



MARSHALL CITY COUNCIL AGENDA

MONDAY – 7:00 P.M.

DECEMBER 17, 2012

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) INVOCATION – Dennis Croy, Marshall Wesleyan Church
- 4) PLEDGE OF ALLEGIANCE
- 5) APPROVAL OF AGENDA – Items can be added or deleted from the Agenda by Council action.
- 6) PUBLIC COMMENT ON AGENDA ITEMS – Persons addressing Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of five (5) minutes on any agenda item.
- 7) CONSENT AGENDA
 - A. City Council Minutes
Work Session..... Saturday, December 1, 2012
Regular Session..... Monday, December 3, 2012
 - B. City Bills
Regular Purchases.....\$75,011.39
Weekly Purchases –11/30/12..... \$ 64,157.86
Weekly Purchases –12/7/12..... \$ 75,380.76
Total \$ 214,550.01
- 8) PRESENTATIONS AND RECOGNITIONS
 - A. Sharon Linklater Recognition
City Council will recognize Sharon Linklater for her community service.
 - B. Certificates of Appreciation
City Council will present Certificates of Appreciation to Keith Mengel, Planning Commission; Mike Tuttle, LDFA; and Jim Dominique, ZBA for their service.
 - C. Audited Financial Statements for the Fiscal Year Ended June 30, 2012
Mark Kettner of Rehmann Robson will give a presentation on the Fiscal Year 2012 Audit for the City of Marshall.
- 9) INFORMATIONAL ITEMS
 - A. HCOD Timeline
City Council will receive an estimated timeline for the HOCOD ordinance.
- 10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

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



11) OLD BUSINESS

A. Fund Balance Reserve Policy

City Council will consider the recommendation to approve the City of Marshall Fund Balance Reserves policy as presented.

B. 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 17, 2012.

12) REPORTS AND RECOMMENDATIONS

A. CGAP Grant Acceptance from the State of Michigan for the Marshall Regional Law Enforcement Center

City Council will consider the recommendation to adopt the resolution accepting the CGAP Grant Award in the amount of \$674,254.

B. Fire Department Financial Report

City Council will consider the recommendation to accept the report as presented.

C. Hydro Purchase Power Agreement

City Council will consider the recommendation to approve the Resolution Approving Hydro-electric Power Purchase Agreement and Related Matters.

D. American Municipal Power, Inc. (AMP) - Mutual Aid Agreement

City Council will consider the recommendation to adopt the ordinance authorizing the Clerk to execute the mutual aid agreement with interstate and intrastate participating municipal electric systems.

13) APPOINTMENTS / ELECTIONS

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,

A handwritten signature in black ink, appearing to read "Tom Tarkiewicz", with a long, sweeping underline.

Tom Tarkiewicz
City Manager

IN A WORK SESSION Saturday, December 1, 2012 at 9:10 A.M. in the Training Room of the Public Services Building, 900 South Marshall Avenue, Marshall, MI, the Marshall City Council was called to order.

Present: Council Members: Booton, Mayor Dyer, Mankerian, Metzger, Miller, Reed, and Williams (arrived at 9:30 a.m.)

Also Present: City Manager Tarkiewicz and Clerk-Treasurer Bird

Absