA) – Observation Deck Award

City Council will consider the recommendation to accept the bid from Quantum Construction Company of Douglas, MI for the amount of \$41,135 for the construction of the BNA observation deck.

C. Shearman School Property Purchase

City Council will consider the recommendation to authorize the Clerk to sign the sales agreement with Marshall Public Schools for the Shearman School site.

D. City of Marshall Utilities – Standard Rules and Regulations Revisions

City Council will consider the recommendation to approve the revisions to the City of Marshall Utility Rate Classification and Standard Rules and Regulations as presented and make them effective December 3, 2012.

E. City Charter Revisions, Appointment of Clerk and Treasurer, and Establishment of Salaries

City Council will consider the recommendation to appoint Trisha Nelson as the Clerk, Michelle Mastej as the Treasurer, and the FY 2013 annual salary of the Clerk be established at \$42,448.40, the Treasurer at \$47,393.85, and the Finance Director at \$66,454.41.

F. Planning Commission HCOD Recommendation

City Council will receive the recommendation from the Planning Commission regarding the Hospital Campus Overlay District.

13) APPOINTMENTS / ELECTIONS

A. Downtown Development Authority – Main Street Board Re-Appointments and Appointments

City Council will consider the recommendation to reappoint Tim Sykora, Ryan Traver, and Jason LaForge to the DDA/Main Street with terms expiring on December 31, 2016. It is further recommended that Paul Herman be appointed to the DDA/Main Street Board with a term expiring on December 31, 2014 and Richard Kane with a term expiring on December 31, 2015.

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

December 3, 2012

Page 2



ADMINISTRATIVE REPORT
December 3, 2012 – CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council

FROM: Trisha Nelson, Deputy Clerk
Tom Tarkiewicz, City Manager

SUBJECT: 2013 City Council Meetings

BACKGROUND: According to Marshall City Charter Section 2.15 (a), Council shall meet regularly at least once in every month. As such, the Council has customarily held its meetings on the first and third Monday of the month, unless a holiday falls on a Monday.

Attached is a listing of meeting dates for City Council in the Year 2013. All meetings will be held at 7:00 p.m. in the Council Chambers of Town Hall.

RECOMMENDATION: None. This is an informational report.

FISCAL EFFECT: None.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

A handwritten signature in cursive script that reads "Trisha Nelson".

Trisha Nelson
Deputy Clerk

A handwritten signature in cursive script that reads "Tom Tarkiewicz".

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

CITY OF MARSHALL
PUBLIC NOTICE

THE MARSHALL CITY COUNCIL WILL HOLD WORK SESSIONS PRIOR TO EACH COUNCIL MEETING AT 6:00 P.M., AT TOWN HALL IN THE COUNCIL CHAMBERS, 323 WEST MICHIGAN AVENUE, MARSHALL, MI 49068.

THE MARSHALL CITY COUNCIL WILL HOLD ITS REGULAR MEETINGS IN THE YEAR 2013 AT 7:00 P.M., AT TOWN HALL IN THE COUNCIL CHAMBERS, 323 WEST MICHIGAN AVENUE, MARSHALL, MI 49068, ON THE FOLLOWING DATES:

Monday, January 7 th	<i>Tuesday, January 22nd</i>
Monday, February 4 th	<i>Tuesday, February 19th</i>
Monday, March 4 th	Monday, March 18 th
Monday, April 1 st	Monday, April 15 th
Monday, May 6 th	Monday, May 20 st
Monday, June 3 rd	Monday, June 17 th
Monday, July 1 st	Monday, July 15 th
Monday, August 5 th	Monday, August 19 th
<i>Tuesday, September 3rd</i>	Monday, September 16 th
Monday, October 7 th	Monday, October 21 st
Monday, November 4 th	Monday, November 18 th
<i>Tuesday, December 3rd</i>	Monday, December 16 th

Trisha Nelson, Deputy Clerk



ADMINISTRATIVE REPORT
December 3, 2012 – CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council
FROM: Trisha Nelson, Deputy Clerk
Tom Tarkiewicz, City Manager
SUBJECT: Appointment or Reappointment of Boards and
Commission Members

BACKGROUND: According to Marshall City Charter Section 2.13(d) Council shall, in December of each year, publish a listing of all board or commission positions which are scheduled to expire the following year and the term of office for each. Such notice shall also state how applicants may apply for such vacancies. The notice shall be published in a newspaper of general circulation within the city. Said notice shall also be posted in City Hall.

Attached is a listing of vacancies which will be published in the Marshall Chronicle.

RECOMMENDATION: None. This is an informational report

FISCAL EFFECT: None.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Trisha Nelson
Deputy Clerk

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

CITY OF MARSHALL NOTICE
Boards and Commissions Positions

Section 2.13: Appointment of Boards and Commissions, of the City Charter, requires publication, in December, a listing of all Board and Commission positions which are scheduled to expire the following year and the term of office.

Following is a listing of Boards and Commissions positions whose terms are scheduled to expire in 2013. Interested parties wishing to volunteer their services may apply by filling out an application and submitting a resume to the Mayor, Marshall City Hall, 323 West Michigan Avenue, Marshall, MI 49068. Some expired seats may be filled by the incumbent member.

Board or Commission	Term of Office
AIRPORT BOARD Three positions	10/1/2013 to 9/30/2016
BROOKS NATURE AREA Two positions	8/15/2013 to 8/14/2016
DISTRICT LIBRARY BOARD One position	3/31/2013 to 3/30/2016
DOWNTOWN DEVELOPMENT AUTHORITY Three positions	12/31/2013 to 12/30/2017
LOCAL ADVISORY COMMITTEE One position	2/1/2013 to 1/31/2016
LOCAL DEVELOPMENT FINANCE AUTHORITY Two positions	6/2/2013 to 6/1/2015
One position	6/2/2013 to 6/1/2016
Two positions	6/2/2013 to 6/1/2017
PARKS AND RECREATION Three positions	7/01/2013 to 6/30/2016
PLANNING COMMISSION Two positions	11/01/2013 to 10/31/2016
ZONING BOARD OF APPEALS One position	3/10/2013 to 3/09/2016

Trisha Nelson, Deputy Clerk

IN A WORK SESSION Monday, November 19, 2012 at 6:00 P.M. in the Conference Room of Town Hall, 323 West Michigan Avenue, Marshall, MI, the Marshall City Council was called to order.

Present: Council Members: Booton, Mayor Dyer (arrived at 6:10 p.m.), Mankerian, Metzger, Miller, Reed, and Williams

Also Present: City Manager Tarkiewicz and Clerk-Treasurer Bird

Absent: None.

A. City Staff presented the following financial policies:

- Investment Policy
- Fund Balance Reserves Policy
- Debt Management Policy
- Capital Improvement Program Policy

The meeting was adjourned at 6:55 p.m.

James L. Dyer, Mayor

Sandra Bird, Clerk-Treasurer

CALL TO ORDER

IN REGULAR SESSION Monday, November 19, 2012 at 7:00 P.M. in the Council Chambers of Town Hall, 323 West Michigan Avenue, Marshall, MI, the Marshall City Council was called to order by Mayor Dyer.

ROLL CALL

Roll was called:

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

Also Present: City Manager Tarkiewicz.

Absent: None.

INVOCATION/PLEDGE OF ALLEGIANCE

Richard Gerten of Family Bible Church gave the invocation and Mayor Dyer led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Miller, supported Mankerian, to add to the agenda item 11A Investment Policy, Debt Management Policy and Capital Improvement Program Policy. On a voice vote – **MOTION CARRIED.**

Moved Metzger, supported Mankerian, to approve the agenda with the amendments. 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 minutes of the City Council Regular Session and Work Session held on Monday, November 5, 2012;
- B. Approve city bills in the amount of \$992,625.04.

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

PRESENTATIONS AND RECOGNITIONS

None.

INFORMATIONAL ITEMS

City Manager Tarkiewicz provided an update on discussions with Marshall Public Schools regarding the City Garage.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

None.

OLD BUSINESS

A. Financial Policies:

Moved Williams, supported Metzger, to approve the Investment Policy, Debt Management Policy, and Capital Improvement Program Policy presented by Clerk-Treasurer. On a roll call vote – ayes: Mankerian, Metzger, Miller, Reed, Williams, Booton, and Mayor Dyer; nays: none. **MOTION CARRIED.**

REPORTS AND RECOMMENDATIONS

A. CCAIS Agreement:

Moved Metzger, supported Mankerian, to approve the agreement with the County Agricultural & Industrial Society for the ice skating rink. On a roll call vote – ayes: Metzger, Miller, Reed, Williams, Booton, Mayor Dyer, and Mankerian; nays: none. **MOTION CARRIED.**

B. Goal Setting Work Session:

Moved Miller, supported Booton, to schedule a work session on Saturday, January 5, 2013 from 9:00 a.m. to 12:00 p.m. at the Public Services Building Training Room to establish goals for 2013 and 2014. On a voice vote – **MOTION CARRIED.**

APPOINTMENTS / ELECTIONS

A. Calhoun County Consolidated Dispatch Authority Board Appointment:

Moved Metzger, supported Miller, to approve the appointment of Council Member Brent Williams to the Calhoun County Consolidated Dispatch Authority Board for a term of January 1, 2013 to December 31, 2014. On a voice vote – **MOTION CARRIED.**

Marshall City Council, Regular Session
Monday, November 19, 2012
Unofficial

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

COUNCIL AND MANAGER COMMUNICATIONS

ADJOURNMENT

The meeting was adjourned at 7:39 p.m.

James L. Dyer, Mayor

Sandra Bird, Clerk-Treasurer

User: ctanner

DB: Marshall

EXP CHECK RUN DATES 12/06/2012 - 12/06/2012

UNJOURNALIZED

OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
9010025455	AIRGAS USA LLC	WELDING GASES	219.23
9905472237	AIRGAS USA LLC	CYLINDER RENTAL	91.11
226288	AMERICAN PUBLIC POWER	ECO@HOME CALENDAR	5,383.84
11-757643	ARROW UNIFORM	CUST #010198-04	62.30
11-757638	ARROW UNIFORM	CUST #010198-01	26.37
11-757645	ARROW UNIFORM	CUST #010198-05	20.00
11-765240	ARROW UNIFORM	CUST #010198-01	26.37
11-765248	ARROW UNIFORM	CUST #010198-05	20.00
11-765246	ARROW UNIFORM	CUST #010198-04	62.30
11-757644	ARROW UNIFORM	CUST #010198-03	135.58
11-765245	ARROW UNIFORM	CUST #010198-02	54.56
11-765247	ARROW UNIFORM	CUST #010198-03	135.58
11-757642	ARROW UNIFORM	CUST #010198-02	54.56
225-311768	AUTO VALUE MARSHALL	DIESEL ADD, GLOVES, MINI LAMP, FILTERS	145.57
225-311769	AUTO VALUE MARSHALL	DIESEL 15W40	554.09
25-312409	AUTO VALUE MARSHALL	SPRAY BOTTLE, KROIL	82.58
225-312682	AUTO VALUE MARSHALL	OIL FILTER	10.36
225-312734	AUTO VALUE MARSHALL	DIESEL ADD, FILTERS, HALOGEN CAPSULES	289.63
225-312733	AUTO VALUE MARSHALL	MOLY ROLLER CHAIN	105.90
225-310690	AUTO VALUE MARSHALL	ACRYL FOAM TAPE, ELEC TAPE	60.39
87098	B S & A SOFTWARE	BULDING DEPT.NET PROGRAM	2,700.00
86186	B S & A SOFTWARE	INTERNET SERVICES 11/1/12--11/1/13	2,925.00
86370	B S & A SOFTWARE	BUILDING DEPT SYSTEM ANNUAL SRVC	625.00
110812	BONNIE'S TAILORING	ADD PATCHES TO SHIRTS	8.00
111312	BONNIE'S TAILORING	REPAIR PANTS	6.00
63462	BOSHEARS FORD SALES IN	F-450 REPAIR	310.35
63384	BOSHEARS FORD SALES IN	FORD F-450	452.55
626869	BOSHEARS FORD SALES IN	SCREWS	16.20
587035	COMMERCIAL OFFICE PROD	QRTLY PLANNER	9.99
110725	D & D MAINTENANCE SUPP	RUBBER BANDS	57.60
711	DAMRON BROTHERS ASPHAL	PARKING LOT SEALCOATING	895.00
419993	DARLING ACE HARDWARE	ELECT SUPPLIES RETURNED	(6.54)
419919	DARLING ACE HARDWARE	ELEC SUPPLIES	86.82
419585	DARLING ACE HARDWARE	SNAPBLADE KNIFE, PLIERS	39.96
419840	DARLING ACE HARDWARE	WASHER REDUCE	0.49
420255	DARLING ACE HARDWARE	PLUMBING FITTINGS	27.44
419779	DARLING ACE HARDWARE	KEYS	9.95
419781	DARLING ACE HARDWARE	HOOK & CHAIN	17.96
475810	DAVIS, MATT	CARPETING INSTALLED APT #421	300.00
111512	DUSTY NASH EMRGNCY VEH	UPFIT POLICE CARS	1,500.00
8189	ERIC DALE HEATING & AI	PSB SERVICE CALL	1,176.64
MIMA142530	FASTENAL COMPANY	BOLTS	49.75
MIMA142563	FASTENAL COMPANY	RETURNED BOLTS	(19.44)
P59318	FILLMORE EQUIPMENT INC	DRAFT LINK, STBLZR, RING, PINS	315.09
584040	FIVE STAR UNDERGROUND	WINTERIZE SPRINKLER SYSTEM DOWNTOWN	70.00
1298	FUG	T-SHIRTS	318.00
11-11932	GARAGE DOORS UNLIMITED	SERVICE CALL AT PSB	95.00
11-11607	GARAGE DOORS UNLIMITED	STORAGE BLDG @ CEMETERY	95.00
9118851188	HD SUPPLY FACILITIES	M.MAINTENANCE PARTS	310.61
65672	HERMANS MARSHALL HARDW	DUCT TAPE, SUPER GLUE, BATTERIES	35.97
65702	HERMANS MARSHALL HARDW	BULBS	3.58
65687	HERMANS MARSHALL HARDW	LEAF BAGS	31.92
65715	HERMANS MARSHALL HARDW	SPRAYER	23.49
51043	HUNTER PRELL COMPANY	FIRE MAIN REPAIR & HONOLULU HSE INSPCTN	4,250.00
RMS000210	INTERACT PUBLIC SAFETY	ANNUAL RMS MAINTENANCE FOR 2013	1,000.00
79678	J & K PLUMBING SUPPLY	WATER HEATER	452.00
79763	J & K PLUMBING SUPPLY	SHOWER PARTS	63.24
79948	J & K PLUMBING SUPPLY	CONNECTOR	7.60
1591330-00	J.O. GALLOUP COMPANY	PLUMBING FITTING	38.52
PC01229872:001	JACKSON TRUCK SERVICE	CABLE, ADPTR KIT	194.11
PC01229215:001	JACKSON TRUCK SERVICE	GASKET, ORING	38.53
PC01229183:001	JACKSON TRUCK SERVICE	SUPPLIES	123.86
PC01229134:001	JACKSON TRUCK SERVICE	OIL COOLER	861.00
89	JOHN D BRUNDAGE &	OCTOBER SERVICES	2,770.00
127770	KAR LABORATORIES INC	CYANIDE ANALYSIS	100.00
4827	KELLOGG'S REPAIR GARAG	CLUTCH ASSY	293.55
542104	KENNEDY INDUSTRIES INC	RAS PUMP REPAIR	1,086.99
25585	LAKELAND ASPHALT CORPO	BITUMINOUS AGGREGATES	339.04
11559	MARSHALL AREA CHAMBER	WHAT'S BREWING	7.00
111212	MARSHALL FIREFIGHTERS	CALENDAR CONTRIBUTION	632.52
12620	MARSHALL MEDICAL ASSOC	THERESA SEARS	56.00
3226	MARSHALL TIRE CITY	4 TIRES	1,728.00
2012159	MAXIMUM AMMUNITION LLC	JACKETS	300.00
982	MICHIGAN DOWNTOWN ASSO	ANNUAL MEMBERSHIP 10/01/12 THRU 09/30/13	200.00
110112	MICHIGAN STATE FIREMEN	2013 DEPT MEMBERSHIP	75.00
E9744	MWEA	WASTEWATER ADMIN CONFERENCE	320.00
391678A	NYE UNIFORM COMPANY	RAINCOATS	358.00

EXP CHECK RUN DATES 12/06/2012 - 12/06/2012
 UNJOURNALIZED
 OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
396921	NYE UNIFORM COMPANY	PANTS	106.59
396908A	NYE UNIFORM COMPANY	STREETGEAR PANT	205.50
396910	NYE UNIFORM COMPANY	STREETGEAR	163.54
396912	NYE UNIFORM COMPANY	PANTS, SHIRT	87.00
395433	NYE UNIFORM COMPANY	PANT	96.50
395431	NYE UNIFORM COMPANY	PANT	315.00
395421	NYE UNIFORM COMPANY	TURTLENECK SHIRT	143.72
396909	NYE UNIFORM COMPANY	PANT	68.50
396907	NYE UNIFORM COMPANY	SHIRT, PANT	237.00
396908	NYE UNIFORM COMPANY	SHIRT	76.45
396913	NYE UNIFORM COMPANY	SHIRT, PANT	288.60
439320	OLIE'S TREE FARM	100' ROPE	105.00
2075121202	PARRISH EXCAVATING	2012 WATER MAIN IMPROVEMENTS	269,339.90
4251	PRECISION LAWN CARE	MOW & TRIM, FERTILIZE	500.00
386204	PVS NOLWOOD CHEMICALS	POTASSIUM PERMANGANATE	2,878.80
326	QUALITY LAWN CARE	LAWN CARE AT MH	880.00
323	QUALITY LAWN CARE	MOWING @ AIRPORT	1,700.00
7875	RADIO COMMUNICATIONS	CAMERA REPAIRED	67.50
7876	RADIO COMMUNICATIONS	MVR SYSTEM REPAIR	67.50
7536	SIGNWORLD CONCEPTS	VEHICLE CHANGEOVER	540.00
24778	STANDARD PRINTING & OF	DELIVERY CHARGE	7.00
24626	STANDARD PRINTING & OF	THERMAL ROLLS	19.95
640287	STANTEC CONSULTING MIC:	2012 WATER MAIN IMPROVEMENTS	19,995.84
640286	STANTEC CONSULTING MIC:	2012 WATER MAIN IMPROVEMENTS	2,522.00
640063	STANTEC CONSULTING MIC:	CONSTRUCTION ENGINEERING SERVICES	14,159.40
20735	SUMMIT POINTE	CONTRACT MOWING	160.00
530340276	UTILITIES INSTRUMENTAT	BATTERY CHARGER REPAIR	690.00
16452	WORKHEALTH	METH PX	148.20
10058364	WOW! BUSINESS	ACCT #10058364 AIRPORT	32.97
			350,925.12

EXP CHECK RUN DATES 11/16/2012 - 11/16/2012
 UNJOURNALIZED
 OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
269781981511-12	A T & T	269 781-9815 267 0	1,525.86
269781907011-12	A T & T	269 781-9070 573 1	41.00
269789463011-12	A T & T	269 789-4630 541 5	270.23
269789280611-12	A T & T	269 789-2806 635 7	57.06
269789261511-12	A T & T	269 789-2615 963 4	63.60
269781444711-12	A T & T	269 781-4447 749 4	118.44
269789467111-12	A T & T	269 789-4671 266 9	156.96
ALLMI550-1212	ALLSTATE WORKPLACE DI	POLICY # ALLMI550	778.51
7016312710/0005-12	BLUE CROSS BLUE SHIEL	GROUP #007016312/0005	1,690.79
110912	BOUGHTON, CODY	REIMBURSEMENT FOR HAUNTED TRAIL SUPPLIE	6.88
111212	BROCKIE, BRODIE	HAUNTED TRAIL REIMBURSEMENT	41.32
110712	CRAWFORD, BRANDON	ENERGY OPTIMIZATION - A/C & FURNACE	180.00
110912	EGNATUK, ALEC	DRAIN TILE FOR PARKING LOT DRAIN	59.32
110712	FISHER, CHARLIE	SCHOOL LUNCH	22.47
21-036800-28	GOODMAN, CLIFFORD	REFUND UTILITY DEPOSIT	39.56
985676	GRIFFIN PEST SOLUTION	323 W MICHIGAN AVE	32.00
110912	HAZEL, CHAD	REIMBURSE FOR TIRE DAMAGE	19.99
29-003600-28	HUOSKY, TERRI LYNN	REFUND UTILITY DEPOSIT	70.54
99007320387-1112	LOWE'S	ACCT #9900 732038 7	7,336.19
82130231059095-111	LOWES BUSINESS ACCOUN	ACCT #821 3023 105909 5	674.69
110612	LUIB, EARL	SAFETY EYEWEAR REIMBURSEMENT	40.00
13-53-003-939-00	MARSH, JOHN & GEORGIA	REFUND TAX OVERPAYMENT	826.28
7681-1112	MARSHALL COMMUNITY CU	7681 - TARKIEWICZ	94.29
3648-1112	MARSHALL COMMUNITY CU	3648 - KIESSLING	111.89
2113-1112	MARSHALL COMMUNITY CU	2113 - TRUDEAU	289.46
4570-1112	MARSHALL COMMUNITY CU	4570 - FEDDERS	583.25
111212	MCCARTHY, MICHAEL & B	ENERGY OPTIMIZATION - FURNACE	150.00
13-53-003-828-00	O'LEARY, BEULAH	REFUND TAX OVERPAYMENT	383.60
14-014900-18	POWELL, RYAN	REFUND UTILITY DEPOSIT	38.07
29-012400-06	SEEDORF, CODY	REFUND UTILITY DEPOSIT	84.77
6035517820348893-1	STAPLES	ACCT #6035 5178 2034 8893	1,391.47
110712	SUNDBERG, KIP	BOOT ALLOWANCE	100.80
110812	TICE, LUCAS	SCHOOL LUNCH	12.98
14-007000-02	TRESCOTT, DEBORAH	REFUND TAX CERT REPAID BY TENANT	50.00
110912	TRUDEAU, TERI	REIMBURSEMENT FOR SUPPLIES	16.29
2822577732	VERIZON WIRELESS	ACCT #987146080-00001	76.04
			17,434.60

Prescription reimbursements 74.50

Total Cash Disbursements \$17,509.10

User: ctanner

DB: Marshall

EXP CHECK RUN DATES 11/26/2012 - 11/26/2012
 BOTH JOURNALIZED AND UNJOURNALIZED
 BOTH OPEN AND PAID

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
Z1406436MK	AMERICAN MESSAGING	ACCT #Z1-406436	103.93
287238047810X11112	AT&T MOBILITY	ACCT #287238047810	36.35
111912	BERRY, FAYE	ENERGY OPTIMIZATION - DEHUMIDIFIER	7.00
7016312/0008-1212	BLUE CROSS BLUE SHIEL	GROUP #007016312/0008	67,643.07
7016312/0007-1212	BLUE CROSS BLUE SHIEL	GROUP #7016312/0007	47,847.93
111612	BLUE MOUNTAIN ARTISTS	DOWNPAYMENT FOR 2013 BLUESFEST HEADLINE	2,000.00
111612	C N A SURETY	7 BONDS FOR WINTERFEST LIQUOR LICENSES	350.00
111612-1	CALHOUN COUNTY TREASU	11/01/12--11/16/12 SUMMER PERSONAL IFT	8,784.68
111612-2	CALHOUN COUNTY TREASU	11/01/12--11/16/12 SUMMER REAL AD VAL	3,867.92
111612-3	CALHOUN COUNTY TREASU	11/01/12--11/16/12 SUMMER REAL AD VAL	0.54
111612-4	CALHOUN COUNTY TREASU	11/01/12--11/16/12 SUMMER PERSONAL AD V	108.80
111612-5	CALHOUN COUNTY TREASU	11/01/12--11/16/12 SUMMER REAL AD VAL	4,315.37
111612-6	CALHOUN COUNTY TREASU	11/01/12--11/16/12 SUMMER REAL AD VAL	0.61
111612-7	CALHOUN COUNTY TREASU	11/01/12--11/16/12 SUMMER PERSONAL AD V	120.68
111612-1	CALHOUN INTERMEDIATE	11/01/12--11/16/12 SUMMER REAL AD VAL	2,251.14
111612-2	CALHOUN INTERMEDIATE	11/01/12--11/16/12 SUMMER REAL AD VAL	0.31
111612-3	CALHOUN INTERMEDIATE	11/01/12--11/16/12 SUMMER PERSONAL AD V	63.32
587166	COMMERCIAL OFFICE PRO	CLIPBOARD, MARKERS, CRTDGS, COVERS	108.00
1000	CORNERSTONE INSPECTIO	INSPECTION	134.00
7018274-1112	EARTHLINK BUSINESS	ACCT #0007018274	2,217.43
111612	FOLK OIL COMPANY INCO	ENERGY OPTIMIZATION - 804 US 27 N	1,400.00
7-003600-12	GIPSON, AMANDA	REFUND UTILITY DEPOSIT	113.47
5-003000-21	JACKSON, DOUG	REFUND UTILITY OVERPAYMENT	49.32
111612-1	KELLOGG COMMUNITY COL	11/01/12--11/16/12 SUMMER PERSONAL IFT	3,030.68
111612-2	KELLOGG COMMUNITY COL	11/01/12--11/16/12 SUMMER REAL AD VAL	1,334.33
111612-3	KELLOGG COMMUNITY COL	11/01/12--11/16/12 SUMMER REAL AD VAL	0.18
111612-4	KELLOGG COMMUNITY COL	11/01/12--11/16/12 SUMMER PERSONAL AD V	37.54
111912	LARSON, JAY	ENERGY OPTIMIZATION - LED LIGHTS	7.00
6187-1112	MARSHALL COMMUNITY CU	6187 - RODGERS	285.67
2998-1112	MARSHALL COMMUNITY CU	2998 - DIXON	256.62
2998-1012	MARSHALL COMMUNITY CU	2998 - DIXON	820.44
111612-1	MARSHALL DISTRICT LIB	11/01/12--11/16/12 SUMMER PERSONAL IFT	2,729.84
111612-2	MARSHALL DISTRICT LIB	11/01/12--11/16/12 SUMMER REAL AD VAL	1,201.86
111612-3	MARSHALL DISTRICT LIB	11/01/12--11/16/12 SUMMER REAL AD VAL	0.16
111612-4	MARSHALL DISTRICT LIB	11/01/12--11/16/12 SUMMER PERSONAL AD V	33.80
111612-1	MARSHALL PUBLIC SCHOO	11/01/12--11/16/12 SUMMER REAL AD VAL	1,633.37
111612-2	MARSHALL PUBLIC SCHOO	11/01/12--11/16/12 SUMMER REAL AD VAL	0.91
111612-3	MARSHALL PUBLIC SCHOO	11/01/12--11/16/12 SUMMER PERSONAL AD V	60.36
111612-4	MARSHALL PUBLIC SCHOO	11/01/12--11/16/12 SUMMER REAL AD VAL	2,474.11
111612-5	MARSHALL PUBLIC SCHOO	11/01/12--11/16/12 SUMMER REAL AD VAL	0.35
111612-6	MARSHALL PUBLIC SCHOO	11/01/12--11/16/12 SUMMER PERSONAL AD V	69.59
111612-7	MARSHALL PUBLIC SCHOO	11/01/12--11/16/12 SUMMER REAL AD VAL	359.59
111612-8	MARSHALL PUBLIC SCHOO	11/01/12--11/16/12 SUMMER REAL AD VAL	0.05
111612-9	MARSHALL PUBLIC SCHOO	11/01/12--11/16/12 SUMMER PERSONAL AD V	10.12
S3303893.001	MEDLER ELECTRIC COMPA	FUSE	257.95
S3303869.001	MEDLER ELECTRIC COMPA	ELECTRICAL TAPE	53.70
112112	MRPA	DEPOSIT FOR 2013 FALL MACKINAC ISLAND T	100.00
70459617	ROSE PEST SOLUTIONS	MH PEST CONTROL	55.00
111512	SCHULERS RESTAURANT	ENERGY OPTIMIZATION - KITCHEN EXHAUST	7,500.00
2824419266	VERIZON WIRELESS	ACCT #683169426-00001	89.35
111412	ZIENERT, SHERI	COOKIES FOR MEET & GREET	45.00
			163,971.48



ADMINISTRATIVE REPORT
December 3, 2012 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members

FROM: Natalie Huestis, Director of Community Services
Tom Tarkiewicz, City Manager

SUBJECT: Approve Special Land Use #SLU12.03 for a Group Child Day Care Home at 815 Forest Street

BACKGROUND: For the past 3 years, Ms. Mayhew has run a Family Child Care facility out of her home, at 815 Forest Street, Monday-Friday, which is a permitted use in the R-2 District. She is seeking a Special Land Use to enlarge her child care facility from 6 children to a maximum of 12 children which will then classify her as a Group Child Day Care Home and this requires a Special Land Use Permit.

A Group Child Day Care Home must meet the requirements as listed below:

§ 156.194 GROUP CHILD DAY CARE HOMES.

(A) *Licensing.* In accordance with applicable state laws, all child day care homes shall be registered with or licensed by the State of Michigan, and shall comply with the standards outlined for such facilities.

(B) *Outdoor play area.* A minimum of 150 square feet of outdoor play area shall be provided per child, at the maximum licensed capacity of the day care home, in the rear yard area of the day care home premises. The outdoor play area shall be suitably fenced and screened.

(C) *Pick-up and drop-off.* Adequate areas shall be provided for employee and resident parking, and pick-up and drop-off of children or adults, in a manner that minimizes pedestrian-vehicle conflicts, and allows maneuvers without affecting traffic flow on the public street.

(D) *Separation requirements.* New group child day care homes shall be located a minimum of 1,500 feet from any other state licensed residential facility, as measured between the nearest points on the property lines of the lots in question. The Planning Commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood, or in the city overall.

(E) *Hours of operation.* Day care homes shall operate a maximum of 16 hours per day.

A public hearing was held by the Planning Commission on November 14, 2012 on the matter and several public comments were heard:

Rachelle Mayhew, 815 Forest Street, stated that she has been licensed by the State of Michigan to run a Group Child Day Care home; however her approval has

323 W. Michigan Ave.

Marshall, MI 49068

Phone: 269.789.4604

Fax: 269.789.4628

cityofmarshall.com

been held until she receives the City's consent. She stated that she currently watches 6 children and would like to have the ability to watch up to 12 children. Ms. Mayhew told Commissioners that she has had to turn parents away because her daycare is full. She said that there is a need in the community for home daycares and she has the support of her neighbors, as well as from the parents of the children she currently watches.

Donald Rose, 510 Forest Ct., stated that he is against Ms. Mayhew opening up a larger daycare. He stated that he is concerned about his property values dropping, the safety of watching more children and he believes she does not meet the City's ordinance requirements. Mr. Rose commented on Ms. Mayhew's yard size and the distance from other daycare facilities in the neighborhood. He also commented about the possible traffic increase in the neighborhood due to her watching more children.

Ms. Mayhew commented on Mr. Rose's concerns. She stated that right now she has staggered drop off and pick up times during the day and her driveway is big enough to hold up to six cars. Ms. Mayhew stated her first drop off is at 6:30 am and her last pick up is 5:30 pm. Her hours will not change and she watches siblings so that will decrease the amount of cars going to her home.

Michelle Neeman, 22604 M Drive North, stated that she currently utilizes Ms. Mayhew's daycare. She does not want her children in a preschool daycare setting and prefers the family run daycares. She has looked around and there are not many family home daycares in the area. Ms. Neeman said that when she has more children, she would not be able to use Ms. Mayhew's daycare because she is currently at her limit. She stated that her family would like to move into the city and will not be able to if she has to find a different daycare. She believes the outdoor space is safe and an adequate play area and that Ms. Mayhew takes good care of her yard.

Ms. Mayhew discussed the improvements she has made to the house and yard. She stated her play area in her side and back yard does meet the minimum city ordinance requirements when you look at the entire space. She also stated that she currently has screening for the neighbor to the north east of her home and she has received comments from neighbors that they hope she does not have to put a fence in the front yard.

The Planning Commission used the standards for Special Use Approval worksheet (attached). They discussed that there was a documented opinion that this business would impact the neighborhood but whether or not the use was compatible with the neighborhood was subjective. In an effort to lessen the impact on the most direct neighbor, they talked with the applicant about planting a live screen on the north corner of her property line between her play area and the neighbor's property to the north.

MOTION by Banfield, supported by Zuck, to recommend to City Council for approval of Special Land Use SLU#12.03, 815 Forest Street, zoned R-2 (Suburban Residential District), to be used as a Group Child Day Care Home under the following conditions:

- An appropriate live plant screen be placed in the north corner of the property to provide a visual screen up to 8 feet in height;
- Approval of 3 variances by the ZBA.

On a roll call vote-ayes: Fleming, Zuck, Oates, Davis and Collins; nays: Burke Smith and Banfield. **Motion Carried.**

The Zoning Board of Appeals then heard the variance case for 815 Forest Street on November 27, 2012. The three variances applied for included:

- §156.194 (B) Variance requested from mandatory size of play area from the 1,800 square foot requirement to the 950 square feet presently being used.
- §156.194 (B) Variance requested from fencing the play area.
- §156.194 (D) Variance requested to be within 692 feet of another residential facility at 532 Sibley Lane.

During the public hearing, the following comments were heard:

Courtney West, 1020 S. Marshall Ave., told the board how important it was to her to have a safe, reliable daycare in town. She stated that she does not worry about her children running into the road and thought a fenced-in play area would look silly.

Patty West, 1023 S. Marshall Ave., stated that she wishes officials would consider the needs of young families in town. One of their biggest needs is qualified childcare. She also stated that if Marshall wants to retain the younger families in the community, then we will need to support this type of use. Some families prefer a home setting to an institutional setting for their children.

Michelle Neeman, 22604 M Drive N., discussed that she had to leave her old daycare because it didn't have the capacity to take her new baby along with her present child. It is important to her family that her children are at the same daycare. She felt that holding a childcare home to 6 spots was making it challenging for large or growing families to find care. She also stated that she was not concerned about the safety of the children's play area at Ms. Mayhew's home.

Martha Baklund, 815 Forest St., told the board that she lives with her mother so she can work while her mom watches her children. She said that she had helped with the kids on several occasions and not only are the children kept in a group when they are outside, they are monitored very closely. Her children play with the neighbor children and the neighborhood is very open; she feels that fencing in the play area would ruin this aspect of the neighborhood. Ms. Baklund also stated that she works from home sometimes and the noise from the daycare does not bother her in the same home so she can't imagine the noise being great enough to bother the neighbors.

David Morris, 509 Forest Court, stated that he thought the City should have a professional inspector look at the property. He stated that he was concerned that the neighboring homes would drop in value if the daycare were allowed to expand.

Donald Rose, 510 Forest Court, told the board that the emotional toll between the neighbors over this issue has been great and it bothers him. He felt that there are covenants, ordinances, and state requirements stating what can and cannot be done with this type of daycare home and those rules were made to protect neighborhoods. He stated that he thought 12 children without a fenced play area was too many but that the noise issue has not been a concern for him. His major objection was the de-valuing of his home.

Noreen Rose, 510 Forest Court, told the board that she is worried about the safety of the children. She reminded them that watching 6 children was very different from watching 12 children.

Martha Baklund, 815 Forest St., approached the board again and told them that her job with the state is to investigate abuse in daycare centers. She had knowledge that any amount of

children past 6 would require another full-time helper so one person would not be solely in charge of all 12 children.

After discussing the case with the applicant the board felt that the total play area of the yard was not only 950 square feet, there was also a large amount of grassy area for the children to play. They also felt that the intention of the separation requirements in the ordinance were to make sure neighborhoods didn't see multiple Group Child Day Care homes in the same area for reason of noise and traffic congestion. They felt that the small Family Child Day Care home on Sibley would not affect the Forest Court neighbors. All board members agreed that fencing a specific play area in the yard would not be aesthetically pleasing and that the Planning Commission's requirement for screening would solve much of the neighbor's issue.

MOTION by Murch, supported by Byrne, to approve the requested variances for 815 Forest Street. On a roll-call vote-ayes: Murch, Byrne, Mengel and Dominique; nays: None. **Motion Carried.**

RECOMMENDATION: The Planning Commission recommends approval of a Special Land Use Permit for a Group Child Day Care Home at 815 Forest Street under the conditions set forth by Planning Commission, to City Council.

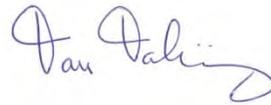
FISCAL EFFECTS: None

ALTERNATIVES: As suggested by Council.

Respectfully submitted,



Natalie Huestis
Director of Community Services



Tom Tarkiewicz
City Manager

§ 156.349 STANDARDS FOR SPECIAL USE APPROVAL.

Special land uses shall conform to all applicable requirements of this subchapter and chapter. Approval of a special condition use shall be based upon the determination that the proposed use complies with all applicable requirements of this chapter, and all of the following standards as deemed applicable to the use by the Planning Commission:

The proposed use shall be in accordance with the city master plan and the intent and purpose of this subchapter.

A documented and immediate need exists for the proposed use within the community.

The use is compatible with adjacent uses and the existing or intended character of the surrounding neighborhood, and will not have an adverse impact upon or interfere with the development, use or enjoyment of adjacent properties, or the orderly development of the neighborhood.

The proposed use shall be designed, constructed, operated and maintained so as to be compatible with the use of adjacent lands.

The proposed use shall be compatible with the natural environment.

The proposed use shall be adequately served by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.

The proposed use shall not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to public health, safety and welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.



ADMINISTRATIVE REPORT
December 3, 2012 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council

FROM: Carl Fedders, Director of Public Services
Cheryl Vosburg, Environmental Coordinator
Tom Tarkiewicz, City Manager

SUBJECT: Brooks Nature Area (BNA) – Observation Deck Award

BACKGROUND: In January of this year the City of Marshall entered into a contract with VIRIDIS Design Group out of Kalamazoo for the design of an observation deck. The deck will overlook Brace Lake in the BNA and was originally planned to be constructed in June of this year.

During the design phase, VIRIDIS suggested that helical piers be used to construct the foundation of the deck. These piers would be screwed into the ground until the correct bearing capacity was met. The decision was based on the simplicity of the process but the first attempt to bid the project on April 18th was unsuccessful. When staff investigated the cause of this lack of bidders it was uncovered that the helical pier installation is a specialized service and our original targeted contractor did not have the necessary skills to install these supports.

Staff then specifically targeted the contractors that specialize in this foundation and receive the following bids on July 9, 2012:

Cross Lake Construction	Horton, MI	\$74,900
DH Roberts Construction	Jonesville, MI	\$75,152
Summit Building Services LLC	Battle Creek, MI	\$80,136

These bids were well above the engineer's estimate of \$32,000 which grossly underestimated the cost of the helical piers at \$1,000. During discussions with the contractors it was determined that the additional cost of the piers should have been close to \$30,000.

Staff then took direction from the Brook Nature Area Advisory Committee to seek a second opinion from a different engineer. Soil and Material Engineers, Inc (SME) was brought in to review the plans, specifications, and options for reducing the cost of the project without giving up any of the features. SME's review suggested that we change the piers to 20 foot - 8 x 8 wood piers. Because we have deviated from the original plans some additional engineering will be necessary.

At the last BNA advisory committee meeting staff recommended that they forward the recommendation to city council to award a design-build type project to Quantum Construction Company for \$41,135 with 10% (\$4,113) set aside for contingencies and additional engineering that may surface. The members voted unanimously. Quantum Construction Company has worked on a number of similar projects and has demonstrated a willingness to complete the project quickly and within budget.

To date the city of Marshall has spent approximately \$10,000 making the project total \$55,248. Staff has received \$48,792 from the following donors:

- Enbridge
- Marshall Community Foundation
- Stuart Lake Association
- Cronin Foundation

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

- Marshall Garden Club
- Nancy Clouse
- The Shellenburg Family

The remaining portion of the project funding (\$6,456) will come from USDA Crop Reserve Program's annual payment to the BNA.

RECOMMENDATION: It is recommended that the City Council accept the bid from Quantum Construction Company of Douglas, Michigan for the amount of \$41,135 for the construction of the BNA observation deck.

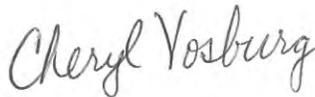
FISCAL EFFECTS: To amend and appropriate \$45,248 increased funding for the FY 2013 Special Projects – Brooks Nature expenditure budget line item 792-000-955.40 which will be offset by contributions and grants received in Special Projects – Brooks Nature revenue line item 792-000-675.40.

ALTERNATIVES: As suggested by the Council.

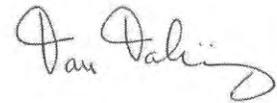
Respectfully submitted,



Carl Fedders
Director of Public Services



Cheryl Vosburg
Environmental Coordinator



Tom Tarkiewicz
City Manager



ADMINISTRATIVE REPORT
December 3, 2012 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council

FROM: Carl Fedders, Director of Public Services
Tom Tarkiewicz, City Manager

SUBJECT: Shearman School Property Purchase

BACKGROUND: In 2011, the City of Marshall completed a parks and recreation master plan in which several goals were identified:

1. Maintain and enhance existing parks locations and facilities.
2. Engage the growing majority of older adults through improved activities and facilities that connect with the interest of this demographic group.
3. Improve and invest in non-motorized infrastructure to link city parks and open spaces, attract tourism, and coordinate with county, state and national initiatives.
4. Continue trend of park improvements lead by citizen groups.
5. Insure proper spacing of parks and open spaces throughout community and facilities to encourage use.
6. Utilize survey results in recreation program development.

In keeping with these goals, staff is proposing to purchase the Shearman School site at the intersection of West Mansion Street and North Linden Street from the Marshall Public Schools for the purposes of a community park (approximately 1.5 acres).

Grants from the Cronin Foundation and the Marshall Community Foundation have been secured to fund the purchase and a community group has been approached consisting of neighborhood residents, community activists, city staff, planning commission members, and a council member from this ward. The development of the park will be guided by this group with multiple opportunities for the public to participate.

It is staff intention to bring an ordinance modification back to council at some point to designate this location as an official city park.

RECOMMENDATION: It is recommended that the City Council authorize the Clerk to sign the sales agreement with Marshall Public Schools for the Shearman School site.

FISCAL EFFECTS: To amend and appropriate \$60,000 increased funding for the FY 2013 Special Projects expenditure budget line item 792-000-955.00, which will be offset by contributions and grants received in the Special Projects revenue line item 792-000-675.00.

ALTERNATIVES: As suggested by the Council.

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

Respectfully submitted,

Carl Fedders
Director of Public Services

Tom Tarkiewicz
City Manager

SALES AGREEMENT

_____ day of _____, 2012

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

SELLER: Marshall Public Schools
100 E. Green Street
Marshall, MI 49068

BUYER AND SELLER AGREE AS FOLLOWS:

PROPERTY:

Land in the city of Marshall, Calhoun County, Michigan described as follows: Lots 1, 2, 6 and 7 of Block 7 of the Lower Village of the City of Marshall, according to the recorded plat thereof.

Tax Roll No.: 13-53-000-236-00

PRICE: Sixty Thousand Dollars (\$60,000.00)

TERMS:

The entire purchase price will be due at closing.

TAXES AND ASSESSMENT:

The property is exempt from taxes and assessments, therefore there will be no proration of taxes or assessments.

SELLERS SHALL EXECUTE A WARRANTY DEED:

Seller shall execute and deliver a warranty deed to the Buyer at closing.

SURVEY:

Seller represents that Seller's officers, employees and agents are unaware of any encroachments or other defects which would be disclosed by a survey. However, Buyer may obtain at Buyer's sole expense and within 14 days of the date of this agreement a survey of the premises. If the survey discloses any encroachments or other defect, Seller shall have a reasonable time to remove the encroachments or cure the defects, and if Seller does not do so, Buyer may declare this agreement ended. Otherwise, Buyer shall be deemed to have accepted the premises subject to any such encroachments or defects.

If the property is surveyed, resulting in a more detailed or accurate legal description, that description shall be used in conveyance as an alternate description.

Buyer is buying the property in its current "as is" condition.

CLOSING:

Closing shall take place on or before February 1, 2013. The closing shall take place at such place as the parties may mutually agree upon.

The exact closing date shall be determined by agreement of the parties.

POSSESSION:

Buyers are entitled to possession upon closing.

CLOSING COSTS:

The Seller shall be responsible for the cost of the preparation of the Warranty Deed and property Transfer Affidavit. The transaction is exempt from State and County transfer taxes. If Buyer desires title insurance buyer shall be solely responsible for the cost of said insurance. Buyer shall pay the cost of recording the Deed.

SALE WITHOUT BROKER:

The parties represent to each other that as of the date of this agreement there is no listing agreement in effect with respect to the premises, and that no broker has been engaged by either party nor has any broker been involved in negotiating this agreement. Each party shall indemnify the other and hold the other harmless from any claim to a commission or fee by or on behalf of a broker for representation.

AMENDMENTS:

Amendments of this Agreement are permitted only if written and signed by all parties.

CHOICE OF LAW:

This Agreement is governed by Michigan Law.

BINDING EFFECT:

This Agreement shall be binding upon and inure to the benefit of and be enforceable by the legal representatives, assignees, heirs, executors or administrators of the parties.

FULL AGREEMENT:

This document represents the full extent of the agreement of the parties.

APPROVALS:

The signing of this document shall not take place until the same has been approved by the respective governing bodies of the Buyer and the Seller.

NOTICES:

All notices required to be given under this Contract shall be mailed to the parties at the addresses listed above.

IN WITNESS WHEREOF, the parties have hereunto signed this agreement the day and year first above set forth.

Marshall Public Schools

By: _____

Its: _____

City of Marshall

By: _____

Sandra Bird, Clerk-Treasurer

Prepared by:
Paul K. Beardslee (P42177)
Attorney for Buyer
208 W. Michigan Avenue
Marshall, MI 49068
(269) 781-9090



ADMINISTRATIVE REPORT
December 3, 2012 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council

FROM: Michelle Mastej, Deputy Treasurer
Carl Fedders, Director of Public Services
Tom Tarkiewicz, City Manager

SUBJECT: City of Marshall Utilities – Standard Rules and Regulations Revisions

BACKGROUND: Staff has reviewed the Standard Rules and Regulations which were last updated in August of 2012. The revised document is attached to this report with a brief definition of the revisions below:

Section 7 – Added access to rental property will be the responsibility of the property owner.

Billing Policy – Finance/Utility Billing staff reviewed the billing section and determined certain revisions were needed for flow and clarification. Some amendments were also made as follows:

Section 10.IV. – Added “Establishing New Service”, as determined by current practice, and added mortgage/lease requirement.

Section 10.IV.C. – Added lease requirement with Landlord-Tenant Affidavit.

Section 10.IV.D. – Removed deposit requirement for owner-occupied properties, and added deposit requirement for real estate agents selling bank-owned, foreclosed properties. Also included additional deposit requirements for high credit-risk customers.

Section 10.V. – Added “Customer Payment Responsibilities”, as determined by current practice, however shortened billing-cycle time-frame to 18 days. (further discussed later)

Section 10.VII. – Added auto payment plan requirement to budget-billing customers.

Section 10.VIII. – Removed signature requirement for payment plans to allow for verbal payment arrangements.

Section 10.IX. – Removed three-month waiting period to resume accepting personal checks after a check is returned unpaid.

Section 10.X. – While shortening the billing-cycle time-frame to 18 days, we’ve loosened our collection procedures by waiting until a bill becomes delinquent by two bills, rather than one bill, before service is interrupted. Also, disconnect notices will print on bills. Finally, added mail disclaimer.

Section 10.XII. – Revised to include after-hours service at the service location.

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

It is recommended that the City Council approve the revisions to the City of Marshall Utility Rate Classification and Standard Rules and Regulations as presented and make them effective December 3, 2012.

FISCAL EFFECTS: None.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,



Michelle Mastej
Deputy Treasurer



Carl Fedders
Director of Public Services



Tom Tarkiewicz
City Manager

STANDARD RULES AND REGULATIONS

Contents

	PAGE
1. Definitions	23
2. Character of Service	23
3. General Provisions of Service	23
4. Unusual Facility Requirements	23
5. Pole Attachment	24
6. Use of Service	24
7. Access to Customer's Premises	24
8 Deposit Required	24
9. 8 Application of Rates 25	
10 9. Service Connections	26 7
11 10. Billing Policy	27
12 Billing and Payment Standards	31
13 11. Extension Policy	31 33
14 12. Residential Underground Distribution Policy	32 33
15 13. Inspection	36 35
14 16 Fire Hydrant Use 3635	
17. 15 Retail Customer Demand Response 3635	
18 16. Non Emergency Turn offs	36

Formatted: No bullets or numbering

Formatted: Indent: Hanging: 0.75",
Numbered + Level: 1 + Numbering Style: 1, 2,
3, ... + Start at: 14 + Alignment: Left + Aligned
at: 0.5" + Indent at: 0.75"

Formatted: No bullets or numbering

Effective ~~8/20/2012~~ 2/23/2012, Previous Revisions: ~~8/20/2012~~, 10/3/2011, 11/1/09, 1/20/09, 7/1/07, 7/1/06, 7/1/05, 7/1/04, 7/1/03, 7/1/02, 3/18/02, 2/7/02, 1/2/99, 1/1/98, 11/1/96, 4/1/96, 3/7/88

1917. Lawn Sprinkling Sewer Commodity Reduction	3736
2018. Net Metering Program	3736

Formatted: Font: Bold

City of Marshall Utilities Rate Classifications and Standard Rules and Regulations

1. Definitions

- City - The City of Marshall Water, Wastewater and Electrical Utility or its authorized representatives.
- Customer - Any person, firm, corporation, association, partnership, municipality, or governmental agency to be served by or legally using water, wastewater and electrical energy supplied by the City.
- Service Line - A pipe connecting the City water main with the plumbing system of a water user.
- Water Main - A pipe or conduit for conveying potable water which is maintained by the City.

2. Character of Service

The City will endeavor, but does not guarantee, to furnish a continuous supply of electric energy and to maintain voltage and frequency within reasonable limits.

The City will endeavor, but does not guarantee, to furnish a continuous supply of water and/or wastewater services.

The City ~~shall~~will not be liable for interruptions in the service, phase failure or reversal, or variations in the service characteristics, or for any loss of damage of any kind or character occasioned thereby, due to causes or conditions beyond the City's reasonable control, and such causes or conditions ~~shall~~will be deemed to specifically include, but not be limited to, the following: acts or omissions of customers or third parties; operation of safety devices except when such operation is caused by the negligence of the City's employees; absence of an alternate supply of service; failure, malfunction, breakage, necessary repairs or inspection of machinery, facilities or equipment the City has carried on a program of maintenance consistent with the general standards prevailing in the industry; acts of God; war; action of the elements; storm or flood; fire; riot; labor dispute or disturbances; or the exercise of authority or regulation by governmental or military authorities.

Before purchasing equipment, installing plumbing, or installing wiring, the customer should secure from the City, the characteristics of the service available.

No ownership rights in any facilities provided by the City ~~shall~~will pass to any person as a result of any contribution or deposit made under these rules. No deposits or contributions made by customers ~~shall~~will be refundable unless expressly so provided in these rules.

Notwithstanding any other provision of these rules, the City may interrupt, curtail or suspend electric service to all or some of its customers in accordance with the provision of Emergency Electrical Procedures rule and the City ~~shall~~will be under no liability with respect to any such interruption, curtailment or suspension.

3. General Provisions of Service

The City ~~shall~~will have complete control of all City water mains and sewers. All water mains and sewers connecting directly or indirectly with City water mains and sewers ~~shall~~will be constructed in accordance with City standards and specifications.

Where suitable service is available, the City will install overhead service connections from its distribution lines to a suitable point of attachment on the customer's premises designated by the City.

All residential customers shall install three-wire service entrance connections of not less than 100 ampere capacity, except as required with pre-manufactured mobile homes. All such service entrances shall comply with the National

Effective 8/20/2012 12/3/2012, Previous Revisions: 8/20/2012, 10/3/2011, 11/1/09, 1/20/09, 7/1/07, 7/1/06, 7/1/05, 7/1/04, 7/1/03, 7/1/02, 3/18/02, 2/7/02, 1/2/99, 1/1/98, 11/1/96, 4/1/96, 3/7/88

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

Electric Code and / or local electrical codes, whichever governs. Any poles, wires or other equipment required beyond the customer's meter shall be furnished, installed and maintained by the customer. The customer may have to provide a deposit and/or contribution if the service he requires cannot be provided from available distribution lines.

Should it become necessary for any cause beyond the City's control to change the location of the point of attachment of service connections, the entire cost of any necessary changes in the customer's wiring ~~shall~~will be borne by the customer.

The customer may be required to provide, at no expense to the City, space for the City's transformer installations on the customer's premises.

4. Unusual Facility Requirements

The City reserves the right to make special contractual arrangements as to the provisions of necessary service facilities, duration of contract, minimum bills, or other service conditions with respect to customers whose capacity requirements exceed 1,000 kW or whose establishments are remote from the City's existing suitable facilities or whose service requirements otherwise necessitate unusual investments by the City in service facilities or where the maintenance of the service is questionable.

5. Pole Attachment

The City Council may approve the attachment and insertion of other wire, cables and appurtenances to City owned poles or conduits through a pole attachment agreement. The attaching company ~~shall~~will pay for any engineering and "make ready" cost incurred by the City. The attaching company will be required to remove their wire, cables and appurtenances, in a timely fashion, if the City removes their pole. The attaching company will be required to reattach their wire, cables and appurtenances, in a timely fashion, if the City replaces their pole. From time to time, the City Council may reestablish the pole attachment fee schedule.

6. Use of Service

The City reserves the right to deny or terminate service to any customer whose plumbing, wiring or equipment ~~shall~~will constitute a hazard to the City's equipment or its service to others. However, it disclaims any responsibility to inspect the customer's plumbing, wiring or equipment and ~~shall~~will not be held liable for any injury or damage resulting from the condition thereof.

The customer shall so use the service as not to disturb the City's service to other customers. When such interference does occur, the customer may be required to alleviate such condition, and upon his failure so to do, the City may discontinue service.

The City ~~shall~~will not be obligated to furnish service in the case of gaseous or other lighting devices having low power factor whether newly installed, reconnected or moved to another location, unless the customer provides, at his own expense, suitable equipment for improving the power factor of such devices to at least eighty-five per cent (85%).

7. Access to Customer's Premises

The City shall have access to the customer's premises at all reasonable hours, to install, inspect, read, repair or remove its meters and other property and to inspect and determine the connected load in lamps, appliances, motors, etc. Neglect or refusal on the part of the customer to provide reasonable access ~~shall~~will be sufficient cause for discontinuance of service by the City and assurance of access may be required before service is restored.

Effective 8/20/2012-12/3/2012, Previous Revisions: 8/20/2012, 10/3/2011, 11/1/09, 1/20/09, 7/1/07, 7/1/06, 7/1/05, 7/1/04, 7/1/03, 7/1/02, 3/18/02, 2/7/02, 1/2/99, 1/1/98, 11/1/96, 4/1/96, 3/7/88

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

In cases of rental properties, it will be the responsibility of the property owner to effect proper entrance for City personnel to discontinue some services. Failure to provide access may result in such services being continued with the property owners' liable for payment from the date of the tenant's service being discontinued.

Meters not accessible to read will be estimated. See "Service Connections" section for details.

8. ~~Deposit Required~~

~~The City of Marshall may require a cash deposit by the customer. No interest is accrued or paid on deposits held. Deposit is applied to the final bill of any account if customer is leaving the City of Marshall utility service. Deposit may be transferred to new service location if customer remains in the City of Marshall utility service area. Deposit amounts and restrictions thereto are as follows:~~

~~Residential Customers:~~

~~————— \$50 deposit required for owner occupied premises~~

~~————— \$100 or \$150 deposit required for tenant occupied premises*~~

~~Upon receipt of regular payments on or before required due date for 12 consecutive months, deposit will be applied to the next regular utility billing.~~

~~*check Section 12, Part II Landlord/Tenant Policy if applicable.~~

~~Commercial and Industrial Customers:~~

~~\$150 deposit required at time of application for service. After minimum six months usage and at any time thereafter, City of Marshall may require additional deposit up to one month average charges for all utilities provided.~~

~~If a commercial tenant has been in business in the City of Marshall for five years or more and has not had a utility account with the City of Marshall in his/her or company name, the above deposit requirement shall be waived. Once the commercial tenant becomes a direct commercial utility customer (has an account in his/her or company name), if this account should become delinquent, the commercial customer shall be required to pay the deposit set forth above or be subject to usual and customary service disconnection as described herein.~~

~~Deposit is held as long as utility service is provided. Deposit shall be applied to final billing upon termination of service.~~

9. Application of Rates

A. General:

Copies of the City's rates for water, sewer, and electric service are available at City Hall and are open to public inspection.

The rates specified in this schedule are predicated upon the delivery of each class of service to a single metering point for the total requirements of each separate premises of the customer, unless otherwise provided for in the rate schedule. In no case may service be shared with another or transmitted off the premises at which it is delivered. Service at different points and at different premises ~~shall~~will be separately measured and separately billed.

B. Combined Residence and Commercial or Industrial Service:

Effective ~~8/20/2012~~2/3/2012, Previous Revisions: ~~8/20/2012, 10/3/2011, 11/1/09, 1/20/09, 7/1/07, 7/1/06, 7/1/05, 7/1/04, 7/1/03, 7/1/02, 3/18/02, 2/7/02, 1/2/99, 1/1/98, 11/1/96, 4/1/96, 3/7/88~~

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

Where one building is used by a customer as a commercial or industrial establishment and also as a residence, the wiring shall be so arranged that the business part and residence part may be metered separately and each class of service billed on the appropriate rate. If separation is not effected, the combined service ~~shall~~will be billed under the appropriate General City Service Rate.

C. Choice of Rates:

In some cases the customer is eligible to take service under any one of two or more rates. Upon request, the city will advise the customer in the selection of the rate which will give him the lowest cost of service, based on the information at hand, but the responsibility for the selection of the rate lies with the customer. Once a rate is selected, the customer will not be permitted to change to another rate until at least twelve months have elapsed. No refund will be made of the difference in charges under different rates applicable to the same class of service.

D. Special Minimum Charges:

Where the customer is billed on Rate "B", and the resistance type welders or other equipment which creates high demands of momentary duration is used, and the City continuously maintains transformers and distribution facilities primarily for the customer's use, the sum of the net monthly bill ~~shall~~will not be less than the following minimum charge for each contract year or any part thereof:

- i. \$7.00 per kVA for the first 10 kVA or less of transformer capacity, plus
- ii. \$2.00 per kVA for all over 10 kVA or transformer capacity.

If the customer provides and maintains the necessary transformers and other distribution facilities beyond the point of delivery, the minimum yearly charge ~~shall~~will be 50% of that specified above. In this event the City may elect to measure the supply of service on the primary side of the transformers, in which case 3% ~~shall~~will be deducted from the energy measurements thus made.

When, in any contract year, the customer's net monthly bills aggregate less than the annual minimum charge calculated as above, the deficiency for at the end of such contract year.

Customers subject to the above Special Minimum Charges shall sign a contract for at least one year.

E. Resale:

Except as to customers served under rates expressly made available for resale purposes, no customer shall resell his service to others except as permitted under this rule.

The owner or operator of an office building, apartment building, mobile home park or similar structure, whose combined requirements exceed 50 kW, may purchase energy from the City for resale to the tenants of the building on condition that service to each tenant ~~shall~~will be separately metered, that the tenants ~~shall~~will be charged for such service on the appropriate rate in the City's schedule available for similar service under like conditions, and that all the energy used in such building shall be purchased from the City. If any of these provisions should be violated, the City may refuse or discontinue service. In order to avail himself of the privilege or reselling to his tenants, the building owner's or operator's service contract shall provide for such resale privilege. The City will not furnish or maintain meters or other facilities for the resale of service by landlords to tenants.

The owner or operator of an office building, apartment building, mobile home park or similar structure, may purchase water from the City for resale to the tenants of the building on condition that service to each tenant ~~shall~~will be separately metered, that the tenants ~~shall~~will be charged for such service on the appropriate rate in the City's schedule available for similar service under like conditions, and that all the energy used in such building shall be purchased from the City. If any of these provisions should be violated, the City may refuse or discontinue

Effective 8/20/2012 12/3/2012, Previous Revisions: 8/20/2012, 10/3/2011, 11/1/09, 1/20/09, 7/1/07, 7/1/06, 7/1/05, 7/1/04, 7/1/03, 7/1/02, 3/18/02, 2/7/02, 1/2/99, 1/1/98, 11/1/96, 4/1/96, 3/7/88

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

service. In order to avail themselves of the privilege or reselling to his tenants, the building owner's or operator's service contract shall provide for such resale privilege. The City will not furnish or maintain meters or other facilities for the resale of service by landlords to tenants.

F. Apartment Buildings and Multiple Dwellings:

When service is supplied through a single meter to a building containing more than one apartment, the customer may have the option of being billed under either the Residence Service Rate or any General Light and Power Service Rate. Not more than one choice in rate will be permitted, as to any customer, within any 12-month period.

For the purpose of billing under the Residential Service Rate, the initial charge, the kilowatt hour blocks and the minimum charge shall be multiplied by the number of apartments served through one meter, less one. Any apartment building or multiple dwelling containing less than nine rooms, however will be billed on a single customer basis.

To determine the number of apartments served through one meter, only those rooms, suites, or groups of rooms having individual cooking and kitchen sink accommodations within the unit shall be counted.

G. Unusual Facility Requirements:

The City reserves the right, with respect to customers whose capacity requirements exceed 1,000 kW, or whose establishments are remote from the City's existing suitable facilities, or whose load characteristics otherwise require unusual investments by the City in service facilities, to make special contractual arrangements as to the provision of necessary service facilities, duration of contract, minimum bills, or other service conditions.

H. Service Connections

The customer shall provide, free of expense to the City and close to the point of service entrance, suitable space for the installation of the necessary metering equipment. The customer shall permit only authorized agents of the City or other persons lawfully authorized so to do, to inspect, test or remove the same. If the meters or metering equipment are damaged or destroyed through the neglect of the customer, the cost of necessary repairs or replacements shall be paid by the customer.

Water meters shall be set horizontally in a clean and suitable place, easily accessible to City personnel. No person shall tamper with any meter or remove or break any seal placed on any meter. No curb box shall be opened and no curb stop shall be operated either to turn on or turn off a water supply by anyone other than a City employee. The City shall maintain the water service from the water main to the curb box. It will be the customer's responsibility to maintain the water service connection from the curb box to the building.

The City tests its meters at intervals for the mutual protection of the customer and the City, but the City will also test any meter upon request of the customer, provided the City is not required to make a test more often than once in six (6) months. Costs for customer requested meter testing shall be established by resolution.

Whenever a meter fails to register, the customer shall pay for service furnished during such period, an estimated amount based either upon the results of a test, upon the use during a similar period, upon both these methods, or by other known factors. If the duration of the meter error is not known, it shall be assumed to have existed for a period of half the time between the discovery of the error and the latest preceding meter test, but not for a period of more than six (6) months, and bills shall be re-computed on this basis.

Whenever other errors occur, the customer shall pay for service furnished during such period. If the duration of the error is known, bills shall be re-computed based on this duration but not to exceed 12 months.

I. 10. Billing Policy

Formatted: No bullets or numbering

Effective 8/29/2012, 12/3/2012, Previous Revisions: 8/20/2012, 10/3/2011, 11/1/09, 1/20/09, 7/1/07, 7/1/06, 7/1/05, 7/1/04, 7/1/03, 7/1/02, 3/18/02, 2/7/02, 1/2/99, 1/1/98, 11/1/96, 4/1/96, 3/7/88

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

I. Interest Policy

The City of Marshall Utility Department does not charge interest on amounts owed by its customers. Nor does the Utility Department pay interest on amounts owed to its customers.

H. Landlord/Tenant Policy

A. A Landlord must provide a copy of the lease agreement or an affidavit before a tenant moves in. The lease must contain language that the tenant is responsible for the utility bills. Upon the filing of a lease agreement or affidavit, the tenant will be responsible for a \$150.00 utility deposit, payable at the time service is established. The utility deposit will be applied to the tenant's final bill for that premise, with any excess amount being refunded to the tenant. Any unpaid amount may be turned over to a third party for collection.

B. If no lease is filed, then pursuant to City Ordinance, any utilities delinquent for six months or more may be placed as a lien on the premises to which the service is provided and charged on the next property tax bill for the premises. In this case, the tenant must pay a \$100.00 utility deposit payable at the time service is established. Once the tenant finalizes the account, the deposit will be applied to the tenant's final bill for that premise, with any excess amount being refunded to the tenant.

I. Billing and Payment Standards

Bills for utility service will be on approximately a monthly basis and shall be due and payable on or before the due date shown on each bill. The City will schedule meters to be read each month. In monthly periods intervening between actual meter readings, the bills will (under ordinary conditions) be based on past service records. If, in any instance, the past service records are not available or practicable for use, then such billing will be based upon such service data as is available. All accounts will be adjusted as necessary each time the actual meter readings are obtained.

II. Interest Policy

The City of Marshall Utility Department does not charge interest on amounts owed by its customers. Nor does the Utility Department pay interest on amounts owed to its customers.

III. Information

Periodically, the Utility Department receives requests for the status of customer accounts for the sale of property. All requests will be made on a Request for Information form obtained from the Utility Department. The Utility Department will have up to five business days to process such requests. All requests will be subject to any fees related to the dissemination of such information.

IV. Establishing New Service

A. Outstanding Utility Bills

The City may refuse making utility services available to anyone, regardless of current account status, who has outstanding or delinquent accounts with the City of Marshall.

B. Application for Service

Residential and/or business accounts must provide the following documentation to establish a new account: name; address; phone number; date of birth; United States government or state

Formatted: Indent: Hanging: 0.08"

Formatted: Indent: Left: 0.5", Hanging: 0.08", Right: -0.01", Tab stops: Not at 4.65"

Formatted: Indent: Hanging: 0.08"

Formatted: Indent: Hanging: 0.08"

Formatted: Indent: Left: 1.25"

Formatted: Indent: Left: 1.25"

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

government issued photo ID, driver's license, military ID or passport; and copy of mortgage or purchase or lease agreement. All parties on such agreement will be included as responsible parties on the utility account. Social security numbers or corporate ID numbers are the preferred form of identification, but are not required. Driver's license or other photo ID's, except passports, issued by a foreign government are not acceptable.

C. Landlord/Tenant Policy

- i. A Landlord must provide a copy of the lease agreement and a Landlord/Tenant Affidavit before a tenant moves in. The lease must contain language that the tenant is responsible for the utility bills. Upon the filing of a lease agreement and affidavit, the tenant will be responsible for a \$150.00 utility deposit, which is held until the account is terminated and applied to the final bill. Any unpaid amount may be turned over to a third party for collection.
- ii. If no affidavit is filed, then pursuant to City Ordinance, any utilities delinquent for six months or more may be placed as a lien on the premises to which the service is provided and charged on the next property tax bill for the premises. In this case, the tenant must pay a \$100.00 utility deposit payable at the time service is established. Once the tenant final's the account, the deposit will be applied to the tenant's final bill for that premise, with any excess amount being refunded to the tenant.
- iii. Service may be established in the landlord's name. When a tenant is applying for service on a rental property, a written lease agreement will be required to ensure that the applicant is a legal tenant of the property.

D. Deposit Required

i. The City of Marshall may require a deposit by the customer. No interest is accrued or paid on deposits held. Deposit is applied to the final bill of any account if customer is leaving the City of Marshall utility service. Deposit may be transferred to new service location if customer remains in the City of Marshall utility service area. Deposit amounts and restrictions thereto are as follows:

Formatted: Indent: Left: 1.25", Hanging: 0.25"

ii. Residential Customers

Formatted: Indent: Left: 1.25"

\$50 deposit for unoccupied properties, on the market waiting to be sold.
\$100 or \$150 deposit required for tenant occupied premises*

Upon receipt of regular payments on or before required due date for 12 consecutive months, deposit will be applied to the next regular utility billing.

*check Landlord/Tenant Policy if applicable.

iii. Commercial and Industrial Customers

Formatted: Indent: Left: 1.25"

\$150 deposit required at time of application for service. After minimum six months usage and at any time thereafter, City of Marshall may require additional deposit up to one month average charges for all utilities provided.

Formatted: Indent: First line: 0"

Formatted: Indent: Left: 1.25", Hanging: 0.25"

iv. Deposit is held as long as utility service is provided. Deposit will be applied to final billing upon termination of service.

Formatted: Indent: Left: 1.5", No bullets or numbering

Formatted: Left, Indent: Left: 0.5", Right: 0", Space After: 10 pt, Line spacing: Multiple 1.15 li, No bullets or numbering

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

v. Any account that had been submitted to a collection agency or had a bad debt with the City will require a deposit in an amount to be determined by the City to establish a new account.

Formatted: Indent: Left: 1.25", Hanging: 0.25"

vi. Customers may request that service deposits be transferred when changing service from one location to another. However, all amounts in arrears on the original account (including the most recent billing if past the established due date) must be paid. This payment takes effect at the time of a change of service. Failure to pay all arrears may require deposits being applied to the original account and a new service deposit for the new location.

Formatted: Indent: Left: 1.25", Hanging: 0.25", Right: 0.04", Tab stops: Not at 3.32"

vii. In cases of bankruptcies, deposits will be credited to any outstanding account balances as of the court file date. New deposits may be required for post-petition balances according to the above and in conformance with bankruptcy laws.

Formatted: Indent: Left: 1.25", Hanging: 0.25"

Formatted: Indent: Left: 1.25", Hanging: 0.25", Tab stops: Not at 3.82"

viii. Additional service deposits may be required from any City customer who writes two no-account or NSF checks in any twelve-month period.

ix. Additional service deposits may also be required before restoring service to any customer whose service has been disconnected in order to ensure the credit worthiness of the account. The additional deposit will be based on the credit history of the account and the average monthly billed amount.

V. Customer Payment Responsibilities

Formatted: Indent: Left: 0.5", Hanging: 0.63"

A. Bills are due approximately 18 days after they are issued. Payments received by mail are considered on time when received in the office on or before the printed "Due" date. When bills are not paid on or before the due date, the bill will be considered delinquent. Within two business days following the due date, a late fee of 5% of the total delinquent amount will be charged to the account. Additional tag fees and reconnection fees may also apply.

Formatted: Indent: Left: 0.88", Hanging: 0.38", Right: 0", Outline numbered + Level: 4 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0"

B. The City accepts checks, money orders, credit cards, debit cards and cash. Any loose coins over \$5.00 must be rolled and initialed. Customers may also make payments using their checking/savings account, credit card or debit card by an automated payment Service. The automated payment Service information is available Online at www.cityofmarshall.com, then clicking the Utility Billing Department page.

Formatted: Indent: Left: 0.88", Hanging: 0.38", Right: -0.01", Outline numbered + Level: 4 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0", Tab stops: Not at 4.65"

Field Code Changed

Formatted: Font color: Blue

VI. Automated Payment Plan

Formatted: Indent: Left: 0.5", Hanging: 0.63", Right: -0.01", Numbered + Level: 1 + Numbering Style: I, II, III, ... + Start at: 6 + Alignment: Left + Aligned at: 0.5" + Indent at: 1", Tab stops: Not at 4.65"

A. The City will make available to its customers an automated payment plan for payment of utilities. The initial request from a service holder shall be in the form of a written agreement. The payment plan may be established for an indefinite period or for a specified period of time. Any account which incurs two returned electronic funds transfer transactions in a twelve-month period may be removed from the plan and may be ineligible for reinstatement. Automated payment plans will terminate upon payment of final bill.

Formatted: Indent: Left: 0.88", Hanging: 0.38", Outline numbered + Level: 5 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0"

B. Automated payment plans can be terminated at any time upon the written request of the customer. The City reserves the right to terminate from this plan any and all parties who do not comply with the terms of the plan agreement.

Formatted: Indent: Left: 0.88", Hanging: 0.38", Outline numbered + Level: 2 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0"

VII. Budget Billing

Formatted: Indent: Left: 0.5", Hanging: 0.75", Right: -0.01", Numbered + Level: 1 + Numbering Style: I, II, III, ... + Start at: 6 + Alignment: Left + Aligned at: 0.5" + Indent at: 1", Tab stops: Not at 4.65"

Effective 8/20/2012 to 12/3/2012, Previous Revisions: 8/20/2012, 10/3/2011, 11/1/09, 1/20/09, 7/1/07, 7/1/06, 7/1/05, 7/1/04, 7/1/03, 7/1/02, 3/18/02, 2/7/02, 1/2/99, 1/1/98, 11/1/96, 4/1/96, 3/7/88

The City will make available to qualified customers a budget payment plan for payment of utilities. The budget payment plan will be available only when a history of usage and payments, for any service location, for a period of not less than twelve months has been established. To enroll in the budget payment plan, (1) the account must be current at the time of the agreement; and (2) the account must be enrolled in our automatic payment plan to ensure the agreed amount is paid monthly. All customers will receive an information sheet and must submit a signed form in order to enroll in Budget Billing. The budget payment plan will be reviewed periodically but at least annually. Adjustments to budget payment plan payments may be made as deemed necessary. The City reserves the right to terminate from the plan any and all parties who do not comply with the terms of the plan agreement.

Formatted: Indent: Left: 0.88", Right: 0"

VIII. Payment Arrangements

- A. A customer will be allowed to have payment arrangements not extending beyond their most current billing due date. Only one payment plan in effect at any given time.
- B. If a customer breaks their payment arrangement, they will be required to pay the arrears plus a turn-on fee in order to have their service reestablished.
- C. If a customer breaks their arrangement three times, they will be required to pay their account in full, including any turn-on fees, before their service will be reestablished. Additional deposit may be required as well, per "Deposit Required" section.
- D. Payment plans may require a signature. The utility may accept other arrangements at their discretion.
- E. Arrangements can only be made by the customer whose name appears on the account. Identification may be required.

Formatted: Indent: Left: 0.5", Hanging: 0.75", Right: -0.01", Numbered + Level: 1 + Numbering Style: I, II, III, ... + Start at: 6 + Alignment: Left + Aligned at: 0.5" + Indent at: 1", Tab stops: Not at 4.65"

Formatted: Indent: Left: 0"

Formatted: Indent: Left: 0.88", Hanging: 0.38", Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 1.76" + Indent at: 2.26", Tab stops: 1.25", Left + Not at 1.57"

Formatted: Indent: Left: 0.88", Hanging: 0.38", Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 1.76" + Indent at: 2.26", Tab stops: 1.25", Left + Not at 1.57"

Formatted: Indent: Left: 0.88", Hanging: 0.38", Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 1.76" + Indent at: 2.26", Tab stops: 1.25", Left + Not at 1.57"

Formatted: Indent: Left: 0.88", Hanging: 0.38", Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 1.76" + Indent at: 2.26", Tab stops: 1.25", Left + Not at 1.57"

Formatted: Indent: Left: 0.88", Hanging: 0.38", Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 1.76" + Indent at: 2.26", Tab stops: 1.25", Left + Not at 1.57"

Formatted: Indent: Left: 0.5", Hanging: 0.75", Right: -0.01", Numbered + Level: 1 + Numbering Style: I, II, III, ... + Start at: 6 + Alignment: Left + Aligned at: 0.5" + Indent at: 1", Tab stops: Not at 4.65"

Formatted: List Paragraph, Indent: Left: 0.88", Tab stops: 4.65", Left

Formatted: Indent: Left: 0.5", Hanging: 0.75", Tab stops: Not at 0" + 0.5" + 1" + 1.5" + 2" + 2.5" + 3" + 3.5" + 4" + 4.5" + 5" + 5.5" + 6" + 6.5"

Formatted: Underline

Formatted: Indent: Left: 0.88", Tab stops: Not at 0" + 0.5" + 1" + 1.5" + 2" + 2.5" + 3" + 3.5" + 4" + 4.5" + 5" + 5.5" + 6" + 6.5"

IX. Returned Check

If customer payment (check) is returned to the City of Marshall by the bank for any reason, customer will be notified by first class mail. Said notice will require payment in the form of cash, cashier's check or money order within seven (7) days of notification of returned check any processing fees. Failure to make required payment as indicated by the written notice may result in a utility service turn off. If service is discontinued due to a returned check, customer will be required to pay the account balance in full, including any turn-on fees and an additional deposit, before their service will be reestablished. The City of Marshall reserves the right to accept or decline personal checks.

HIX. Late Billing Process

All City of Marshall utility customers will be notified of their current billing status by means of an invoice mailed on the billing date of each cycle. Bills are due approximately 18 days after they are issued. Should a balance forward exist on a customer's account, a **disconnect notice will print on the current billing**. If two billing periods become unpaid and delinquent, the customer's door is tagged with notice of pending shut off and charged \$25. If payment is not received, shut-off may take place within 48 hours, pursuant to Section XI contained herein.

The City of Marshall takes no responsibility for lost, delayed, damaged or misdirected mail, either to the customer or to the City of Marshall.

The following represents the late billing process to be used when an account becomes delinquent, defined as owing for more than the current month's billing. The dates listed below are used for

Effective 8/29/2012+12/3/2012, Previous Revisions: 8/20/2012, 10/3/2011, 11/1/09, 1/20/09, 7/1/07, 7/1/06, 7/1/05, 7/1/04, 7/1/03, 7/1/02, 3/18/02, 2/7/02, 1/2/99, 1/1/98, 11/1/96, 4/1/96, 3/7/88

illustrative purposes; actual dates for a customer depend on their billing cycle.

- A. Bill due on the 1st.
- B. Late charges applied on the 3rd.
- C. Customer is billed again around the 9th.
- D. A letter goes out on the 10th, containing the turnoff date of the 20th.
- E. Customer door is tagged with notice of pending shut off and charged \$25.
- F. If payment is not received by the 20th, shut-off may take place on the next working day pursuant to Section IV contained herein.

Formatted: Indent: Left: 0.88", Hanging: 0.38", Tab stops: Not at 0.5" + 0.88" + 1.5" + 2" + 2.5" + 3" + 3.5" + 4" + 4.5" + 5" + 5.5" + 6" + 6.5" + 7"

Step D through F above will be applied to accounts that have a delinquent balance of over \$25.

IVX. Physical Shutoff of Service

A. Time of Shutoff

- 1. Shutoff will occur only between the hours of 8:00 a.m. and 3:30 p.m., Monday through Friday.

Formatted: Indent: Left: 1.5", Hanging: 0.5", Tab stops: Not at 0.75" + 1.25" + 1.5" + 1.75" + 2.25" + 2.75" + 3.25" + 3.75" + 4.25" + 4.75" + 5.25" + 5.75" + 6.25" + 6.75"

B. Manner of Shutoff

- 1. The employee performing the shutoff will have in their possession a copy of the delinquent account or arrangement.
- 2. The employee performing the shutoff is allowed to accept payment from the customer. A \$20.00 collection fee plus the total amount owed will be required to avoid shut-off. If an arrangement is needed, the Customer Service Manager will be contacted and if approved, will need a signature by 12:00 p.m. the following day or the customer will be turned off again.
- 3. If payment is made to collection serviceman, only checks and money orders will be accepted.
- 4. If the customer is not at the premises, the employee may shut off service.
- 5. After shutoff has been completed, a neon green tag will be placed on the customer's door to inform them that their power has been disconnected and explain the process to reconnect their service.

Formatted: Indent: Hanging: 0.5", Tab stops: Not at 0" + 0.5" + 1" + 1.5" + 2" + 2.5" + 3" + 3.5" + 4" + 4.5" + 5" + 5.5" + 6" + 6.44"

Formatted: Font: 10 pt

Formatted: Font: 10 pt

C. Medical Emergency Shutoff

- 1. Shutoff will be postponed for a reasonable time, but no longer than 30 days, if the customer presents a certificate or doctor's notice stating that without the utility the existing medical emergency of the customer or a family member of the customer, living at the residence where the utility is supplied would be aggravated.
- 2. Postponement can reoccur if a doctor's notice or certificate is presented each time, but shall not exceed a total of 90 days in a calendar year.

Formatted: Indent: Left: 1.5", Hanging: 0.5", Tab stops: Not at -0.81" + -0.31" + 0.44" + 0.94" + 1.44" + 1.94" + 2.5" + 3" + 3.5" + 4" + 4.5" + 5" + 5.5" + 6" + 6.44"

D. Restoration of Service

- 1. Service will be restored as soon as possible after the customer has made acceptable payment.
- 2. The customer will be charged a turn-on fee as set forth in Section IVXIII.

Effective 8/20/2012/3/2012, Previous Revisions: 8/20/2012, 10/3/2011, 11/1/09, 1/20/09, 7/1/07, 7/1/06, 7/1/05, 7/1/04, 7/1/03, 7/1/02, 3/18/02, 2/7/02, 1/2/99, 1/1/98, 11/1/96, 4/1/96, 3/7/88

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

E. Winter Turn-off Policies (November 15 through March 15)

1. Customers will still be responsible for their utility bills in the winter months.
2. The customer will not be turned off if it is 35°F or below.
3. Arrangements during this time can be made at City Hall between 9:30 a.m. – 5:00 p.m., Monday through Friday. They may also be placed in the City drop box at any time.

F. Removal/Tampering of City Equipment

1. The removal of any City equipment including meter seals or the disconnecting of any City wire will result in a \$100.00 fine, and/or immediate shut-off until further notice.
*All of the previous are misdemeanor offenses.

ALL CUSTOMERS WITH LIFE-SUPPORTING EQUIPMENT WILL NEED TO NOTIFY THE CITY OF MARSHALL UTILITY DEPARTMENT AT (269) 781-3967 TO PREVENT A POSSIBLE INTERRUPTION OF SERVICE.

~~VXII.~~ After-Hours Service

The green tag, as set forth in ~~IV-B-5-X~~ - "Late Billing Process", will instruct the customer to call the Powerhouse ~~after-hours emergency telephone number~~ to re-establish their service after-hours.

Formatted: Not Highlight

A. ~~After-hours~~ is defined as any time outside of the hours of 8:00 a.m. and 3:30 p.m. Monday through Friday (except holidays).

B. ~~The Utility Department will provide a list of customers who have been shut-off and the amounts they are to pay to have their service reconnected to the Powerhouse staff on a daily basis.~~

B. ~~In addition to delinquent amounts owed, the customer will be responsible for a \$115.00 turn-on fee.~~

Formatted: Not Highlight

C. ~~Instructions will be given over the telephone for payment to be in money-order form, and a time will be scheduled for the Meter Technician to come to service location to receive payment and restore service.~~

D. ~~The customer must come in and complete an activation form and pay the amount necessary to be reconnected.~~

E-D. ~~The Powerhouse staff/Meter Technician will make sure the correct amount is paid with a money order placed in an envelope, and then restore service. If proper payment is not received by the Meter Technician at the service location at the scheduled time, service will not be restored, and the customer will still be charged the \$115.00 fee.~~

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

~~VXIII.~~ Turn-on Fees

The charge for reconnecting a service that has been shut-off for 1) non-payment of a delinquent account, including NSF check; 2) failure to pay the deposit when required; or 3) failure to comply with the Standard Rules and Regulations will be as follows:

Formatted: Indent: Left: 1"

\$25.00 -- 8:00 a.m. – 3:30 p.m. Monday through Friday (except holidays)
\$115.00 -- All other times

~~VII.~~ Payment Plan

Effective ~~8/20/2012~~ 12/3/2012. Previous Revisions: 8/20/2012, 10/3/2011, 11/1/09, 1/20/09, 7/1/07, 7/1/06, 7/1/05, 7/1/04, 7/1/03, 7/1/02, 3/18/02, 2/7/02, 1/2/99, 1/1/98, 11/1/96, 4/1/96, 3/7/88

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

- A. ~~Except for under extreme circumstances, payment plans will be setup to pay off amounts owed over a period not to exceed six months.~~
- B. ~~A customer will be allowed to have payment arrangements not extending beyond their most current billing due date. Only one payment plan in effect at any given time.~~
- C. ~~If a customer breaks their payment arrangement, they will be required to pay the arrears plus a turn-on fee in order to have their service reestablished.~~
- D. ~~If a customer breaks their arrangement three times, they will be required to pay their account in full, including any turn-on fees, before their service will be reestablished.~~
- E. ~~Payment plans must have a signature, and therefore must be completed in person at the Utility Department. The utility may accept other arrangements at their discretion.~~
- F. ~~Arrangements can only be made by the customer whose name appears on the account. Identification is required.~~

~~VIII. Request for Information~~

~~Periodically, the Utility Department receives requests for the status of customer accounts for the sale of property. All requests will be made on a Request for Information form obtained from the Utility Department. The Utility Department shall have up to five business days to process such requests. All requests will be subject to any fees related to the dissemination of such information.~~

~~IX. XIV. Delinquent Accounts~~

Formatted: No bullets or numbering

The City of Marshall Utility Department will perform due diligence in collecting amounts owed by its customers. Ultimately, the person(s) under whom the account has been established will be responsible for payment except as indicated in Section II. Every effort will be made to collect amounts owed up to and including Civil Litigation.

In order to collect money owed, the City reserves the right to apply any payment on one or more account balance if the payee can be identified on the account as applicant or co-applicant. This ~~shall will~~ apply to all account balances regardless of status (i.e. delinquent or current).

The charges for services furnished to a premises, which under the provisions of Act 94, Public Acts of 1933, of the state, as amended, are made a lien on the premises to which furnished, and those charges delinquent for 6 months or more on April 1st may be certified annually to the proper tax assessing officer or agency who ~~shall will~~ enter the lien on the next tax roll against the premises to which the services ~~shall~~ have been rendered, and the charges ~~shall will~~ be collected and the lien ~~shall will~~ be enforced in the same manner as provided for the collection of taxes assessed upon the roll and the enforcement of the lien for the taxes.

However, in a case when a tenant is responsible for the payment of the charges and the governing body is so notified in writing, the notice to include a copy of the lease of the affected premises, if there is one, then the charges ~~shall will~~ not become a lien against the premises after the date of the notice. In the event of filing of the notice, the City ~~shall will~~ render no further service to the premises until a cash deposit is made as security for the payment of the charges.

In addition to any other lawful enforcement methods, the payment of charges for services to a premises may be enforced by discontinuing the services to the premises.

~~X. Budget Billing~~

- A. ~~New customers will need 12 months of history before they will be able to use budget billing.~~
- B. ~~Take readings at the beginning and ending of the year and adjust bill accordingly.~~
- C. ~~All customers will receive an information sheet.~~
- D. ~~Each customer must submit a signed form in order to enroll in Budget Billing.~~

Effective ~~8/20/2012~~ 12/3/2012, Previous Revisions: ~~8/20/2012, 10/3/2011, 11/1/09, 1/20/09, 7/1/07, 7/1/06, 7/1/05, 7/1/04, 7/1/03, 7/1/02, 3/18/02, 2/7/02, 1/2/99, 1/1/98, 11/1/96, 4/1/96, 3/7/88~~

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

~~XI. Returned Check~~

~~If customer payment (check) is returned to the City of Marshall by the bank for any reason, customer will be notified by first class mail. Said notice will require payment in the form of cash, cashiers check or money order within seven (7) days of notification of returned check any processing fees. Failure to make required payment as indicated by the written notice may result in a utility service turn off. If service is discontinued due to a returned check, customer will be required to pay the account balance in full, including any turn-on fees, before their service will be reestablished. The utility reserves the right to require the following three payments after a returned check is processed to be made in the form of cash, cashiers check, or money order.~~

~~12. Billing and Payment Standards~~

~~Bills for utility service will be on approximately a monthly basis and shall be due and payable on or before the due date shown on each bill. The City will schedule meters to be read each month. In monthly periods intervening between actual meter readings, the bills will (under ordinary conditions) be based on past service records. If, in any instance, the past service records are not available or practicable for use, then such billing will be based upon such service data as is available. All accounts shall be adjusted as necessary each time the actual meter readings are obtained.~~

~~13. 11. Overhead Extension Policy~~

Formatted: No bullets or numbering

~~The City will not extend or allow the extension of City water mains and sanitary sewers to service parcels outside of the City limits without an agreement between the City and the Township. Parcels outside the City may be served if water mains and sanitary sewers exist, by approval of the City Manager or their designee.~~

~~Proposed extensions of the City water or sanitary sewerage systems must be approved and a construction permit issued by the Michigan Department of Environmental Quality.~~

~~When application is made for electric service which requires the extension of the City's existing distribution lines, the City will make such extensions at its own cost when the estimated annual revenue, probably stability of the business and prospective load growth reasonable warrant the capital expenditure required.~~

~~Under the above rule, the City will ordinarily make such pole and wire line extensions at its own cost:~~

- ~~A. When the length of such extensions (as measured from pole to pole) to serve residential customers does not exceed 2400 lineal feet for each permanent year-around residence and 300 lineal feet for each permanent private resort dwelling to be immediately served when the extension is completed, or~~
- ~~B. When the cost of such extensions to serve commercial lighting and/or secondary power customers does not exceed three times the amount of the estimated annual revenue to accrue from the permanent customer(s) to be immediately served when the extension is completed, or~~
- ~~C. When the cost of such extensions to serve primary power customers does not exceed three times the amount of the estimated annual revenue to be received from the permanent customer(s) to be immediately served when the extension is completed.~~

~~Where the length (or cost) of the line extension is greater than that specified above, the City will charge the applicant, the actual cost associated with the extension.~~

~~Effective 8/20/2012, Previous Revisions: 8/20/2012, 10/3/2011, 11/1/09, 1/20/09, 7/1/07, 7/1/06, 7/1/05, 7/1/04, 7/1/03, 7/1/02, 3/18/02, 2/7/02, 1/2/99, 1/1/98, 11/1/96, 4/1/96, 3/7/88~~

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

| 1412. Underground Extension Policy

A. General

This policy sets forth the conditions under which the City will install underground electric distribution systems in residential subdivisions, and underground service connections from overhead or underground electric distribution systems for single dwellings and for multiple or apartment dwellings containing not more than nine apartments.

The City will provide, own, maintain and specify the location of all underground cables, service connections, surface mounted transformers, power terminal pedestals, meters, and associated equipment used in such installations, and no ownership rights therein shall pass to applicants or customers by reason of any contribution required hereunder.

Prior to installation of any such residential underground electric distribution system or service connection, the applicant(s) shall enter into a written contract with the City describing the proposed installation and setting forth the respective agreements of the applicant(s) and the City in regard to such installation.

Street lighting, if any, will be served underground in areas served directly by residential underground electric distribution systems. The character and location of the street lights and cables shall conform to specifications prepared by the City. Any additional cost incurred because of the use of special street lighting posts and/or luminaries shall be borne by the sub-divider with credit allowed for standard construction using wood poles and 2500 lumen luminaries and brackets.

The following fees may be waived if trench of proper depth (primary: 42" minimum and 54" maximum; secondary: 24" minimum and 36" maximum) meeting the City of Marshall specifications is provided and backfilled by the customer.

Underground Residential Electric Distribution and Services may be charged a rate of \$6.00 per foot and will constitute an in-aid-of-construction fee representing the difference in cost between overhead and underground.

Underground Commercial and Industrial Distribution and Services may be charged a rate of \$8.00 per foot and will constitute an in-aid-of-construction fee representing the difference in cost between overhead and underground.

B. Underground Distribution Systems

i. General

Prior to the installation of a residential underground electric distribution system, the applicant(s) shall furnish, at no expense to the City, recordable easements, in form and substance satisfactory to the City granting rights of way suitable for the installation and maintenance of the residential underground electric distribution system and the street lighting cables as designed by the City for present and future service to the subdivision.

ii. Original Installations

| Effective 8/20/2012, 12/3/2012, Previous Revisions: 8/20/2012, 10/3/2011, 11/1/09, 1/20/09, 7/1/07, 7/1/06, 7/1/05, 7/1/04, 7/1/03, 7/1/02, 3/18/02, 2/7/02, 1/2/99, 1/1/98, 11/1/96, 4/1/96, 3/7/88

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

At the request of any applicant(s), the City will, if feasible, install an underground electric distribution system in a residential subdivision for a group of 10 or more lots which are separated, if at all, only by streets or alleys.

The applicant(s) shall provide, at no expense to the City, rough grading (within 6 inches of finished grade) of the area covered by the rights of way so that the underground electric distribution system and the street lighting cables, if any, can be properly installed in relation to the finished grade. Permanent survey stakes indicating property lines must be installed and maintained by the applicant(s) at no expense to the City, after rough grading.

If temporary overhead service is installed for the convenience of the applicant(s) for residential construction purposes, the applicant(s) shall be required to pay the in-and-out costs of such overhead facilities in the underground area.

iii. Conversion of Existing Overhead Distribution Systems

At the request of any applicant(s), the City will, if feasible, convert an existing overhead electric distribution system to an underground distribution system.

In the case of an underground service connection from an overhead distribution system, the service cable shall be measured from the point of connection of the underground service with the Marshall Utilities overhead conductors to the meter, if the meter is mounted on the exterior of a building wall on the customer's premises, or to the point of service entrance if the meter is not mounted on the exterior of a building wall on the customer's premises; provided, however, that if it is necessary for the Marshall Utilities to extend the underground service connection under a street or road in order to comply with the customer's request, the contribution for that portion of the service cable installed under the traveled portion of the street or road shall be the estimated cost thereof.

In the case of an underground service connection from an underground distribution system the service cable shall be measured from the Marshall Utilities surface mounted transformer or power terminal pedestal, of which will be located on or as near as practicable to the customer's property line, to the meter if the meter is mounted on the exterior of a building wall on the customer's premises, or to the point of service entrance if the meter is not mounted on the exterior of a building wall on the customer's premises.

In the case of an overhead service connection to an overhead distribution system, all conversions to an underground service connection will be paid for entirely by the customer.

Winter premium trenching fees may be charged.

1513. Inspection

Service will not be supplied to any new or any remodeled installation until such installation has been inspected and approved by the City and such installation is in accordance with the City's Standard Rules and Regulations in force at the time of inspection.

16. 14. Fire Hydrant Use

Formatted: No bullets or numbering

Effective 8/20/2012, Previous Revisions: 8/20/2012, 10/3/2011, 11/1/09, 1/20/09, 7/1/07, 7/1/06, 7/1/05, 7/1/04, 7/1/03, 7/1/02, 3/18/02, 2/7/02, 1/2/99, 1/1/98, 11/1/96, 4/1/96, 3/7/88

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

Only City personnel or others specifically authorized shall operate fire hydrants. Requests to use water from fire hydrants may be granted by the City when proper backflow prevention is furnished. A fire hydrant meter shall be used and the appropriate fees and rates charged.

4715. Retail Customer Demand Response

Retail customers shall be prohibited from participating in any demand response program except one provided by the City of Marshall, Michigan. This authority is provided by the Federal Energy Regulatory Commission Order No. 719 of 2008 and a resolution adopted by the City of Marshall, Michigan City Council on January 20, 2009.

4816. Non Emergency turn off

A customer may request to have their water and/or electric utilities disconnected for non emergency purposes. The utility will assess a \$20 fee for the disconnect services and an additional \$20 to reconnect.

4917. Lawn Sprinkling Sewer Commodity Reduction

The sewer commodity charge will be reduced automatically during the months of June, July, August, and September to residential customers. The credit calculation average will be based on the water usage during the months of January, February, and March. If there is no use on the account for those months, credit will not be given. The credit calculation average is to be no less than 100 cubic feet per month.

2018. Net Metering Program

Eligibility

Customers must meet the following criteria to be eligible for net metering:

- (1) An applicant must be a City of Marshall electric customer.
- (2) Only qualified renewable energy sources are eligible to participate in the Net Metering Program. These sources are solar, wind, biomass, hydro, geothermal, or other approved renewable resources.
- (3) The nameplate capacity of the renewable generator must be less than 30 kilowatts (kW).
- (4) The renewable generator may not be sized to exceed the customer's annual electrical energy needs.
- (5) Customers using biomass may not blend it with any type of fossil fuel.

Enrollment

Customers who wish to participate in the Net Metering Program must meet the **Customer Owned Generation Interconnection Policy** as well as the Electric Generator Interconnection Requirements for projects with aggregate generator output less than 30 kW. The Generator Interconnection Requirements document outlines the process, requirements, and agreements used to install or modify generation projects with aggregate capacity ratings less than 30 kW and designed to operate in parallel with the utility electric system. Technical requirements (data, equipment, relaying, telemetry and metering) are defined according to type of generation and location of the interconnection. The process is designed to provide an expeditious interconnection to the utility's electric system that is both safe and reliable.

Effective ~~8/20/2012~~ 12/3/2012, Previous Revisions: 8/20/2012, 10/3/2011, 11/1/09, 1/20/09, 7/1/07, 7/1/06, 7/1/05, 7/1/04, 7/1/03, 7/1/02, 3/18/02, 2/7/02, 1/2/99, 1/1/98, 11/1/96, 4/1/96, 3/7/88

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

To start the Net Metering application process, the customer must complete the Interconnection Application. After the City of Marshall has reviewed the application a interconnection study may be required. The customer is responsible for any costs associated with the interconnection study and the cost of the construction of the interconnection.

Generator and Generator Interconnection Requirements

Generator Requirements - The customer's electric generator must be fueled by a qualified renewable energy source; solar, wind, biomass, hydro, geothermal or other approved renewable resources.

The generator must be located on the customer's premises and serving only the customer's premises. For non-dispatchable generators, the nameplate rating of the generator shall be less than 30 kW in aggregate and the generator's annual output may not exceed the customer's annual energy needs, measured in kWh. The customer is required to provide the company with a capacity rating in kW for the generating unit and a projected monthly kilowatt-hour output of the generator unit when completing the City of Marshall Interconnection Application.

Interconnection Requirements - Customers must meet approved interconnection requirements before participating in this program.

Metering Requirements

City of Marshall's Net Metering Program requires that the customer have an electronic bi-directional billing meter. This meter will ensure that the customer receives the proper credits for electric generation in excess of their consumption. All metering equipment must meet the City of Marshall is standard specifications and requirements and will be furnished, installed, read, maintained, and owned by the City of Marshall.

Billing

Participating customers will be billed based on the net difference between the amount of electrical energy used and electrical energy generated. If the amount of electrical energy generated exceeds the amount consumed the bill will include a generation credit. Net Excess Generation (NEG) Credits for the electrical energy generated above the current month's consumption will be carried over to the next billing period.

The Net-Metering Program applies to customers on Rate A, A-1, LS, B, C, B-1, D, and D-2

No refunds will be made for any customer contribution under this tariff or for any other costs incurred by the customer in connection with the Net Metering Program

Net Excess Generation Credits

Net Excess Generation (NEG) Credit is the amount of electrical energy generated by a Net Metering participant using a renewable energy source, in excess of the customer's own electric metered use in any billing month.

One NEG Credit equals the Energy Charge for one kilowatt-hour of electrical energy as shown on the customer's rate schedule.

Any negative credits that exist at the end of each program year will be forfeited. NEG Credits are nontransferable.

If a customer terminates participation in the Net Metering Program, NEG Credits will be applied to the customer's final bill. Any remaining credits will be forfeited.

Effective 8/29/2012 12/3/2012. Previous Revisions: 8/20/2012, 10/3/2011, 11/1/09, 1/20/09, 7/1/07, 7/1/06, 7/1/05, 7/1/04, 7/1/03, 7/1/02, 3/18/02, 2/7/02, 1/2/99, 1/1/98, 11/1/96, 4/1/96, 3/7/88

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

Program Availability

The Net Metering Program is voluntary and is available on a first-come, first-serve basis until the nameplate capacity of all participating generators is equal to the maximum program limit of 1.0% of the City of Marshall's system peak demand for all customers during the previous calendar year.

Program Termination

City of Marshall may terminate a customer's participation in the Net Metering Program if the customer's facilities are causing a safety concern or if the customer's facilities are not in compliance with the Generator Interconnection Standards.

Customers may terminate their participation in the Net Metering Program at any time for any reason on sixty days' notice.

Customer Owned Generation Interconnect Policy

Intent:

It is the intent of the City of Marshall to allow the electrical interconnection of qualified renewable energy sources to the City of Marshall distribution system in accordance with the provisions of this article.

Guidelines:

1. City of Marshall

- a. Will ensure the interconnection is in compliance with Public Utility Regulatory Policies Act (PURPA) and Federal Energy Regulatory Commission (FERC) rules and regulations, as applicable.
- b. Will inform potential power producers that they have the responsibility to comply with all federal, state, and local regulations.
- c. Will, upon completion of a satisfactory Interconnection Study, provide interconnection service to any electric consumer installing a less than 30 kW generation unit. Service is evaluated and provided on a case-by-case basis and will require a separate Interconnection and Operating Agreement.
- d. Will, upon completion of a Satisfactory Interconnection Study, provide interconnection service to any electric consumer installing less than a 30 kW generating unit in which the primary energy source must be solar, biomass, waste, wind, geothermal, or approved renewable energy sources.
- e. Will own the meters utilized for billing.

2. The Customer

- a. Shall install and own conductors and equipment up to the service point as specified in the City of Marshall Overhead Extension Policy and Underground Service Connections.
- b. If the City of Marshall determines that an Interconnection Study is needed the study will be conducted at the customer's expense.

Effective 8/20/2012, 12/3/2012, Previous Revisions: 8/20/2012, 10/3/2011, 11/1/09, 1/20/09, 7/1/07, 7/1/06, 7/1/05, 7/1/04, 7/1/03, 7/1/02, 3/18/02, 2/7/02, 1/2/99, 1/1/98, 11/1/96, 4/1/96, 3/7/88

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

- c. Shall make application to the City of Marshall for the proposed installation, obtain approval of the location, equipment, and design before starting installation, and pay any City of Marshall construction fees for system improvements as specified in the City of Marshall Overhead Extension Policy and Underground Service Connections.
- d. Shall submit a plan view drawing of the installation and shop drawings of switchgear to the City of Marshall for approval prior to finalizing orders for service equipment to avoid delays and unnecessary expense to the customer and the City of Marshall.
- e. The interconnection and parallel operation of generation equipment shall be in conformance with prudent utility practices, shall maintain the integrity of the City of Marshall distribution system and ensure no adverse impacts upon the quality of service to other City of Marshall customers.
- f. Protection, safety, and interconnect equipment must meet standards of accepted good design, engineering, electric safety practices, and all applicable local, state, and federal electrical installation and safety codes.
- g. A suitable disconnect, interconnection breaker, and interconnect relay shall be installed to automatically disconnect and isolate the generation facility from the City of Marshall distribution system in the event of a service interruption. The automatic disconnect equipment shall receive its voltage and frequency reference from the City of Marshall service lines. Such equipment must be capable of preventing the generation facility from energizing the City of Marshall's service lines during a service interruption.
- h. Electrical parameters such as fault protection, voltage levels, synchronization, grounding, harmonics, power factor, voltage regulation, flicker, and frequency regulation shall comply with the latest edition of The Institute of Electrical and Electronic Engineers "Standard for Interconnecting Distributed Resources with Electric Power Systems" (IEEE Standard 1547-2008).
- i. Any exceptions to the above requirements must be specifically approved by the City of Marshall.

STANDARD RULES AND REGULATIONS

Contents

	PAGE
1. Definitions	23
2. Character of Service	23
3. General Provisions of Service	23
4. Unusual Facility Requirements	23
5. Pole Attachment	24
6. Use of Service	24
7. Access to Customer's Premises	24
8. Application of Rates	25
9. Service Connections	26
10. Billing Policy	27
11. Extension Policy	33
12. Residential Underground Distribution Policy	33
13. Inspection	35
14. Fire Hydrant Use	35
15. Retail Customer Demand Response	35
16. Non Emergency Turn offs	36
17. Lawn Sprinkling Sewer Commodity Reduction	36
18. Net Metering Program	36

City of Marshall Utilities Rate Classifications and Standard Rules and Regulations

1. Definitions

- City - The City of Marshall Water, Wastewater and Electrical Utility or its authorized representatives.
- Customer - Any person, firm, corporation, association, partnership, municipality, or governmental agency to be served by or legally using water, wastewater and electrical energy supplied by the City.
- Service Line - A pipe connecting the City water main with the plumbing system of a water user.
- Water Main - A pipe or conduit for conveying potable water which is maintained by the City.

2. Character of Service

The City will endeavor, but does not guarantee, to furnish a continuous supply of electric energy and to maintain voltage and frequency within reasonable limits.

The City will endeavor, but does not guarantee, to furnish a continuous supply of water and/or wastewater services.

The City will not be liable for interruptions in the service, phase failure or reversal, or variations in the service characteristics, or for any loss of damage of any kind or character occasioned thereby, due to causes or conditions beyond the City's reasonable control, and such causes or conditions will be deemed to specifically include, but not be limited to, the following: acts or omissions of customers or third parties; operation of safety devices except when such operation is caused by the negligence of the City's employees; absence of an alternate supply of service; failure, malfunction, breakage, necessary repairs or inspection of machinery, facilities or equipment the City has carried on a program of maintenance consistent with the general standards prevailing in the industry; acts of God; war; action of the elements; storm or flood; fire; riot; labor dispute or disturbances; or the exercise of authority or regulation by governmental or military authorities.

Before purchasing equipment, installing plumbing, or installing wiring, the customer should secure from the City, the characteristics of the service available.

No ownership rights in any facilities provided by the City will pass to any person as a result of any contribution or deposit made under these rules. No deposits or contributions made by customers will be refundable unless expressly so provided in these rules.

Notwithstanding any other provision of these rules, the City may interrupt, curtail or suspend electric service to all or some of its customers in accordance with the provision of Emergency Electrical Procedures rule and the City will be under no liability with respect to any such interruption, curtailment or suspension.

3. General Provisions of Service

The City will have complete control of all City water mains and sewers. All water mains and sewers connecting directly or indirectly with City water mains and sewers will be constructed in accordance with City standards and specifications.

Where suitable service is available, the City will install overhead service connections from its distribution lines to a suitable point of attachment on the customer's premises designated by the City.

All residential customers shall install three-wire service entrance connections of not less than 100 ampere capacity, except as required with pre-manufactured mobile homes. All such service entrances shall comply with the National
Effective 12/3/2012, Previous Revisions: 8/20/2012, 10/3/2011, 11/1/09, 1/20/09, 7/1/07, 7/1/06, 7/1/05, 7/1/04, 7/1/03, 7/1/02, 3/18/02, 2/7/02, 1/2/99, 1/1/98, 11/1/96, 4/1/96, 3/7/88

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

Electric Code and / or local electrical codes, whichever governs. Any poles, wires or other equipment required beyond the customer's meter shall be furnished, installed and maintained by the customer. The customer may have to provide a deposit and/or contribution if the service he requires cannot be provided from available distribution lines.

Should it become necessary for any cause beyond the City's control to change the location of the point of attachment of service connections, the entire cost of any necessary changes in the customer's wiring will be borne by the customer.

The customer may be required to provide, at no expense to the City, space for the City's transformer installations on the customer's premises.

4. Unusual Facility Requirements

The City reserves the right to make special contractual arrangements as to the provisions of necessary service facilities, duration of contract, minimum bills, or other service conditions with respect to customers whose capacity requirements exceed 1,000 kW or whose establishments are remote from the City's existing suitable facilities or whose service requirements otherwise necessitate unusual investments by the City in service facilities or where the maintenance of the service is questionable.

5. Pole Attachment

The City Council may approve the attachment and insertion of other wire, cables and appurtenances to City owned poles or conduits through a pole attachment agreement. The attaching company will pay for any engineering and "make ready" cost incurred by the City. The attaching company will be required to remove their wire, cables and appurtenances, in a timely fashion, if the City removes their pole. The attaching company will be required to reattach their wire, cables and appurtenances, in a timely fashion, if the City replaces their pole. From time to time, the City Council may reestablish the pole attachment fee schedule.

6. Use of Service

The City reserves the right to deny or terminate service to any customer whose plumbing, wiring or equipment will constitute a hazard to the City's equipment or its service to others. However, it disclaims any responsibility to inspect the customer's plumbing, wiring or equipment and will not be held liable for any injury or damage resulting from the condition thereof.

The customer shall so use the service as not to disturb the City's service to other customers. When such interference does occur, the customer may be required to alleviate such condition, and upon his failure so to do, the City may discontinue service.

The City will not be obligated to furnish service in the case of gaseous or other lighting devices having low power factor whether newly installed, reconnected or moved to another location, unless the customer provides, at his own expense, suitable equipment for improving the power factor of such devices to at least eighty-five per cent (85%).

7. Access to Customer's Premises

The City shall have access to the customer's premises at all reasonable hours, to install, inspect, read, repair or remove its meters and other property and to inspect and determine the connected load in lamps, appliances, motors, etc. Neglect or refusal on the part of the customer to provide reasonable access will be sufficient cause for discontinuance of service by the City and assurance of access may be required before service is restored.

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

In cases of rental properties, it will be the responsibility of the property owner to effect proper entrance for City personnel to discontinue some services. Failure to provide access may result in such services being continued with the property owners' liable for payment from the date of the tenant's service being discontinued.

Meters not accessible to read will be estimated. See "Service Connections" section for details.

8. Application of Rates

A. General:

Copies of the City's rates for water, sewer, and electric service are available at City Hall and are open to public inspection.

The rates specified in this schedule are predicated upon the delivery of each class of service to a single metering point for the total requirements of each separate premises of the customer, unless otherwise provided for in the rate schedule. In no case may service be shared with another or transmitted off the premises at which it is delivered. Service at different points and at different premises will be separately measured and separately billed.

B. Combined Residence and Commercial or Industrial Service:

Where one building is used by a customer as a commercial or industrial establishment and also as a residence, the wiring shall be so arranged that the business part and residence part may be metered separately and each class of service billed on the appropriate rate. If separation is not effected, the combined service will be billed under the appropriate General City Service Rate.

C. Choice of Rates:

In some cases the customer is eligible to take service under any one of two or more rates. Upon request, the city will advise the customer in the selection of the rate which will give him the lowest cost of service, based on the information at hand, but the responsibility for the selection of the rate lies with the customer. Once a rate is selected, the customer will not be permitted to change to another rate until at least twelve months have elapsed. No refund will be made of the difference in charges under different rates applicable to the same class of service.

D. Special Minimum Charges:

Where the customer is billed on Rate "B", and the resistance type welders or other equipment which creates high demands of momentary duration is used, and the City continuously maintains transformers and distribution facilities primarily for the customer's use, the sum of the net monthly bill will not be less than the following minimum charge for each contract year or any part thereof:

- i. \$7.00 per kVA for the first 10 kVA or less of transformer capacity, plus
- ii. \$2.00 per kVA for all over 10 kVA or transformer capacity.

If the customer provides and maintains the necessary transformers and other distribution facilities beyond the point of delivery, the minimum yearly charge will be 50% of that specified above. In this event the City may elect to measure the supply of service on the primary side of the transformers, in which case 3% will be deducted from the energy measurements thus made.

When, in any contract year, the customer's net monthly bills aggregate less than the annual minimum charge calculated as above, the deficiency for at the end of such contract year.

Customers subject to the above Special Minimum Charges shall sign a contract for at least one year.

Effective 12/3/2012, Previous Revisions: 8/20/2012, 10/3/2011, 11/1/09, 1/20/09, 7/1/07, 7/1/06, 7/1/05, 7/1/04, 7/1/03, 7/1/02, 3/18/02, 2/7/02, 1/2/99, 1/1/98, 11/1/96, 4/1/96, 3/7/88

E. Resale:

Except as to customers served under rates expressly made available for resale purposes, no customer shall resell his service to others except as permitted under this rule.

The owner or operator of an office building, apartment building, mobile home park or similar structure, whose combined requirements exceed 50 kW, may purchase energy from the City for resale to the tenants of the building on condition that service to each tenant will be separately metered, that the tenants will be charged for such service on the appropriate rate in the City's schedule available for similar service under like conditions, and that all the energy used in such building shall be purchased from the City. If any of these provisions should be violated, the City may refuse or discontinue service. In order to avail himself of the privilege or reselling to his tenants, the building owner's or operator's service contract shall provide for such resale privilege. The City will not furnish or maintain meters or other facilities for the resale of service by landlords to tenants.

The owner or operator of an office building, apartment building, mobile home park or similar structure, may purchase water from the City for resale to the tenants of the building on condition that service to each tenant will be separately metered, that the tenants will be charged for such service on the appropriate rate in the City's schedule available for similar service under like conditions, and that all the energy used in such building shall be purchased from the City. If any of these provisions should be violated, the City may refuse or discontinue service. In order to avail themselves of the privilege or reselling to his tenants, the building owner's or operator's service contract shall provide for such resale privilege. The City will not furnish or maintain meters or other facilities for the resale of service by landlords to tenants.

F. Apartment Buildings and Multiple Dwellings:

When service is supplied through a single meter to a building containing more than one apartment, the customer may have the option of being billed under either the Residence Service Rate or any General Light and Power Service Rate. Not more than one choice in rate will be permitted, as to any customer, within any 12-month period.

For the purpose of billing under the Residential Service Rate, the initial charge, the kilowatt hour blocks and the minimum charge will be multiplied by the number of apartments served through one meter, less one. Any apartment building or multiple dwelling containing less than nine rooms, however will be billed on a single customer basis.

To determine the number of apartments served through one meter, only those rooms, suites, or groups of rooms having individual cooking and kitchen sink accommodations within the unit will be counted.

G. Unusual Facility Requirements:

The City reserves the right, with respect to customers whose capacity requirements exceed 1,000 kW, or whose establishments are remote from the City's existing suitable facilities, or whose load characteristics otherwise require unusual investments by the City in service facilities, to make special contractual arrangements as to the provision of necessary service facilities, duration of contract, minimum bills, or other service conditions.

9. Service Connections

The customer shall provide, free of expense to the City and close to the point of service entrance, suitable space for the installation of the necessary metering equipment. The customer shall permit only authorized agents of the City or other persons lawfully authorized so to do, to inspect, test or remove the same. If the meters or metering equipment are damaged or destroyed through the neglect of the customer, the cost of necessary repairs or replacements will be paid by the customer.

Water meters shall be set horizontally in a clean and suitable place, easily accessible to City personnel. No person shall tamper with any meter or remove or break any seal placed on any meter. No curb box shall be opened and no curb stop shall be operated either to turn on or turn off a water supply by anyone other than a City employee. The

Effective 12/3/2012, Previous Revisions: 8/20/2012, 10/3/2011, 11/1/09, 1/20/09, 7/1/07, 7/1/06, 7/1/05, 7/1/04, 7/1/03, 7/1/02, 3/18/02, 2/7/02, 1/2/99, 1/1/98, 11/1/96, 4/1/96, 3/7/88

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

City will maintain the water service from the water main to the curb box. It will be the customer's responsibility to maintain the water service connection from the curb box to the building.

The City tests its meters at intervals for the mutual protection of the customer and the City, but the City will also test any meter upon request of the customer, provided the City is not required to make a test more often than once in six (6) months. Costs for customer requested meter testing will be established by resolution.

Whenever a meter fails to register, the customer will pay for service furnished during such period, an estimated amount based either upon the results of a test, upon the use during a similar period, upon both these methods, or by other known factors. If the duration of the meter error is not known, it will be assumed to have existed for a period of half the time between the discovery of the error and the latest preceding meter test, but not for a period of more than six (6) months, and bills will be re-computed on this basis.

Whenever other errors occur, the customer will pay for service furnished during such period. If the duration of the error is known, bills will be re-computed based on this duration but not to exceed 12 months.

10. Billing Policy

I. Billing and Payment Standards

Bills for utility service will be on approximately a monthly basis and shall be due and payable on or before the due date shown on each bill. The City will schedule meters to be read each month. In monthly periods intervening between actual meter readings, the bills will (under ordinary conditions) be based on past service records. If, in any instance, the past service records are not available or practicable for use, then such billing will be based upon such service data as is available. All accounts will be adjusted as necessary each time the actual meter readings are obtained.

II. Interest Policy

The City of Marshall Utility Department does not charge interest on amounts owed by its customers. Nor does the Utility Department pay interest on amounts owed to its customers.

III. Information

Periodically, the Utility Department receives requests for the status of customer accounts for the sale of property. All requests will be made on a Request for Information form obtained from the Utility Department. The Utility Department will have up to five business days to process such requests. All requests will be subject to any fees related to the dissemination of such information.

IV. Establishing New Service

A. Outstanding Utility Bills

The City may refuse making utility services available to anyone, regardless of current account status, who has outstanding or delinquent accounts with the City of Marshall.

B. Application for Service

Residential and/or business accounts must provide the following documentation to establish a new account: name; address; phone number; date of birth; United States government or state government issued photo ID, driver's license, military ID or passport; and copy of mortgage or

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

purchase or lease agreement. All parties on such agreement will be included as responsible parties on the utility account. Social security numbers or corporate ID numbers are the preferred form of identification, but are not required. Driver's license or other photo ID's, except passports, issued by a foreign government are not acceptable.

C. Landlord/Tenant Policy

- i. A Landlord must provide a copy of the lease agreement and a Landlord/Tenant Affidavit before a tenant moves in. The lease must contain language that the tenant is responsible for the utility bills. Upon the filing of a lease agreement and affidavit, the tenant will be responsible for a \$150.00 utility deposit, which is held until the account is terminated and applied to the final bill. Any unpaid amount may be turned over to a third party for collection.
- ii. If no affidavit is filed, then pursuant to City Ordinance, any utilities delinquent for six months or more may be placed as a lien on the premises to which the service is provided and charged on the next property tax bill for the premises. In this case, the tenant must pay a \$100.00 utility deposit payable at the time service is established. Once the tenant finalizes the account, the deposit will be applied to the tenant's final bill for that premise, with any excess amount being refunded to the tenant.
- iii. Service may be established in the landlord's name. When a tenant is applying for service on a rental property, a written lease agreement will be required to ensure that the applicant is a legal tenant of the property.

D. Deposit Required

- i. The City of Marshall may require a deposit by the customer. No interest is accrued or paid on deposits held. Deposit is applied to the final bill of any account if customer is leaving the City of Marshall utility service. Deposit may be transferred to new service location if customer remains in the City of Marshall utility service area. Deposit amounts and restrictions thereto are as follows:

ii. Residential Customers

\$50 deposit for unoccupied properties, on the market waiting to be sold.
\$100 or \$150 deposit required for tenant occupied premises*

Upon receipt of regular payments on or before required due date for 12 consecutive months, deposit will be applied to the next regular utility billing.

*check Landlord/Tenant Policy if applicable.

iii. Commercial and Industrial Customers

\$150 deposit required at time of application for service. After minimum six months usage and at any time thereafter, City of Marshall may require additional deposit up to one month average charges for all utilities provided.

- iv. Deposit is held as long as utility service is provided. Deposit will be applied to final billing upon termination of service.

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

- v. Any account that had been submitted to a collection agency or had a bad debt with the City will require a deposit in an amount to be determined by the City to establish a new account.
- vi. Customers may request that service deposits be transferred when changing service from one location to another. However, all amounts in arrears on the original account (including the most recent billing if past the established due date) must be paid. This payment takes effect at the time of a change of service. Failure to pay all arrears may require deposits being applied to the original account and a new service deposit for the new location.
- vii. In cases of bankruptcies, deposits will be credited to any outstanding account balances as of the court file date. New deposits may be required for post-petition balances according to the above and in conformance with bankruptcy laws.
- viii. Additional service deposits may be required from any City customer who writes two no-account or NSF checks in any twelve-month period.
- ix. Additional service deposits may also be required before restoring service to any customer whose service has been disconnected in order to ensure the credit worthiness of the account. The additional deposit will be based on the credit history of the account and the average monthly billed amount.

V. Customer Payment Responsibilities

- A. Bills are due approximately 18 days after they are issued. Payments received by mail are considered on time when received in the office on or before the printed "Due" date. When bills are not paid on or before the due date, the bill will be considered delinquent. Within two business days following the due date, a late fee of 5% of the total delinquent amount will be charged to the account. Additional tag fees and reconnection fees may also apply.
- B. The City accepts checks, money orders, credit cards, debit cards and cash. Any loose coins over \$5.00 must be rolled and initialed. Customers may also make payments using their checking/savings account, credit card or debit card by an automated payment Service. The automated payment Service information is available Online at www.cityofmarshall.com, then clicking the Utility Billing Department page.

VI. Automated Payment Plan

- A. The City will make available to its customers an automated payment plan for payment of utilities. The initial request from a service holder shall be in the form of a written agreement. The payment plan may be established for an indefinite period or for a specified period of time. Any account which incurs two returned electronic funds transfer transactions in a twelve-month period may be removed from the plan and may be ineligible for reinstatement. Automated payment plans will terminate upon payment of final bill.
- B. Automated payment plans can be terminated at any time upon the written request of the customer. The City reserves the right to terminate from this plan any and all parties who do not comply with the terms of the plan agreement.

VII. Budget Billing

Effective 12/3/2012, Previous Revisions: 8/20/2012, 10/3/2011, 11/1/09, 1/20/09, 7/1/07, 7/1/06, 7/1/05, 7/1/04, 7/1/03, 7/1/02, 3/18/02, 2/7/02, 1/2/99, 1/1/98, 11/1/96, 4/1/96, 3/7/88

The City will make available to qualified customers a budget payment plan for payment of utilities. The budget payment plan will be available only when a history of usage and payments, for any service location, for a period of not less than twelve months has been established. To enroll in the budget payment plan, (1) the account must be current at the time of the agreement; and (2) the account must be enrolled in our automatic payment plan to ensure the agreed amount is paid monthly. All customers will receive an information sheet and must submit a signed form in order to enroll in Budget Billing. The budget payment plan will be reviewed periodically but at least annually. Adjustments to budget payment plan payments may be made as deemed necessary. The City reserves the right to terminate from the plan any and all parties who do not comply with the terms of the plan agreement.

VIII. Payment Arrangements

- A. A customer will be allowed to have payment arrangements not extending beyond their most current billing due date. Only one payment plan in effect at any given time.
- B. If a customer breaks their payment arrangement, they will be required to pay the arrears plus a turn-on fee in order to have their service reestablished.
- C. If a customer breaks their arrangement three times, they will be required to pay their account in full, including any turn-on fees, before their service will be reestablished. Additional deposit may be required as well, per "Deposit Required" section.
- D. Payment plans may require a signature. The utility may accept other arrangements at their discretion.
- E. Arrangements can only be made by the customer whose name appears on the account. Identification may be required.

IX. Returned Check

If customer payment (check) is returned to the City of Marshall by the bank for any reason, customer will be notified by first class mail. Said notice will require payment in the form of cash, cashier's check or money order within seven (7) days of notification of returned check any processing fees. Failure to make required payment as indicated by the written notice may result in a utility service turn off. If service is discontinued due to a returned check, customer will be required to pay the account balance in full, including any turn-on fees and an additional deposit, before their service will be reestablished. The City of Marshall reserves the right to accept or decline personal checks.

X. Late Billing Process

All City of Marshall utility customers will be notified of their current billing status by means of an invoice mailed on the billing date of each cycle. Bills are due approximately 18 days after they are issued. Should a balance forward exist on a customer's account, a **disconnect notice will print on the current billing**. If two billing periods become unpaid and delinquent, the customer's door is tagged with notice of pending shut off and charged \$25. If payment is not received, shut-off may take place within 48 hours, pursuant to Section XI contained herein.

The City of Marshall takes no responsibility for lost, delayed, damaged or misdirected mail, either to the customer or to the City of Marshall.

XI. Physical Shutoff of Service

A. Time of Shutoff

1. Shutoff will occur only between the hours of 8:00 a.m. and 3:30 p.m., Monday through Friday.

B. Manner of Shutoff

1. The employee performing the shutoff will have in their possession a copy of the delinquent account or arrangement.
2. The employee performing the shutoff is allowed to accept payment from the customer. A \$20.00 collection fee plus the total amount owed will be required to avoid shut-off. If an arrangement is needed, the Customer Service Manager will be contacted and if approved, will need a signature by 12:00 p.m. the following day or the customer will be turned off again.
3. If payment is made to collection serviceman, only checks and money orders will be accepted.
4. If the customer is not at the premises, the employee may shut off service.
5. After shutoff has been completed, a neon green tag will be placed on the customer's door to inform them that their power has been disconnected and explain the process to reconnect their service.

C. Medical Emergency Shutoff

1. Shutoff will be postponed for a reasonable time, but no longer than 30 days, if the customer presents a certificate or doctor's notice stating that without the utility the existing medical emergency of the customer or a family member of the customer, living at the residence where the utility is supplied would be aggravated.
2. Postponement can reoccur if a doctor's notice or certificate is presented each time, but will not exceed a total of 90 days in a calendar year.

D. Restoration of Service

1. Service will be restored as soon as possible after the customer has made acceptable payment.
2. The customer will be charged a turn-on fee as set forth in Section XIII.

E. Winter Turn-off Policies (November 15 through March 15)

1. Customers will still be responsible for their utility bills in the winter months.
2. The customer will not be turned off if it is 35°F or below.
3. Arrangements during this time can be made at City Hall between 9:30 a.m. – 5:00 p.m., Monday through Friday. They may also be placed in the City drop box at any time.

F. Removal/Tampering of City Equipment

1. The removal of any City equipment including meter seals or the disconnecting of any City wire will result in a \$100.00 fine, and/or immediate shut-off until further notice.

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

*All of the previous are misdemeanor offenses.

ALL CUSTOMERS WITH LIFE-SUPPORTING EQUIPMENT WILL NEED TO NOTIFY THE CITY OF MARSHALL UTILITY DEPARTMENT AT (269) 781-3967 TO PREVENT A POSSIBLE INTERRUPTION OF SERVICE.

XII. After-Hours Service

The green tag, as set forth in X - "Late Billing Process", will instruct the customer to call the after-hours emergency telephone number to re-establish their service after-hours.

- A. After-hours is defined as any time outside of the hours of 8:00 a.m. and 3:30 p.m. Monday through Friday (except holidays).
- B. In addition to delinquent amounts owed, the customer will be responsible for a \$115.00 turn-on fee.
- C. Instructions will be given over the telephone for payment to be in money-order form, and a time will be scheduled for the Meter Technician to come to service location to receive payment and restore service.
- D. The Meter Technician will make sure the correct amount is paid with a money order and then restore service. If proper payment is not received by the Meter Technician at the service location at the scheduled time, service will not be restored, and the customer will still be charged the \$115.00 fee.

XIII. Turn-on Fees

The charge for reconnecting a service that has been shut-off for 1) non-payment of a delinquent account, including NSF check; 2) failure to pay the deposit when required; or 3) failure to comply with the Standard Rules and Regulations will be as follows:

\$25.00 -- 8:00 a.m. – 3:30 p.m. Monday through Friday (except holidays)
\$115.00 -- All other times

XIV. Delinquent Accounts

The City of Marshall Utility Department will perform due diligence in collecting amounts owed by its customers. Ultimately, the person(s) under whom the account has been established will be responsible for payment except as indicated in Section II. Every effort will be made to collect amounts owed up to and including Civil Litigation.

In order to collect money owed, the City reserves the right to apply any payment on one or more account balance if the payee can be identified on the account as applicant or co-applicant. This will apply to all account balances regardless of status (i.e. delinquent or current).

The charges for services furnished to a premises, which under the provisions of Act 94, Public Acts of 1933, of the state, as amended, are made a lien on the premises to which furnished, and those charges delinquent for 6 months or more on April 1st may be certified annually to the proper tax assessing officer or agency who will enter the lien on the next tax roll against the premises to which the services have been rendered, and the charges will be collected and the lien will be enforced in the same manner as provided for the collection of taxes assessed upon the roll and the enforcement of the lien for the taxes.

However, in a case when a tenant is responsible for the payment of the charges and the governing body is so notified in writing, the notice to include a copy of the lease of the affected premises, if

there is one, then the charges will not become a lien against the premises after the date of the notice. In the event of filing of the notice, the City will render no further service to the premises until a cash deposit is made as security for the payment of the charges.

In addition to any other lawful enforcement methods, the payment of charges for services to a premises may be enforced by discontinuing the services to the premises.

11. Overhead Extension Policy

The City will not extend or allow the extension of City water mains and sanitary sewers to service parcels outside of the City limits without an agreement between the City and the Township. Parcels outside the City may be served if water mains and sanitary sewers exist, by approval of the City Manager or their designee.

Proposed extensions of the City water or sanitary sewerage systems must be approved and a construction permit issued by the Michigan Department of Environmental Quality.

When application is made for electric service which requires the extension of the City's existing distribution lines, the City will make such extensions at its own cost when the estimated annual revenue, probably stability of the business and prospective load growth reasonable warrant the capital expenditure required.

Under the above rule, the City will ordinarily make such pole and wire line extensions at its own cost:

- A. When the length of such extensions (as measured from pole to pole) to serve residential customers does not exceed 2400 lineal feet for each permanent year-around residence and 300 lineal feet for each permanent private resort dwelling to be immediately served when the extension is completed, or
- B. When the cost of such extensions to serve commercial lighting and/or secondary power customers does not exceed three times the amount of the estimated annual revenue to accrue from the permanent customer(s) to be immediately served when the extension is completed, or
- C. When the cost of such extensions to serve primary power customers does not exceed three times the amount of the estimated annual revenue to be received from the permanent customer(s) to be immediately served when the extension is completed.

Where the length (or cost) of the line extension is greater than that specified above, the City will charge the applicant, the actual cost associated with the extension.

12. Underground Extension Policy

A. General

This policy sets forth the conditions under which the City will install underground electric distribution systems in residential subdivisions, and underground service connections from overhead or underground electric distribution systems for single dwellings and for multiple or apartment dwellings containing not more than nine apartments.

The City will provide, own, maintain and specify the location of all underground cables, service connections, surface mounted transformers, power terminal pedestals, meters, and associated equipment used in such installations, and no ownership rights therein shall pass to applicants or

customers by reason of any contribution required hereunder.

Prior to installation of any such residential underground electric distribution system or service connection, the applicant(s) shall enter into a written contract with the City describing the proposed installation and setting forth the respective agreements of the applicant(s) and the City in regard to such installation.

Street lighting, if any, will be served underground in areas served directly by residential underground electric distribution systems. The character and location of the street lights and cables shall conform to specifications prepared by the City. Any additional cost incurred because of the use of special street lighting posts and/or luminaries shall be borne by the sub-divider with credit allowed for standard construction using wood poles and 2500 lumen luminaries and brackets.

The following fees may be waived if trench of proper depth (primary: 42" minimum and 54" maximum; secondary: 24" minimum and 36" maximum) meeting the City of Marshall specifications is provided and backfilled by the customer.

Underground Residential Electric Distribution and Services may be charged a rate of \$6.00 per foot and will constitute an in-aid-of-construction fee representing the difference in cost between overhead and underground.

Underground Commercial and Industrial Distribution and Services may be charged a rate of \$8.00 per foot and will constitute an in-aid-of-construction fee representing the difference in cost between overhead and underground.

B. Underground Distribution Systems

i. General

Prior to the installation of a residential underground electric distribution system, the applicant(s) shall furnish, at no expense to the City, recordable easements, in form and substance satisfactory to the City granting rights of way suitable for the installation and maintenance of the residential underground electric distribution system and the street lighting cables as designed by the City for present and future service to the subdivision.

ii. Original Installations

At the request of any applicant(s), the City will, if feasible, install an underground electric distribution system in a residential subdivision for a group of 10 or more lots which are separated, if at all, only by streets or alleys.

The applicant(s) shall provide, at no expense to the City, rough grading (within 6 inches of finished grade) of the area covered by the rights of way so that the underground electric distribution system and the street lighting cables, if any, can be properly installed in relation to the finished grade. Permanent survey stakes indicating property lines must be installed and maintained by the applicant(s) at no expense to the City, after rough grading.

If temporary overhead service is installed for the convenience of the applicant(s) for residential construction purposes, the applicant(s) shall be required to pay the in-and-out costs of such overhead facilities in the underground area.

iii. Conversion of Existing Overhead Distribution Systems

At the request of any applicant(s), the City will, if feasible, convert an existing overhead electric distribution system to an underground distribution system.

In the case of an underground service connection from an overhead distribution system, the service cable shall be measured from the point of connection of the underground service with the Marshall Utilities overhead conductors to the meter, if the meter is mounted on the exterior of a building wall on the customer's premises, or to the point of service entrance if the meter is not mounted on the exterior of a building wall on the customer's premises; provided, however, that if it is necessary for the Marshall Utilities to extend the underground service connection under a street or road in order to comply with the customer's request, the contribution for that portion of the service cable installed under the traveled portion of the street or road shall be the estimated cost thereof.

In the case of an underground service connection from an underground distribution system the service cable shall be measured from the Marshall Utilities surface mounted transformer or power terminal pedestal, of which will be located on or as near as practicable to the customer's property line, to the meter if the meter is mounted on the exterior of a building wall on the customer's premises, or to the point of service entrance if the meter is not mounted on the exterior of a building wall on the customer's premises.

In the case of an overhead service connection to an overhead distribution system, all conversions to an underground service connection will be paid for entirely by the customer.

Winter premium trenching fees may be charged.

13. Inspection

Service will not be supplied to any new or any remodeled installation until such installation has been inspected and approved by the City and such installation is in accordance with the City's Standard Rules and Regulations in force at the time of inspection.

14. Fire Hydrant Use

Only City personnel or others specifically authorized shall operate fire hydrants. Requests to use water from fire hydrants may be granted by the City when proper backflow prevention is furnished. A fire hydrant meter shall be used and the appropriate fees and rates charged.

15. Retail Customer Demand Response

Retail customers shall be prohibited from participating in any demand response program except one provided by the City of Marshall, Michigan. This authority is provided by the Federal Energy Regulatory Commission Order No. 719 of 2008 and a resolution adopted by the City of Marshall, Michigan City Council on January 20, 2009.

16. Non Emergency turn off

A customer may request to have their water and/or electric utilities disconnected for non emergency purposes. The utility will assess a \$20 fee for the disconnect services and an additional \$20 to reconnect.

17. Lawn Sprinkling Sewer Commodity Reduction

The sewer commodity charge will be reduced automatically during the months of June, July, August, and September to residential customers. The credit calculation average will be based on the water usage during the months of January, February, and March. If there is no use on the account for those months, credit will not be given. The credit calculation average is to be no less than 100 cubic feet per month.

18. Net Metering Program

Eligibility

Customers must meet the following criteria to be eligible for net metering:

- (1) An applicant must be a City of Marshall electric customer.
- (2) Only qualified renewable energy sources are eligible to participate in the Net Metering Program. These sources are solar, wind, biomass, hydro, geothermal, or other approved renewable resources.
- (3) The nameplate capacity of the renewable generator must be less than 30 kilowatts (kW).
- (4) The renewable generator may not be sized to exceed the customer's annual electrical energy needs.
- (5) Customers using biomass may not blend it with any type of fossil fuel.

Enrollment

Customers who wish to participate in the Net Metering Program must meet the **Customer Owned Generation Interconnection Policy** as well as the Electric Generator Interconnection Requirements for projects with aggregate generator output less than 30 kW. The Generator Interconnection Requirements document outlines the process, requirements, and agreements used to install or modify generation projects with aggregate capacity ratings less than 30 kW and designed to operate in parallel with the utility electric system. Technical requirements (data, equipment, relaying, telemetry and metering) are defined according to type of generation and location of the interconnection. The process is designed to provide an expeditious interconnection to the utility's electric system that is both safe and reliable.

To start the Net Metering application process, the customer must complete the Interconnection Application. After the City of Marshall has reviewed the application a interconnection study may be required. The customer is responsible for any costs associated with the interconnection study and the cost of the construction of the interconnection.

Generator and Generator Interconnection Requirements

Generator Requirements - The customer's electric generator must be fueled by a qualified renewable energy source; solar, wind, biomass, hydro, geothermal or other approved renewable resources.

The generator must be located on the customer's premises and serving only the customer's premises. For non-dispatchable generators, the nameplate rating of the generator shall be less than 30 kW in aggregate and the generator's annual output may not exceed the customer's annual energy needs, measured in kWh. The customer is required to provide the company with a capacity rating in kW for the generating unit and a projected monthly kilowatt-hour output of the generator unit when completing the City of Marshall Interconnection Application.

Interconnection Requirements - Customers must meet approved interconnection requirements before participating in this program.

Metering Requirements

City of Marshall's Net Metering Program requires that the customer have an electronic bi-directional billing meter. This meter will ensure that the customer receives the proper credits for electric generation in excess of their consumption. All metering equipment must meet the City of Marshall's standard specifications and requirements and will be furnished, installed, read, maintained, and owned by the City of Marshall.

Billing

Participating customers will be billed based on the net difference between the amount of electrical energy used and electrical energy generated. If the amount of electrical energy generated exceeds the amount consumed the bill will include a generation credit. Net Excess Generation (NEG) Credits for the electrical energy generated above the current month's consumption will be carried over to the next billing period.

The Net-Metering Program applies to customers on Rate A, A-1, LS, B, C, B-1, D, and D-2.

No refunds will be made for any customer contribution under this tariff or for any other costs incurred by the customer in connection with the Net Metering Program.

Net Excess Generation Credits

Net Excess Generation (NEG) Credit is the amount of electrical energy generated by a Net Metering participant using a renewable energy source, in excess of the customer's own electric metered use in any billing month.

One NEG Credit equals the Energy Charge for one kilowatt-hour of electrical energy as shown on the customer's rate schedule.

Any negative credits that exist at the end of each program year will be forfeited. NEG Credits are nontransferable.

If a customer terminates participation in the Net Metering Program, NEG Credits will be applied to the customer's final bill. Any remaining credits will be forfeited.

Program Availability

The Net Metering Program is voluntary and is available on a first-come, first-serve basis until the nameplate capacity of all participating generators is equal to the maximum program limit of 1.0% of the City of Marshall's system peak demand for all customers during the previous calendar year.

Program Termination

City of Marshall may terminate a customer's participation in the Net Metering Program if the customer's facilities are causing a safety concern or if the customer's facilities are not in compliance with the Generator Interconnection Standards.

Customers may terminate their participation in the Net Metering Program at any time for any reason on sixty days' notice.

Customer Owned Generation Interconnect Policy

Effective 12/3/2012, Previous Revisions: 8/20/2012, 10/3/2011, 11/1/09, 1/20/09, 7/1/07, 7/1/06, 7/1/05, 7/1/04, 7/1/03, 7/1/02, 3/18/02, 2/7/02, 1/2/99, 1/1/98, 11/1/96, 4/1/96, 3/7/88

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

Intent:

It is the intent of the City of Marshall to allow the electrical interconnection of qualified renewable energy sources to the City of Marshall distribution system in accordance with the provisions of this article.

Guidelines:

1. City of Marshall

- a. Will ensure the interconnection is in compliance with Public Utility Regulatory Policies Act (PURPA) and Federal Energy Regulatory Commission (FERC) rules and regulations, as applicable.
- b. Will inform potential power producers that they have the responsibility to comply with all federal, state, and local regulations.
- c. Will, upon completion of a satisfactory Interconnection Study, provide interconnection service to any electric consumer installing a less than 30 kW generation unit. Service is evaluated and provided on a case-by-case basis and will require a separate Interconnection and Operating Agreement.
- d. Will, upon completion of a Satisfactory Interconnection Study, provide interconnection service to any electric consumer installing less than a 30 kW generating unit in which the primary energy source must be solar, biomass, waste, wind, geothermal, or approved renewable energy sources.
- e. Will own the meters utilized for billing.

2. The Customer

- a. Shall install and own conductors and equipment up to the service point as specified in the City of Marshall Overhead Extension Policy and Underground Service Connections.
- b. If the City of Marshall determines that an Interconnection Study is needed the study will be conducted at the customer's expense.
- c. Shall make application to the City of Marshall for the proposed installation, obtain approval of the location, equipment, and design before starting installation, and pay any City of Marshall construction fees for system improvements as specified in the City of Marshall Overhead Extension Policy and Underground Service Connections.
- d. Shall submit a plan view drawing of the installation and shop drawings of switchgear to the City of Marshall for approval prior to finalizing orders for service equipment to avoid delays and unnecessary expense to the customer and the City of Marshall.
- e. The interconnection and parallel operation of generation equipment shall be in conformance with prudent utility practices, shall maintain the integrity of the City of Marshall distribution system and ensure no adverse impacts upon the quality of service to other City of Marshall customers.
- f. Protection, safety, and interconnect equipment must meet standards of accepted good design, engineering, electric safety practices, and all applicable local, state, and federal electrical installation and safety codes.

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

- g. A suitable disconnect, interconnection breaker, and interconnect relay shall be installed to automatically disconnect and isolate the generation facility from the City of Marshall distribution system in the event of a service interruption. The automatic disconnect equipment shall receive its voltage and frequency reference from the City of Marshall service lines. Such equipment must be capable of preventing the generation facility from energizing the City of Marshall's service lines during a service interruption.
- h. Electrical parameters such as fault protection, voltage levels, synchronization, grounding, harmonics, power factor, voltage regulation, flicker, and frequency regulation shall comply with the latest edition of The Institute of Electrical and Electronic Engineers "Standard for Interconnecting Distributed Resources with Electric Power Systems" (IEEE Standard 1547-2008).
- i. Any exceptions to the above requirements must be specifically approved by the City of Marshall.



ADMINISTRATIVE REPORT
December 3, 2012 – City Council Meeting

REPORT TO: Honorable Mayor and Council Members

FROM: Tom Tarkiewicz, City Manager

SUBJECT: City Charter Revisions, Appointment of the Clerk & Treasurer, and Establishment of Salaries

BACKGROUND: On November 6th, the voters approved six Charter amendments. In summary, the revisions include:

1. The Council will be able to have one meeting a month.
2. Corrected typographical errors when citing a section of the State Constitution.
3. Allows the approval of personnel salaries by June 30th instead of June 1st.
4. Separated the position of Clerk-Treasurer to have a Clerk and Treasurer.
5. Separates the duties of the Clerk-Treasurer.
6. Allows the City Manager to appoint other employees to be Acting City Manager other than the Clerk-Treasurer.

The Clerk has to file the revised Charter with the Secretary of State and the County Clerk within 30 days of the election. The new City Charter is attached. The filing will be done on December 4th. New Charter books will be printed in the next several months.

Since the position of Clerk and Treasurer are now created, the Mayor needs to recommend and Council approve the appointment of the Clerk and Treasurer. Trisha Nelson has been the Deputy Clerk since 2009. Michelle Mastej has been the Deputy Treasurer since 2009. They are recommended to be appointed the Clerk and Treasurer.

Sandi Bird was appointed Clerk-Treasurer in June of 2009 and reappointed in May of 2011. Since the position of Clerk-Treasurer was eliminated, Sandi Bird is recommended to become the Finance Director.

Article II Section 2.27 of the City Charter authorizes the Council to set the salary of all salaried positions. Since the Clerk, Treasurer, and Finance Director are new salaried positions, it is recommended that the Council establish the following salaries:

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

Clerk	\$42,448.40
Treasurer	\$47,393.85
Finance Director	\$66,454.41

These are the same salaries that the employees are currently receiving.

RECOMMENDATION: It is recommended that Trisha Nelson be appointed the Clerk, Michelle Mastej be appointed Treasurer, and the FY 2013 annual salary of the Clerk be established at \$42,448.40, the Treasurer at \$47,393.85, and the Finance Director at \$66,454.41.

FISCAL EFFECTS: Future Charter book printing costs will be incurred.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,



City Manager

MARSHALL CITY CHARTER

PREAMBLE

To the end that the people of the City of Marshall may enjoy, to the fullest extent, the advantages and benefits of local self-government as authorized by the constitution and laws of the State of Michigan, they hereby establish this charter.

ARTICLE I GENERAL MUNICIPAL POWERS

Section 1.01, Corporate Name

The municipal corporation now existing and known as the City of Marshall shall be and continue as a municipal corporation under the laws of the State of Michigan.

Section 1.02, Boundaries

The boundaries shall be those presently on file with the office of the Secretary of State of Michigan and in the office of the City Clerk and may be changed in such manner as prescribed by law without amendment to this charter.

Section 1.03, General Powers

The City of Marshall shall be vested with any and all powers, privileges and immunities which home rule cities are or may hereafter be required or permitted to exercise or to provide for in their charters under the Constitution and the laws of the State of Michigan.

Where no procedure is set forth in this charter for the exercise of any power granted to or possessed by the city and its officers, the council may resort to any procedure set forth in any statute of the State of Michigan. If alternate procedures are to be found in different statutes, then the council shall select that procedure which it deems to be most expeditious and to the best

advantage of the city and its citizens. Where no procedure for the exercise of any power of the city is set forth, the council may prescribe by ordinance a reasonable procedure.

Section 1.05, Construction

The powers of the city under this charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power stated in this article.

Section 1.06, Intergovernmental Relations

The city may exercise any of its powers or perform any of its functions and may participate in the authorized financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or political subdivisions or agencies thereof, or the United States or any agency thereof.

ARTICLE II, CITY COUNCIL

Section 2.01, Corporation

There shall be a city council of seven members. One shall be nominated and elected by the qualified voters of the city at large. One council member, designated as the mayor, shall be nominated and elected by the qualified voters of the city at large. The remaining council members shall be nominated from each of the five (5) wards, however, their election shall be by the qualified voters of the city at large. The nomination and election of the city council shall be on a nonpartisan basis, and according to the provisions in Article VI.

Section 2.02, Qualifications

- (a) **Eligibility.** Members of the council shall be qualified electors of the City of Marshall. Members of the council shall be residents of the

MARSHALL CITY CHARTER

area from which they are nominated.

- (b) **Oath and Bond of Office.** Every elected officer, before entering upon the duties of office, shall take the oath of office prescribed in Section 1 of ARTICLE 11 of the Constitution of 1963 of the State of Michigan, and shall file the same with the clerk together with any bond which may be required by this charter or by the council. In the case of failure to comply with the provisions of this section within ten (10) days from the date of election, such officers shall be deemed to have declined the office and such office shall thereupon become vacant unless the council shall, by resolution, extend the time which such officer may qualify as above set forth.

Section 2.03, Election and Terms

At the first election under this charter all seven council members shall be elected; the council members from wards 1, 3, and 5 shall serve for terms of four (4) years and the other council members shall serve for terms of two (2) years. Thereafter, council members shall serve for terms of four (4) years, except the mayor whose term shall be for two (2) years. Regular election of council members to fill the positions of those whose terms expire shall be held in November of even numbered years to coincide with the general election. All terms of office shall begin the first day of January after the election.

Section 2.04, Compensation and Expenses

The salary of the members of the council, with the exception of the mayor, shall be \$300.00 per year. Salary of the mayor shall be \$500.00 per year. These salaries shall constitute the only remuneration which shall be paid to the members of the council and mayor for the discharge of their official duties, except that expenses incurred on behalf of the city shall be paid if authorized by the council.

Section 2.05, General Powers and Duties

All powers of the city shall be vested in the council except as otherwise provided by law or this charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.

The council shall be the judge of the eligibility of its own members, subject only to review by the courts.

Section 2.07, Mayor

The mayor shall preside at meetings of the council, shall be recognized as head of the city government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no administrative duties except as otherwise provided in this charter. At the first meeting in January following each regular city election, the council shall elect from among its members a mayor pro-tem who shall act as mayor during the absence or disability of the mayor, and if a vacancy occurs, shall become mayor for the remainder of the unexpired term. In the event of a vacancy occurring in the office of the mayor pro-tem, the council shall appoint one of its elected members to fill such vacancy. In the event of the absence or disability of the mayor and the mayor pro-tem the council shall appoint

MARSHALL CITY CHARTER

one of its elected members to act as mayor during the absence or disability of the mayor and mayor pro-tem.

Section 2.08, Prohibitions

- (a) **Memberships, Other Boards and Commissions.** Except where provided elsewhere in this charter, no more than one council member shall serve on any appointed board or commission and no member of the council shall serve on the Board of Review.
- (b) **Holding Other Offices.** Except where authorized by law, no members of the council shall hold any other city office or employment during the term for which they are elected or appointed to the council, and no former council member shall hold any compensated appointive city office or employment until one (1) year after the expiration of the term for which that member was elected or appointed to the council.
- (c) **Appointments and Removals.** Neither the council nor any of its members shall in any manner dictate the appointment or removal of any city employees whom the city manager or any of the administrative officers or department heads are empowered to appoint, but the council may express its views and discuss with the manager anything pertaining to appointment and removal of such employees.
- (d) **Interference with Administration.** Except for the purpose of investigations duly authorized by the council under Section 2.14 of this charter or routine inquiries, the council or its members shall deal with the department heads and employees who are subject to the directions and supervision of the city manager, solely through the city manager, and neither the council nor its members shall reprimand or give orders to any such department head or employee, either publicly or privately.
- (e) **Abstentions from Voting.** No member of the council shall abstain from voting upon an issue unless excused prior to the roll call by a majority of the other members of the council present. Conflict of interest shall be the sole reason for a request to abstain from voting.
- (f) **Parks, Cemeteries and Parking Lots.** The City shall not have the power to sell, divide, lease, partition, plat, subdivide, dispose, swap, convey, trade or give away any city park, cemetery, or parking lot or any part thereof unless specifically approved by a majority of the electors voting at any general or special election.
- (g) **Default.** The city council shall not make any contract with or give any official position to any

MARSHALL CITY CHARTER

person who is in default to the city.

Section 2.09, Vacancy Procedure

(a) **Vacancies.** The office of any council member, including the office of mayor, shall become vacant upon the occurrence of one or more of the following events: (1) for any reason specified by law or for any intentional violation of this charter, (2) the council member's death or adjudication of mental incompetency, (3) the council member's resignation tendered to the council and accepted by the council, (4) the council member's termination of residency within that area from which he or she was nominated as specified in Section 2.01, (5) the council member's absence from four (4) consecutive regular meetings of the council or 25% of all regular meetings in any calendar year unless such absence shall in each case be excused by the council, (6) the council member's conviction of a felony.

(b) **Filling of Vacancies.** If a vacancy occurs in the city council, except in the office of mayor, the city council shall, at a regular meeting and within sixty (60) days after such vacancy occurs, appoint a person who possesses the qualifications required of holders of said office. This term shall expire on January first of the year following the next regular election. At this

election such vacancies shall be filled for the balance of the unexpired term, if any. However, if any such vacancy is not filled within sixty (60) days or if three or more vacancies in the positions of mayor and council members exist simultaneously or are held by appointments, the clerk shall, within ten (10) days, call a special election to be held within one hundred twenty (120) days thereafter to fill such vacancies for the unexpired terms. No vacancies shall be filled in any manner if fewer than ninety (90) days remain in said vacant council term of office.

Section 2.10, Appointment of City Officials.

The clerk, treasurer, assessor, and city attorney shall hold office by virtue of appointment by the mayor and subject to confirmation of two-thirds (2/3) of the council, which body shall also set their compensation. These appointees may be removed for cause by a two-thirds (2/3) vote of the council. All such appointments shall be made at the first regular meeting of the Council in May following each regular city election, and the persons so appointed shall hold office for terms of two (2) years from the first day of June following their appointment.

Section 2.11, Appointment of City Manager.

The city manager shall be appointed by a two-thirds (2/3) vote of the entire council for an indefinite term. The appointment shall be primarily on the basis of executive and administrative qualifications. The council shall fix the city

MARSHALL CITY CHARTER

manager's compensation. The city manager, once appointed, shall become a resident of the city.

Section 2.12, Removal of City Manager

- (a) The council, at a regular meeting, shall adopt, by affirmative vote of two-thirds (2/3) of all its members, a preliminary resolution which must state the reasons for removal and may suspend the manger from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered promptly to the manager.
- (b) Within five (5) days after a copy of resolution is delivered to the manager, the city manager may file with the council a written request for a public hearing. This hearing shall be held at a council meeting not earlier than thirty (30) days after the request is filed. The manager may file with the council a written reply not later than ten (10) days before the hearing.
- (c) The council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of two-thirds (2/3) of all its members at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the manager, if the manager has not requested a public hearing, or at any time after the public hearing

if the manager has requested one.

- (d) The manger shall continue to receive the same salary until the effective date of a final resolution of removal. The manger serves at the pleasure of the council, and the reason or reasons for removal need not necessarily be for cause, but may be for any reason or reasons which the council at its sole discretion deems to be sufficient.

Section 2.13, Appointment of Boards and Commissions.

The city council:

- (a) shall establish such boards and commissions as required by law;
- (b) may establish such other boards and commissions as they deem necessary;
- (c) by majority vote, shall appoint and remove members of such boards and commissions as established here and elsewhere in this charter;
- (d) shall, in December of each year, publish a listing of all board or commission positions which are scheduled to expire the following year and the term of office for each. Such notice shall also state how applicants may apply for such vacancies. The notice shall be published in a newspaper of general circulation within the city. Said

MARSHALL CITY CHARTER

notice shall also be posted in city hall.

Section 2.14, Investigations

The council, by official action, may make investigations into the affairs of the city and the conduct of any city department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the council shall be guilty of a misdemeanor and punishable by a fine of not more than \$100, or by imprisonment for not more than thirty days, or both.

Section 2.15, Procedure

(a) **Meetings.** The council shall meet regularly at least once in every month at such time and places as the council may prescribe by resolution. Special meetings shall be called by the clerk upon written request by the mayor or four (4) members of the council. All meetings shall be open to the public, except as provided by State law, and notice of all meetings shall be made in accordance with State law.

(b) **Rules and Journal.** The council shall determine its own rules and order of business and shall keep a journal in the English language of its proceedings. This journal shall be a public record. After this record is approved by the council, the mayor and clerk shall certify it by their signatures.

(c) **Voting.** Four (4) members of the council shall be a quorum for the transaction of business at all meetings of the council, but, in the absence of a quorum, any member may adjourn any regular or special meeting to a later date. The vote upon the passage of all ordinances, and upon the adoption of all resolutions shall be taken by roll call vote and entered upon the record. The council may, by vote of not less than three (3) of its members, compel the attendance of its members and other officers of the city at its regular and special meetings and may enforce orderly conduct therein; and any member of the council or other officer of the city who refuses to attend such meetings or conduct himself in an orderly manner shall be deemed guilty of misconduct in office.

(d) **Publication.** The proceedings of the city council shall be published in a local newspaper of general circulation in the city following each meetings of the city council. The publication of a synopsis of these proceedings, prepared by the city clerk, shall show the substance of each separate action of the city council.

Section 2.16, Legislative Power

All legislative or policy-forming powers of the city shall be vested in, exercised, and determined by the city council. The city council shall adopt such resolutions, ordinances, and technical codes

MARSHALL CITY CHARTER

according to the legislative process as outlined in ARTICLE IV of this charter.

Section 2.17, Surety Bonds

The council may require any officer or employee to give a bond, to be approved by the council, conditioned upon the faithful and proper performance of the duties of office or employment in such sum as the council shall determine. All such officers and employees receiving, disbursing or responsible for the city funds shall be bonded. Resignation or removal of any bonded officer or employee shall not, nor shall the appointment of another to the office or employment, exonerate such officer, employee, or any surety from any liability incurred by either of them. All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the city. No bond required by this section shall be renewed upon its expiration or in the event of the reappointment of any officer or employee to a position for which a bond is required, but a new bond shall be furnished. No bond shall be issued for a term exceeding two (2) years.

Section 2.18, Public Peace, Health and Safety

The city council shall provide for the public peace and health and for the safety of persons and property within the city.

Section 2.19, Budget

The city council shall adopt, on an annual basis, a budget as provided for in ARTICLE IX of this charter.

Section 2.20, Sale of Real Property

The city council shall sell real property by resolution, subject to the provisions of Section 2.08(f). However, if the value of the property exceeds \$4.00 per capita according to the last official U.S. census, two public readings must be made at

two regularly scheduled meetings of the city council. Final adoption of the resolution may be made at the meetings wherein the second public reading of the resolution has been made.

Section 2.21, Acquisition of Real Property

The city council shall have the power to acquire property for the city by any legal means either within or without the limits of the city which may be required for, or incidental to, the present or future exercise of the purpose, powers and duties of the city government established by the charter.

Section 2.22, Licenses

Section 2.23, Streets and Alleys

Except as limited by State law, or the provisions of this charter, the council shall have the power to establish, vacate and use, and to control and regulate the use of streets, alleys, bridges, and public places of the city (whether such public places be located within or without the limits of the city and the space above and beneath them).

Section 2.24, Parks and Recreational Facilities

The council shall have the power to enact all ordinances deemed necessary for the establishment, maintenance, and protection of all parks and recreational facilities, together with any improvements thereon, owned or hereafter acquired by the city either within or without its corporate limits.

MARSHALL CITY CHARTER

Section 2.25, City Cemeteries

The council shall have the power to enact all ordinances deemed necessary for the establishment, maintenance, and protection of cemeteries either within or without its corporate limits. All charges for services rendered by the cemetery shall, except in cases of charity burials, be reasonably commensurate with the cost thereof to the end that they be sufficient to cover the cost of such services. The council shall be trustee of the perpetual care fund and shall have full power to invest and reinvest such funds subject to all terms, conditions, limitations and restrictions imposed by State law upon life insurance companies in making and disposing of their investments. All ordinances pertaining to public health and welfare in the regulation and protection of public cemeteries shall apply equally to all cemeteries within the city. Any bodies buried within the city in violation of any rule or ordinance made in respect to such burials shall be taken up and reburied in such manner as shall conform to the ordinances of the city or be buried elsewhere.

Section 2.26, City Airport

The council shall have power to enact all ordinances and to provide necessary regulations for the establishment, maintenance, operation and protection of the city's airport and airport facilities.

Section 2.27, Annual Compensation

The city council shall set the salaries of all administrative officials, department heads and salaried personnel by June 30 of every year, except as provided by State law. Such salaries shall be included in the annual budget to be adopted not later than the first meeting of the Council in June of each year.

ARTICLE III CITY ADMINISTRATION

Section 3.01, Definitions and Qualification

(a) **Administrative Officials.** The administrative officials of the city shall be the city manager, city clerk, city treasurer, city assessor and city attorney. The council may create additional administrative offices combine, or separate administrative offices in any manner not inconsistent with law or this charter and shall prescribe the duties thereof in order to insure the proper operation of the city government.

(b) **Oath and Bond of Office.** Every appointed officer, before entering upon the duties of office, shall take the oath of office prescribed by Section 1 of ARTICLE 11 of the Constitution of 1963 of the State of Michigan, and shall file the same with the clerk together with any bond which may be required by this charter or by the council. In case of failure to comply with the provisions of this section within ten (10) days from the date of appointment, such officers shall be deemed to have declined the office and such office shall thereupon become vacant unless the council shall, by resolution, extend the time in which such officer may qualify as above set forth.

Section 3.02, City Manager

The city manager shall be the chief administrative officer of the city and shall be responsible to the city council for the

MARSHALL CITY CHARTER

administration of all affairs placed in the charge of the city manager by or under this charter.

Section 3.03, Acting City Manager

(a) **Appointment.** When the city manager is absent from the city, or disabled, a qualified city employee shall be designated by the city manager, to exercise the powers and perform the duties of the city manager during this absence or disability. The city manager shall file with city clerk a list, by name and title, of three qualified city employees to exercise such powers and perform such duties. The city employees shall be listed in the order by which each shall be designated to temporarily assume the city manager's duties. During this absence or disability, the council may revoke such designation at any time and appoint another city employee or department head to serve until the city manager shall return or the city manager's disability shall cease.

(b) **Vacancy – City Manager.** Upon the occurrence of a vacancy in the office of city manager, or upon the city manager's suspension pursuant to Section 2.12, the council, while it is attempting to fill the office, may appoint an acting city manager. The acting city manager shall serve at the will of the council and may be immediately removed by a majority vote of the entire

council without the necessity of compliance with Section 2.12. A city manager must be appointed within six (6) months.

Section 3.04, Power and Duties of the City Manager

The city manager shall:

- (a) appoint and, when the city manager deems it necessary for the good of the city, suspend or remove any city employees or department heads provided for by, or under, this charter except otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. The city manager may authorize any department head who is subject to the city manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency.
- (b) direct and supervise all administrative officials and department heads except as otherwise provided by this charter or by law.
- (c) attend all council meetings and shall have the right to take part in discussion but may not vote.
- (d) see that all laws, provisions of this charter and acts of the council subject to enforcement by the city manager or by officers subject to the city manager's direction and

MARSHALL CITY CHARTER

supervision are faithfully executed.

- (e) prepare and submit the annual budget and capital program to the council.
- (f) submit to the council and make available to the public, a complete report on the finances and administrative activities of the city as of the end of each fiscal year.
- (g) make such other reports as the council may require concerning the operation of all city administrative offices and departments subject to the city manager's direction and supervision.
- (h) keep the council fully advised as to the financial condition and future needs of the city and make recommendations to the council concerning the affairs of the city.
- (i) perform such other duties as are specified in this charter or may be required by the council.

Section 3.05, Duties of the City Clerk and City Treasurer

The clerk shall:

- (a) be clerk of the council and shall attend all meetings of the council and keep a permanent journal of its proceedings.
- (b) have power to administer all oaths required by law, this

charter or the ordinances of the city.

- (c) be custodian of the city seal, and shall affix it to all documents and instruments requiring the seal, attest the same, and shall also be custodian of all papers, documents, and records pertaining to the City of Marshall, the custody of which is not otherwise provided for by this charter and shall attest the same whenever required to do so.
- (d) give the proper officials of the city ample notice of the expiration or termination of any official bonds, franchises, contracts or agreements.
- (e) perform such other duties as may be prescribed in the capacity of clerk of the city, by law or this charter.

The treasurer shall:

- (a) examine and audit all accounts and claims against the city.
- (b) be the general accountant of the city and shall keep the books of account of the assets, receipts and expenditures of the city except as otherwise provided by state law or by this charter; the system of accounts of the city shall conform to such uniform system as may be required by law.
- (c) have the custody of all moneys of the city, and all evidences of value belonging to the city, or held in trust by the city.

MARSHALL CITY CHARTER

- (d) receive all moneys belonging to and receivable by the city, including license fees, taxes, assessments, and all other charges, belonging to and payable to the city and shall in all cases give a receipt therefore.
 - (e) keep and deposit all moneys or funds in such manner and only in such places as the council may determine, and report the same to the city manager, and to the council.
 - (f) have such powers, duties and prerogatives in regard to the collection and custody of State, County, School District and City taxes and moneys as are conferred by law to enforce the collection of State, County, Township, School District, and City taxes upon real and personal property.
 - (g) perform such other duties as may be prescribed in the capacity of treasurer of the city, by law or this charter.
- (a) possess all the powers vested in and shall be charged with all the duties imposed upon assessing officers by the general laws of the State.
 - (b) make and prepare all regular and special assessment roles in the manner prescribed by this charter and the general laws of the State.
 - (c) serve as clerk for the Planning Commission and report to the council.
 - (d) have full rights of discussion on the Planning Commission.
 - (e) perform such other duties as may be prescribed by law or this charter.

The city attorney shall:

- (a) act as legal advisor to and attorney and counsel for the council and all of the departments and agencies of the City of Marshall.
- (b) give legal opinions concerning the affairs of the City of Marshall only to the city council, city manager, city clerk, city treasurer, and city assessor; all such opinions shall be in writing and a copy shall be filed with the city clerk.
- (c) perform such other duties as may be prescribed by this charter or by the council.

Section 3.06, Deputy Clerk and Deputy Treasurer

The clerk and treasurer may appoint a deputy subject to the written confirmation by the city manager. The clerk and treasurer may terminate the status of the deputy upon written notice to the city manager. The deputy clerk shall have the authority to assume the duties of the clerk and the deputy treasurer shall have the authority to assume the duties of the treasurer in their absence.

Section 3.07, City Assessor

The assessor shall:

MARSHALL CITY CHARTER

- (d) upon the recommendation of the city attorney, the city council may retain special legal counsel to handle any matter to which the city is a party or in which the city has an interest or for the purpose of assisting or co-counseling the city attorney.

ARTICLE IV LEGISLATION

Section 4.01, Ordinances & Resolutions

- (a) All legislation of the city shall be by ordinance or by resolution;
- (b) A resolution is the official action of the council in the form of a motion adopted by a majority vote of the council members present.
- (c) The power of the council to act by resolution is limited to matters required or permitted by law, or this charter, and to matters pertaining to the internal concerns of the city.
- (d) The council shall act by ordinance when establishing a rule or regulation which provides for a penalty, when amending or repealing an ordinance previously adopted, or when required by law or this charter.

Section 4.02, Ordinance Procedure

- (a) Every proposed ordinance shall be introduced in writing; no ordinance shall contain more than one subject, and the

ordinance title must clearly express that subject. The enacting clause shall be “The City of Marshall ordains...”;

- (b) Following introduction of any ordinance, the city clerk shall publish a summary of the proposed ordinance in a local newspaper of general circulation in the city, together with a notice setting out the time and place for a public hearing on the proposed ordinance; the public hearing may not be held sooner than five (5) days after the publication; copies of the ordinance shall be distributed without charge at the office of the city clerk;
- (d) Except as otherwise provided by law and this charter, each ordinance, including emergency ordinances, shall be published in full in a local newspaper of general circulation in the city at least one (1) time within ten (10) days after its adoption by the council; the publication of an ordinance in full as part of the published proceedings of the council shall not constitute publication of such ordinance as required herein;
- (e) Except as otherwise provided by law and this charter, every ordinance shall become

MARSHALL CITY CHARTER

effective upon publication or at any later date specified therein;

- (f) An ordinance which repeal or amends any existing ordinance or part of the city code shall identify, by title and number, the ordinance sections, or subsections to be repealed or amended, and shall clearly indicate the matter to be omitted and the new matter to be added.

Section 4.03, Emergency Ordinances

- (a) To meet a public emergency affecting life, health, or property, one or more emergency ordinances may be enacted; however, an emergency ordinance may not levy taxes, grant, renew, or extend a franchise, or regulate the rate charged by any public utility for its service;
- (b) An emergency ordinance shall be introduced in the form and manner required for ordinances generally except that it shall contain after the enacting clause declaration that an emergency exists, and describing the emergency in clear, specific terms;
- (c) An emergency ordinance may be enacted on the date of introduction and given immediate effect by a two-thirds (2/3) vote of the council present at the time of enactment;
- (d) Every emergency ordinance is automatically repealed on the

sixty first (61st) day after its enactment or at an earlier date if specified therein unless reenacted pursuant to Section 4.02.

An ordinance may provide a penalty for the violation of its provisions. The penalty shall not exceed a fine of \$500.00 or imprisonment for ninety (90) days or both.

Section 4.05, Record of Ordinances

All ordinances shall be recorded in an index book title "City Ordinances", and a record of each ordinance shall be authenticated by the signature of the mayor and clerk. Such record and authentication shall be done within thirty (30) days after the final passage of any ordinance. If any ordinance, other than an emergency ordinance, is not so authenticated and recorded within thirty (30) days after final passage the ordinance shall not take effect until seven (7) days after notice that the ordinance has been properly authenticated and recorded and has been published in a local newspaper of general circulation in the city.

Section 4.06, Codification

- (a) within three (3) years of the effective date of this charter and at least every ten (10) years thereafter, the council shall provide for the preparation of a general codification of all city ordinances and resolutions having the effect of law;
- (b) the general codification shall be enacted by ordinance and be known as the Marshall City Code; copies of the code shall be furnished to city officials placed in the city library and

MARSHALL CITY CHARTER

the office of the city clerk for free public reference, and made available for purchase by the public at a reasonable price to be fixed by the council; except as required by law, the enactment of this ordinance need not comply with the requirements of Section 4.02;

- (c) after publication of the first Marshall City Code, new ordinances and resolutions shall be printed annually in a form for integration with the code currently in effect.

Section 4.07, Technical Code

The council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

- (a) the requirements of Section 4.02 for distribution and filing of copies of the ordinance shall be construed to include copies of the Code of Technical Regulations as well as of the adopting ordinance, and
- (b) a copy of each adopted Code of Technical Regulations as well as of the adopting ordinance shall be authenticated, and
- (c) where any such Code of Technical Regulations is so adopted, it may be published without publishing any such Code of Technical Regulations in full.

Copies of any adopted Code of Technical Regulations shall be made available by the city clerk for inspection and for purchase at a reasonable price. This provision shall be made part of the publication of the ordinance.

ARTICLE V INITIATIVE AND REFERENDUM

(a) Initiative. The qualified electors of the city shall have power to propose ordinances to the council. If the council fails to adopt the proposed ordinances or adopts the proposed ordinance but changes its substance, the proposed ordinance shall be submitted to the electors for adoption or rejection at a city election, provided that such power shall not extend to the annual operating budget or capital program or any ordinance relating to appropriation of money or levy of taxes.

(b) Referendum. The qualified electors of the city shall have power to require the council to reconsider any adopted ordinance. If the council fails to repeal an ordinance so reconsidered, the ordinance shall be submitted to the electors for approval or rejection at a city election, provided that such power shall not extend to the annual operating budget or capital programs, any emergency ordinance, or any ordinance relating to the appropriation of money or levy of taxes.

MARSHALL CITY CHARTER

Section 5.02, Initiative

Any five (5) qualified electors of the city may commence initiative or referendum proceedings by filing an affidavit with the city clerk stating they will constitute the petitioners' committee and will be responsible for circulating the petition and filing it in proper form. The affidavit shall state their names and addresses, shall specify the addresses to which all notices to the committee are to be sent, and shall set forth in full the proposed initiative ordinance or cite the ordinance sought to be reconsidered.

Section 5.03, Petitions

- (a) Initiative and referendum petitions must be signed by at least ten (10) percent of the qualified electors of the city.
- (b) All papers of a petition shall be uniform in size and style and shall be executed in ink or indelible pencil followed by the address of the person signing and the date signed. Throughout their circulation, the petitions shall contain or have attached the full text of the ordinance proposed or sought to be reconsidered.
- (c) Each paper of a petition shall have attached, when filed an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures

of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

- (d) Referendum petitions must be filed with the city clerk within thirty (30) days after the council adopts the ordinance sought to be reconsidered. Initiative petitions must be filed with the city clerk within one hundred eight (180) days after filing of the affidavit of the petitioner's committee.

Section 5.04, Certification

- (a) Within twenty (20) days after the petition is filed, the city clerk shall complete a certification as to its sufficiency, specifying if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioner's committee by certified mail. A petition certified insufficient for lack of the required number of signatures may be amended once if the petitioner's committee files a notice of intention to amend the petition with the city clerk within two (2) days after receiving the copy of the city clerk's certificate, excluding weekends and holidays. The amended petition shall comply with the requirements of subsections (b) and (c) of Section 5.03. Within five (5) days after it is filed, excluding weekends and holidays, the city clerk shall

MARSHALL CITY CHARTER

complete a certificate as to the sufficiency of the petition, as amended, and promptly send a copy of the certificate to the petitioner's committee by certified mail. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioner's committee does not elect to amend or request council review under subsection (b) of this Section within the time required, the city clerk shall promptly present the certificate to the council and the certificate shall then be a final determination as to the sufficiency of the petition.

- (b) If a petition has been certified insufficient and the petitioner's committee does not file a notice of intention to amend it or if an amended petition has been certified insufficient, the committee, within five (5) days after receiving the copy of such certificate, excluding weekends and holidays, may file a request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the council's determination shall then be a final determination as to the sufficiency of the petition.
- (c) A final determination as to the sufficiency of the petition shall be subject to review by a court of competent jurisdiction. A final determination of insufficiency, even if sustained upon court

review, shall not prejudice the filing of a new petition for the same purpose.

Section 5.05, Ordinance Suspension

When a referendum petition is timely filed with the city clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (a) there is a final determination of insufficiency of the petition, or
- (b) thirty (30) days have elapsed after an affirmative vote by the electors on the ordinance.

Section 5.06, Council Action

- (b) The vote of the city on a proposed or referred ordinance shall be held not sooner than thirty (30) days and not later than one (1) year from the date of the final council determination. If no regular city election is to be held within the period prescribed in this subsection, the council

MARSHALL CITY CHARTER

shall provide for a special election. Otherwise, the vote shall be held at the same time as the next regular election, except that the council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

Section 5.07, Final Determination

- (a) If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of conflict.
- (b) If a majority of the qualified electors voting on a referred ordinance vote against it, the ordinance shall be considered repealed upon certification of the election.

Section 5.08, Restrictions

The council shall have no authority to adopt an amendment to or repeal an initiative ordinance that has been approved by a majority vote of the qualified electors until twenty four (24) months after its approval.

ARTICLE VI, ELECTIONS

Section 6.01, Requirements

- (a) A non-partisan regular city election shall be held on the first Tuesday after the first Monday in November of even numbered years to coincide with the regularly scheduled state and national general election.
- (b) All citizens qualified by the Constitution and the laws of the state to vote in the city and who have satisfied the requirements for registration as set by the Constitution and laws of the state shall be qualified electors of the city within the meaning of this charter. The city clerk may register electors at places outside of the city clerk's offices so as to facilitate the registration of all qualified electors of the city.
- (c) Except as otherwise provided by this charter, the Constitution and laws of the state shall apply to the conduct of elections held under this charter and the registration of electors in the city.

Section 6.02, Election Commission

An election commission is hereby created, consisting of the clerk, city assessor and city attorney. The clerk shall be chairman. The election commission shall have charge of all activities and duties required of election commissions in cities by State law and this charter, relating to the conduct of elections in the city. The compensation of election personnel shall be determined in advance by the commission. In any case where election procedure is in

MARSHALL CITY CHARTER

doubt, the election commission shall prescribe the procedure to be followed.

Section 6.03, Nomination Procedure

- (a) Candidates for election to the city council shall be nominated by petition. Any qualified elector of the city may be nominated for election by a petition signed by qualified electors of the city not fewer in number than fifty (50) nor more in number than one hundred (100). The form, size, and contents of all nominating petitions shall be as provided by the laws of the state. The city clerk shall provide nominating petitions for all elected offices. The fifty (50) to one hundred (100) signatures for mayor and council member at large may be signed by registered voters in the city at large. The fifty (50) to one hundred (100) signatures for a council member who will be nominated from one ward must be signed by registered voters from the ward in which the candidate resides.
- (b) All separate papers comprising the nominating petition shall be assembled and filed with the city clerk as one instrument no later than ten (10) days prior to the August primary election, except that no nominating petition may be filed sooner than thirty (30) days before the last day set for filing petitions. The city clerk shall make a record of the exact time when each petition is filed. No nominating petition shall be accepted for filing by the city

clerk unless accompanied by a signed acceptance of the nomination.

- (c) Within five (5) days after the filing of the nominating petition excluding weekends and holidays, the city clerk-treasurer shall notify, in writing and by certified mail, the candidate and the person who filed the petition whether it satisfies the requirements prescribed by the Article. If the petition is found insufficient, the city clerk shall return it immediately to the person who filed it with the statement certifying wherein it is insufficient. Within the regular time limit for filing petitions, the original petition may be amended and filed again as a new petition, or another petition may be filed for the same candidate. The city clerk shall keep on file all petitions found insufficient at least until the expiration of the term for which the candidates are nominated in those petitions.

Notice of the time and place of holding any city election and of the officers to be elected and the questions to be voted upon shall be given by the clerk.

Section 6.05, Challenger

A regularly nominated candidate shall be entitled, upon written application to the city clerk at least ten (10) days before the election, to appoint individuals to represent the candidate as challengers at each polling place where voters may cast their ballots for that candidate, but at no

MARSHALL CITY CHARTER

time shall more than one (1) challenger per candidate be at each polling place. A person so appointed shall have all the rights and privileges prescribed for challengers under the general election laws of the state. The challengers may exercise their rights throughout the voting and until the ballots have been counted.

Section 6.06, Special Elections

Special elections shall be held when called by resolution of the council, setting forth the purpose of the election. Special elections shall be scheduled pursuant to state law.

Section 6.07, Wards

There shall be five (5) city council wards in the city. Apportionment of the wards shall be made in accordance with and in the manner specified in Section 27a of the Home Rule Cities Act (MCLA 117.27a).

ARTICLE VII, LIBRARY

The Marshall Public Library shall be continued and maintained as a public library and reading room pursuant to the governing state statutes. The manner of selection of the board of directors and officers thereof, the duties of the board of directors and officers, the control of moneys collected to the credit of the library fund, the acquisition and disposal of real and personal property, the construction and leasing of buildings and property, the appointment and removal of a librarian, library assistants and staff, the fixing of salaries and all other matters pertaining to the operation of the public library and reading room shall be as provided by state law.

ARTICLE VIII, TAXATION

Section 8.01, Power to Tax – Tax Limit

The city shall have the power to assess taxes and to levy and collect rents, tolls, excises, and specific taxes. Exclusive of any levies authorized by law to be made beyond charter tax rate limitations, the annual ad valorem tax levy shall not exceed two percent of the assessed value of all real and personal property in the city. In the event that the level of assessment is changed by law from the present level of 50% of true cash value, the tax rate limitation shall be adjusted inversely so that the effective rate of taxation will remain the same.

Section 8.02, Subject of Taxation

The subjects of ad valorem taxation for municipal purposes shall be the same as for state, county, and school purposes under the general tax laws of the state. Except as otherwise provided by this charter, city taxes shall be levied, collected, and returned in the manner provided by state law.

Section 8.03, Exemptions

No exemption from taxation shall be allowed except as expressly required or permitted by law.

Section 8.04, Tax Day

Subject to the exceptions provided by law, the taxable status of persons and property shall be the same as for state, county, and school purposes under the general law.

Section 8.05, Preparation of the Assessment Roll

- (a) On or before the first Monday in March in each year the assessor shall prepare and certify an assessment roll of all property in the city. Such roll shall be prepared as required by the general property tax act.

MARSHALL CITY CHARTER

- (b) At least ten (10) days prior to the first session of the Board of Review, the assessor shall give, by first class mail, a notice of any change from the previous year in the assessment value of any property or of the addition of any property to the roll of the owner as shown by such assessment roll. The failure to give any such notice or of the owner to receive it shall not invalidate any assessment roll or assessment thereon.

Section 8.06, Board of Review

The Board of Review shall be composed of three qualified electors of the city who shall meet the eligibility requirements for elective officers contained in Section 2.02(a) and who, during their term of office, shall not be city officers or employees or be nominees or candidates for elective city office. Further, the filing by a member of the Board of Review of the member's nomination petition for an elective city office or the filing of a consent thereto shall constitute a resignation from the Board of Review. The mayor, subject to approval by the city council, shall appoint the members of the Board of Review to two (2) year terms beginning at noon on January first of even numbered years. The council shall fix the compensation of the members of the Board. The Board of Review shall annually, at its first session, select its own chairman for the ensuing year, and the assessor shall be clerk of the Board and shall be entitled to be heard at its sessions, but shall have no vote. A majority of the members of the Board shall constitute a quorum.

Section 8.07, Duties and Functions of Board of Review

For the purpose of revising and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are conferred by law upon and required in Boards of Review in townships, except as otherwise provided in this charter. It shall hear the complaints of all persons considering themselves aggrieved by assessments; and, if it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the Board shall correct the roll in such manner as it deems just. In all cases the roll shall be reviewed according to the facts existing on the tax day and no change in the status of any property after that day shall be considered by the Board in making its decisions. Except as otherwise provided by law, no person, other than the Board of Review, shall make or authorize any change upon or addition or corrections to, the assessment roll. It shall be the duty of the assessor to keep a permanent record of all proceedings of the Board and to enter therein all resolutions and decisions of the Board.

Section 8.08, Meetings of the Board of Review

The Board of Review shall convene in session on the second Monday in March of each year at such time of day and place as shall be designated by the assessor and shall remain in session for at least six hours for the purpose of considering and correcting the roll. The Board shall continue in session from day to day until all interested persons have had an opportunity to be heard but in no case for less than six (6) hours each day for three (3) successive days. At least one meeting shall begin at 3:00 p.m. In each case in which the assessed value of any property is increased over or decreased from the amount shown on the assessment roll as prepared by the assessor or any property is added to such roll by the Board, the assessor

MARSHALL CITY CHARTER

shall give notice thereof to the owner as shown by such roll, by first class mail, mailed not later than the second day following the end of the session of the Board. No assessments may be changed or property added to the assessment roll on the Board's own motion without granting an opportunity to the property owner to file objections and be heard. The failure to give any such notice or of the owner to receive it shall not invalidate any assessment roll or assessments thereon.

Section 8.09, Notice of Meetings

Notice of the time and place of the sessions of the Board of Review shall be published by the clerk at least one week prior to each session of the Board.

Section 8.10, Endorsement of Roll

After the Board of Review has completed its review of the assessment roll, and not later than the first Monday in April, the majority of its members shall endorse thereon and sign a statement to the effect that the same is the assessment roll of the city for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll.

Section 8.11, Certification of Tax Levy

Within three (3) days after the council has adopted the budget for the ensuing year, the treasurer shall certify to the assessor the total amount which the council determines shall be raised by general ad valorem tax. The treasurer shall also certify all amounts of current or delinquent special assessments and all other amounts which the council requires to be assessed, reassessed, or charged upon the said roll against any property or any person in accordance with the provisions of this charter or any ordinance of the city.

Section 8.12, City Tax Roll

After the Board of Review has completed its review of the assessment roll, the assessor shall prepare a copy of the assessment roll to be known as the "City Tax Roll", and upon receiving the certification of the several amounts to be raised as provided in Section 8.11, the assessor shall spread upon the tax roll the several amounts determined by the council to be charged, assessed or reassessed against person or property. The assessor shall also spread thereon the amounts of the general ad valorem city tax according to and in proportion to the several valuations set forth in said assessment roll. To avoid fractions in computation of any tax roll, the assessor may add to the amount of the several taxes to be raised not more than the amount prescribed by law. Any excess created thereby on any tax roll shall belong to the city.

Section 8.13, Collection Certification

After spreading the taxes, the assessor shall certify the tax roll, and the mayor shall annex the mayor's warrant thereto directing and requiring the treasurer to collect prior to March first of the following year, from the several persons named in said roll, the several sums mentioned therein opposite their respective names as a tax or assessment and granting to the treasurer for the purpose of collecting the taxes, assessments and charges on such roll, all the statutory powers and immunities possessed by township treasurers for the collection of taxes.

Section 8.14, Tax Lien on Property

On August first the taxes thus assessed shall become a debt due to the city from the persons to whom they are assessed, and the amounts assessed on any interest in real property shall become a lien upon such real property for such amounts and for all

MARSHALL CITY CHARTER

interest and charges thereon, and all personal taxes shall become a first lien on all personal property of such persons so assessed. Such lien shall take precedence over all other claims, encumbrances, and such liens to the extent provided by law and shall continue until such taxes, interest and charges are paid.

Section 8.15, Taxes Due: Notification Thereof

- (a) City taxes shall be due on August first of each year. The clerk-treasurer shall not be required to call upon all persons named in the city tax roll, nor to make personal demand for the payment of taxes, but the treasurer shall (1) mail a tax bill to each person named in said roll. In cases of multiple ownership of property only one tax bill need be mailed, and (2) publish, at least one week prior to September fifteenth, a notice stating the times and places where taxes may be paid without additional charge.
- (b) Failure on the part of the treasurer to publish said notice or mail such bills shall not invalidate the taxes on said tax roll nor release the person or property assessed from the penalties and fees provided in this charter in case of late payment or nonpayment of the same.

Section 8.16, Collection Charges on Late Payment of Taxes

All taxes paid on or before the fifteenth day of September shall be collected by the treasurer without additional charge.

On the sixteenth of September the treasurer shall add to all taxes paid thereafter a collection charge of three percent (3%) of the amount of said taxes and on the first day of October and of each succeeding month the treasurer shall add an additional $\frac{3}{4}$ of one percent (1%) of said taxes for each month or fraction thereof that said taxes remain unpaid. Such collection charges shall belong to the city and constitute a charge and shall be a lien against the property to which the taxes apply, collectible in the same manner as the taxes to which they are added.

Section 8.17, Failure or Refusal to Pay Personal Property Tax

If any person, firm or corporation shall neglect or refuse to pay any personal property tax assessed to him or them, the treasurer shall collect the same by seizing the personal property of such person, firm or corporation to an amount sufficient to pay such tax, fees, and charges for subsequent sale, wherever the same may be found in the state, and from which seizure no property shall be exempt. The treasurer may sell the property seized to an amount sufficient to pay the taxes and all charges in accordance with statutory provisions. The treasurer may, if otherwise unable to collect a tax on personal property, sue, in accordance with statute, the person, firm or corporation to whom it is assessed.

Section 8.18, Delinquent Tax Roll to County Treasurer

All city taxes on real property remaining uncollected by the treasurer on the first day of March following the date when said roll was received by the clerk-treasurer shall be returned to the county treasurer in the manner and with like effect as provided by statute for returns to the township treasurers of township, school, and county taxes. Such returns shall include all

MARSHALL CITY CHARTER

the additional assessments, charges, and fees hereinbefore provided, which shall be added to the amount assessed in said tax roll against each property or person. The taxes thus returned shall be collected in the same manner as other taxes returned to the county treasurer are collected, as provided by law, and shall be and remain a lien upon the property against which they are assessed until paid. If by change in the law or otherwise, the treasurer of the county of Calhoun is no longer charged with the collection of delinquent real property taxes, such delinquent taxes shall be collected in the manner then provided by law for the collection of delinquent township, school and county taxes.

Section 8.19, State, County and School Taxes

For the purpose of assessing and collecting taxes for the state, county and school purposes, the city shall be considered the same as a township, and all provisions of law relative to the collection of and accounting for such taxes shall apply. For those purposes the treasurer shall perform the same duties and have the same powers as are granted and imposed upon township treasurer by law.

ARTICLE IX GENERAL CITY FINANCE

Section 9.10, Fiscal Year

The fiscal year of the city shall begin on the first day of July and end on the thirtieth day of June of the following year. Such year shall constitute the budget year of the city government.

Section 9.02, Budget Procedure

On or before the first Monday in March the administrative officials, department heads, boards and commissions of the city, shall submit to the city manager

an itemized estimate of their expenditures for the next fiscal year. The city manager or the city manager's designee, shall prepare a complete itemized budget proposal for the next fiscal year and shall submit it to the council at its first meeting in April. This proposal shall include the following: (1) the previous year's budget figures and actual expenditures; (2) the itemized estimates submitted to the city manager; (3) an account of all revenues received in the current and preceding year and an estimate of all revenues for the next fiscal year; (4) and the city manager's recommendations.

Section 9.03, Budget Document

The budget document shall present a complete financial plan for the ensuing year. It shall include at least the following information:

- (a) detailed estimates of all proposed expenditures for each department and office of the city showing the expenditures for corresponding items for the current and last preceding fiscal year, with reasons for increases and decreases recommended, as compared with appropriations for the current year;
- (b) statements of the bonded and other indebtedness of the city, showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds, if any;
- (c) detailed estimates of all anticipated income of the city from sources other than taxes and borrowing, with a comparative statement of the amounts received by the city

MARSHALL CITY CHARTER

from each of the same or similar sources for the last preceding and current fiscal years;

- (d) a statement of the estimated balance or deficit, as the case may be, for the end of the current fiscal year;
- (e) an estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with income from other sources, will be necessary to meet the proposed expenditures and commitments of the city government during the ensuing year.
- (f) such other supporting schedules as the council may deem necessary.

Section 9.04, Public Inspection

A copy of the budget proposal shall be on file and available to the public in the office of the clerk during office hours for a period of not less than one (1) week prior to the adoption of the budget by the council.

Section 9.05, Adoption of Budget; Tax Limit

Not later than the first meeting of the council in June, the council shall, by resolution, adopt all budgets for the next year and shall, in such resolution, make an appropriation of the money needed for municipal purposes during the ensuing fiscal year of the city and provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes subject to the limitations in Section 8.01 of the charter.

Section 9.06, Transfer of Appropriations

After the budget has been adopted, no money shall be drawn from the treasury of the city nor shall any obligation for the expenditure of money be incurred, except pursuant to the budget appropriation. The council may transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund, or agency to another, except that no moneys raised for the construction, improvement, and maintenance of streets or for the principal and interest on the funded debt of the city shall be used for any purpose except that for which they were raised. The balance in any appropriation, except moneys raised for the construction, improvement, and maintenance of streets or for the principal and interest on the funded debt of the city which has not been encumbered at the end of the fiscal year shall revert to the general fund and be re-appropriated during the next fiscal year.

Section 9.07, Budget Control

At the beginning of each quarterly period during the fiscal year, and more often if required by the council, the treasurer, acting under the direction of the city manager, shall submit to the council data showing the relation between the estimated and actual income and expenses to date; and, if it shall appear that the income is less than anticipated, the council may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the cash income.

Section 9.08, Municipal Borrowing Power

Within the limits of, and subject to the applicable provisions of state law and this charter, the council, by proper ordinances or resolution, may authorize the borrowing of money for any purpose within the scope of the powers vested in the city and the

MARSHALL CITY CHARTER

issuance of bonds of the city or other evidences of indebtedness therefore, and may pledge the full faith, credit, and resources of the city for the payment of the obligation created thereby. The city shall also have power to issue special assessment, mortgage, revenue, or other types of bonds, beyond the debt limits fixed by law for the issuance of bonds or other evidences of indebtedness which are a general obligation of the city, in the manner and for the purpose permitted by this charter, the Constitution, and general laws of the State of Michigan. All collections on special assessment rolls shall be set apart in a special fund for the payment of the principal and interest of any bonds issued in anticipation of the payment of such special assessments, and shall be used for no other purpose until such principal and interest shall have been paid or an amount accumulated in said fund which shall be sufficient to pay such principal and interest as the same shall fall due. No unissued bonds of the city shall be issued or sold to secure funds for any purpose other than that for which they were specifically authorized.

Section 9.09, Depository

The council shall designate the depository or depositories for city funds, and provide for the regular deposit of all city monies. The council shall provide for such security for city deposits as is authorized or permitted by the general laws of the state, except that personal surety bonds shall not be deemed proper security.

Security 9.10, Independent Audit

An independent audit shall be made of all accounts of the city government at least annually and more frequently if deemed necessary by the council. Such audit shall be made by accountants experienced in municipal accounting and qualified pursuant to state law. The

complete audit shall be made public in such manner as the council may determine.

ARTICLE X PUBLIC IMPROVEMENTS

Section 10.01, Public Work

The council shall have power to do any public work or make any public improvement by the employment of the necessary labor and the purchase of the necessary supplies and materials with separate accounting as to each improvement so made, or to do such work by contract duly let after competitive bidding. Where competitive bids are secured, the city, or any city department qualified to do the work, may enter a bid on an equal footing with other bidders. The council shall also have power to do any public work or make any public improvement under any legally constituted plan under which the labor is furnished by any other governmental unit, department, or agency of the United States or the State of Michigan, or which is wholly or in part, financed by them or either of them.

Section 10.02, Purchasing and Contractual Procedure

Before making any purchase or contract for supplies, materials, equipment or contractual services involving more than two-thirds (2/3) of one percent (1%) of the total local tax revenue of the immediately preceding fiscal year, opportunity shall be given for competitive bids, under such rules and regulations as the council may, by ordinance, prescribe. The council shall initiate the announcement of competitive bids by public notice allowing sufficient time for the bidder to research and submit a responsible bid. All such proposed expenditures shall be made by written contract. Such contract when in the best interest of the city shall be awarded to the

MARSHALL CITY CHARTER

lowest responsible bidder provided, however, that the council shall have the power to reject all bids and advertise again. The council shall provide, by ordinance, for the ordinary purchasing procedure to be followed in purchasing city supplies.

Section 10.03, General Power Relative to Special Assessments

The council shall have the power to determine the necessity of and to make any local or public improvement and to determine that the whole or any part of the expense shall be defrayed by special assessment upon the property especially benefited.

ARTICLE XI PUBLIC UTILITIES

Section 11.01, Public Utility Franchises

All public utility franchises granted after the adoption of this charter, whether it be so provided in the granting ordinance or not, shall be subject to the right of the city:

- (a) To repeal the same for misuse, or non-use, or for failure to comply with the provisions thereof;
- (b) To require proper and adequate extension of plant and service and maintenance thereof at the highest practicable standard efficiency;
- (c) To establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates;
- (d) To require continuous and uninterrupted service to the public in accordance with the

terms of the franchise throughout the entire period thereof;

- (e) To impose such other regulations as may be determined by the council to be conducive to the safety, welfare, and accommodation of the public;
- (f) To require the public utility to which any franchise is granted to permit joint use of its property and appurtenances located in the streets, alleys, and public places of the city, by the city, and other utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefore; provided that in the absence of agreement, upon application by any public utility, the council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefore;
- (g) To pay such part of the cost of improvement or maintenance of the streets, alleys, bridges, and public places of the city as shall arise from its use thereof and to protect and save the city harmless from all damages arising from said use.

Section 11.02, General Powers

The city shall possess and hereby reserves to itself all the powers granted to cities by the constitution and general laws of the State of Michigan to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain, either within or without its corporate limits, public utilities, including but not by the way of limitation, public utilities for supplying water, light,

MARSHALL CITY CHARTER

heat, power, gas, and sewage treatment, and garbage disposal facilities, or any of them, to the city and its inhabitants and also to sell and deliver water, light, heat, power, gas, and other public utilities and services, without its corporate limits to an amount not to exceed the limitations set by the state constitution.

Section 11.03, Right of Entry

The city or any of its agents or employees shall have the right, in the event it becomes necessary in the erection or maintenance of public utilities, to enter upon the lands of premises of any individual or corporation or in or over any building or buildings. As a result of such entry the City shall not be liable to any criminal action, but shall be liable for all damages caused by its agents or employees to real estate or buildings. No suit shall be brought upon any claim or claims until the same shall have been presented in detail to and disallowed by the city council.

Section 11.04, Sale of Public Utility Services

The rates for public utility services, within the city, shall be set by the city council and shall be at uniform and reasonable prices. The city shall have the power to sell, lease, and dispose of public utility services outside the corporate limits of the city. The rates for such services shall be set by the city council at a rate not lower than regular city rates.

Section 11.05, Utility Receipts

All moneys received by the city from the sale of public utility services shall be kept separate and distinct from all other funds of the city. The moneys received shall be used for the payment of obligations of the respective utility system for the adequate maintenance and operation of such system and the setting aside of sufficient and

adequate reserve for contingencies. Any moneys from time to time remaining in said funds may be transferred to any of the other funds of the City of Marshall to be used for the purpose for which such funds are intended upon a majority vote of the city council.

Section 11.06, Collections, Delinquencies and Penalties

The city council shall provide, by ordinance, for the collection of all public utility charges made by the city and for such purpose shall have all the power granted to cities according to State law. When any person or persons or any firm or corporation shall fail or refuse to pay to the city any sums due on utility bills, utility service or services upon which such delinquency exists may be shut off or discontinued and suit may be instituted by the city for the collection for the same in any court of competent jurisdiction.

ARTICLE XII, MISCELLANEOUS

No official of the city shall have the power to make any representation or recital of fact in any franchise, contract, document, or agreement, contrary to any city ordinance, or official action of the city, or contrary to any state law. Any such action shall not be binding on the city.

Section 12.02, City Records

All records of the city shall be public, except those exempted by state law, and shall be available for inspection by the public at all reasonable times, and shall be kept in city offices, except when required to be elsewhere for official reasons or for safekeeping.

Section 12.03, Prior City Ordinances and Regulations

MARSHALL CITY CHARTER

All ordinances, resolutions, rules, and regulations of the City of Marshall which are consistent with the provisions of this charter, in force and effect at the time of the adoption of this charter, shall continue in full force until repealed or amended by action of the proper authorities.

Section 12.04, Headings

The article and section headings used in this charter are for convenience only and shall not be considered to be a part of this charter.

Section 12.05, Separability

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

This charter may be amended at any time in the manner provided in Act No. 279 of the Public Acts of 1909, as amended. Should two (2) or more amendments, adopted at the same election, have conflicting provisions, the one receiving the largest affirmative vote shall prevail to those provisions.

Section 12.07, Retirement System

The city shall provide, by ordinance, for the establishment and maintenance of retirement plan coverage for city employees.

Section 12.08, Performance Audit

At least once every four (4) years, or more often as may be deemed necessary, the city council shall provide for a performance audit of one (1) or more city departments or phase of city government (including the city's utility department). The purpose of

this provision is to strengthen management capabilities through increased efficiency, planning and maximum utilization of city resources, systems, programs and personnel.

ARTICLE XIII, TRANSITION

Section 13.01, Purpose of Transition

The purpose of this article is to assist the transition from the existing charter to this charter and it shall constitute a part of this charter only to the extent and for the time required to accomplish this end.

Section 13.02, Charter Election

This charter shall be submitted to a vote of the qualified electors of the City of Marshall for adoption at a special election to be held on May 23, 1978. This election shall be conducted by the officers charged with the conduct and supervision of the elections under the existing charter, and shall follow the election procedure established by law.

Section 13.03, Form of Ballot

The form of ballot on submission this charter shall be as follows:

(Proper Instructions)

Shall the proposed charter of the City of Marshall drafted by the Charter Commission which was elected on August 3, 1976, be adopted?

Yes No

Section 13.04, Effective Date of Charter

For the purpose of electing the first mayor and council members under this charter, and for the purpose of apportionment of wards under this charter, only Sections 2.01, 2.02(a), 2.03 and ARTICLE VI shall become effective upon certification that this charter has been duly

MARSHALL CITY CHARTER

adopted. The City Commission shall prepare and file an apportionment plan of the five (5) wards in the manner specified by Section 6.07 hereof no later than six (6) weeks following certification that this charter has been duly adopted. The charter shall become fully effective on January 2, 1979, at 12:00 noon.

Section 13.05, Pending Matters

All rights, claims, actions, orders, contracts, and legal or administrative proceedings of the city shall continue except as modified pursuant to the provisions of this charter, and in each case shall be maintained, carried on, or dealt with by the city department, office or agency appropriate under this charter.

Section 13.06, Continuance of Boards and Commissions

All boards and commissions of the city in existence at the time this charter takes effect, to the extent they are not inconsistent with the provisions of this charter, shall continue to function until abolished or modified by the council in accordance with the provisions of this charter. All boards and commissions which are inconsistent with the provisions of this charter shall be modified or reorganized within ninety (90) days of the effective date of this charter.

Section 13.07, Collection of Unpaid Taxes and Assessments

All taxes and assessments levied or assessed and all charges thereon and all fines and penalties imposed, which are changed under this charter, and which are uncollected at the time this charter becomes effective, shall be collected as if such change had not been made. If a different remedy is provided by this charter, or by any ordinance or resolution, the remedy shall be deemed cumulative to the remedies under the existing charter.

Section 13.08, Correction of Inconsistencies

All ordinances, resolutions, rules and regulations of the City of Marshall which are inconsistent with the provisions of this charter shall be repealed or amended by action of the city council within one (1) year of the effective date of the implementation of this charter.

Section 13.09, Transition Procedure

If this charter is adopted at the election thereon, the terms of office of the mayor, and each city commissioner, holding office by virtue of election or appointment under the former charter of the city shall terminate on January 2, 1979, at 12:00 noon. The clerk-treasurer, assessor, city attorney, police chief and fire chief, holding office under the former charter, shall continue to serve until the expiration of their terms on June 1, 1979. The persons serving as members of the Board of Public Service under the former charter shall continue as members of the Board of Public Utilities under the new charter until their successors are appointed pursuant to the following sentence. Notwithstanding the provisions of Section 11.03(a) hereof, the council shall, as soon as practicable after the effective date of this charter, appoint five (5) members of the Board of Public Utilities, one (1) of whose terms shall run until July 1, 1980, one (1) whose term shall run until July 1981, one (1) whose terms shall run until July 1, 1982, one (1) of whose term shall run until July 1, 1983, and one (1) of whose term shall run until July 1, 1984. The members of the Board of Review under the former charter shall continue in office until their successors are appointed pursuant to Section 8.06 hereof. All other officers and employees of the city shall continue in their respective offices and employment held at the time this charter becomes effective until their services

MARSHALL CITY CHARTER

are lawfully terminated, and shall become subject to the provisions of this charter.

Section 13.10, Procedure for Amendment

Upon adoption of the amendments to this charter at the November, 1988 general election, the Board of Public Utilities as provided for in the Charter adopted May 23, 1978 and effective January 2, 1979 is abolished and the functions and authority of such Board of Public Utilities incorporated into the city administration by amendments to such City Charter.

It shall be the responsibility of the City Manager to implement the incorporation and transition of the Department of Public Utilities into a city administrative department under such City Manager's authority. The City Manager shall as soon as practicable after the election and passage of the charter amendment implement the amendments with such transition to be accomplished as of January 1, 1989 upon which date the terms of service of the members of the Board of Public Utilities currently serving shall be abolished.

November 28, 2012

Susan Collins, Chair Person
City of Marshall Planning Commission
323 W. Michigan Avenue
Marshall, MI 49068

Re: Recommendations on Amendments to Hospital Campus Overlay District

Dear Honorable Mayor Dyer and City Council,

On behalf of the Planning Commission, I write to provide the Commission's recommendations on City Council amendments #4, #5, and #6 to the proposed Hospital Campus Overlay District (HCOD). The Planning Commission reviewed Council's remanded amendments at their regular meeting on October 10, 2012, held a work session on the matter on October 24, 2012, and finalized their recommendation at the regular meeting on November 14, 2012

Based upon a thorough review of Council's amendments, the Planning Commission gives the following recommendation back to Council:

- **Amendment #4 –Procedure for bringing properties deemed “appropriate for future hospital growth” into the Overlay**

Recommendation : The applicant should submit a specific project narrative with timeline to City Council. Council will then need to approve the project narrative. A site plan for said project is submitted to Planning Commission where the site plan goes through normal Site Plan approval procedure. Once the site plan is approved, the property is officially brought into the overlay.

MOTION by Banfield, supported by Burke Smith, to have applicant follow the current process used for rezoning when including properties into the overlay. Commissioner Davis asked Banfield to amend the motion and change it to have the applicant submit a project narrative to Council, followed by Site Plan review through the Planning Commission. Commissioner Banfield refused the amendment. **On a roll call vote;** Ayes: Banfield and Burke Smith. Nays: Oates, Zuck, Davis, Fleming and Collins. **MOTION DEFEATED.**

MOTION by Davis, supported by Zuck, to have applicant submit a project narrative including timeline to Council for approval, then submit to Planning Commissioner for Site Plan Approval. At that point, the property is officially brought into the Overlay. **On a roll call vote;** Ayes: Oates, Zuck, Davis, Fleming and Collins. Nays: Banfield and Burke Smith. **MOTION CARRIED.**

Discussion: The Planning Commission mapped out three possible options during their work session on October 24th. Among the options was the idea of the applicant presenting a narrative proposal to Council, following the current rezoning procedure, or hiring a consultant to develop a new ordinance. Although most commissioners voted for the applicant submitting a project narrative to Council, they also acknowledged that passing this recommendation to Council without a suggested process to accompany it is less than satisfactory.

The other options the Planning Commission discussed dealt with either using a process we have now or inventing a new process for including specific properties into the overlay. The commissioners never reached unanimous agreement on whether or not including properties into an overlay would technically require a

rezoning process since the base zone is not being removed or replaced. This question was confused further in the fact that two professionals in the planning field (Overhiser and Dyer) could not come to an agreement on whether or not including properties into an overlay involved following the current rezoning process.

Some commissioners felt that hiring a consultant to write an ordinance specific to overlays would be a good idea while others disagreed on the basis that this had been done before and Birchler/Arroyo's draft of the HCOD was still widely criticized.

- **Amendment #5—Reconsider recommended height for new development north of Prospect St.**

Recommendation: Any new development within the HCOD north of Prospect Street shall be no higher than 35 feet plus 15 feet for mechanical. Height is to be measured from average grade.

MOTION by Davis, supported by Fleming, that any new development within the HCOD north of Prospect Street shall be no higher than 35 feet plus 15 feet for mechanical with the clarification that height is to be measured from average grade. On a roll call vote; Ayes: Oates, Zuck, Davis, Fleming, Burke Smith and Collins. Nays: Banfield. **MOTION CARRIED.**

Discussion: Although the Planning Commission discussed the possibility of measuring height at sea level in this section of the HCOD, some commissioners felt this would be inappropriate since this is not the way height is measured anywhere else in the ordinance. The commissioners also discussed the impact on the two remaining neighbors on Prospect if a 65 foot tall building were to be developed in this area. They considered the extreme grade change in this area when making their decision and felt that standing by their original recommendation of 35 feet plus 15 feet for appurtenances was still appropriate. They also agreed that height of new development north of Prospect Street should be measured from taking average grade from the entire perimeter of the area.

Commissioner Banfield stated that he felt the Planning Commission's original recommendation for height north of Prospect should have read "no more than 35 feet from any grade". Commissioners did not recall discussing how the height should be measured when they passed their original recommendation.

- **Amendment #6—HCOD uses that would be permissible in structures on the properties deemed "appropriate for future hospital growth"**

Recommendation: HCOD permitted uses should be allowed, with the exception of off-street parking, as permitted uses in the structures on the properties the hospital owns between Prospect Street and Mansion Street along the west side of High Street. The hospital must maintain the exterior of these structures to assure that historical and residential character is maintained, subject to accessibility requirements necessitated by state and/or federal law.

MOTION by Davis, supported by Zuck, that all HCOD permitted uses should be allowed, with the exception of off-street parking, as permitted uses in the structures on the properties the hospital owns between Prospect Street and Mansion Street along the west side of High Street. The hospital must maintain the exterior of these structures to assure that historical and residential character is maintained, subject to accessibility requirements necessitated by state and/or federal law. On a roll call vote; Ayes: Zuck, Davis, Banfield, Fleming, Burke Smith, Oates and Collins. Nays: None. **MOTION CARRIED.**

Discussion: Staff presented the Planning Commission with a comparison of uses for the R-3, MFRD, and HCOD zones. They also reviewed the language in the approval of the use variances from 2009 granted to the uses of the hospital-owned properties on 116 East Prospect and 227 North Madison.

Planning Commissioners then discussed the eight properties in question, their current zoning with use variances included, and decided that the only properties that would need special exception would be the residentially zoned properties on the west side of High Street. They then mentioned that ownership should be a consideration and that the special HCOD uses should only apply to the structures on the properties that the hospital owns.

Commissioners discussed whether or not allowing HCOD uses in these structures outside of the HCOD actually brings them into the overlay or not. It was argued that allowing overlay uses is not the same as bringing them into the overlay because the structures could not be altered in the same way structures could be altered within the overlay.

Susan Collins

Susan Collins
Chair, Marshall Planning Commission

Nov 29, 2012

Date



ADMINISTRATIVE REPORT
December 3, 2012 – City Council Meeting

REPORT TO: Honorable Mayor and Council Members
FROM: Tom Tarkiewicz, City Manager
SUBJECT: Downtown Development Authority–Main Street Board Re-Appointments and Appointments

BACKGROUND: The Downtown Development Authority (DDA) was established under Public Act 197 of 1975. By this Act, the Board consists of 13 members, 12 of which are appointed by the City Manager subject to the approval of City Council. The thirteenth member is the City Manager. The oversight of the Michigan Main Street Program was given to the DDA Board.

Tim Sykora, Ryan Traver, and Jason LaForge have requested to be reappointed. Their terms expire on December 31, 2012.

The City Manager contacted the property owners and business owners in the DDA district. Four applications were received. The City Manager and the Executive Committee of the Board interviewed the four applicants. Two vacant positions also need to be filled. I am recommending that Paul Herman, owner of Herman’s Hardware and Richard Kane, owner of Zarzuela’s Restaurant be appointed to the vacant positions.

RECOMMENDATION: It is recommended that Tim Sykora, Ryan Traver, and Jason LaForge be reappointed to a term expiring on December 31, 2016. It is further recommended that Paul Herman be appointed to the DDA/Main Street Board with a term expiring on December 31, 2014 and that Richard Kane be appointed to the DDA/Main Street Board with a term expiring on December 31, 2015.

FISCAL EFFECTS: None

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com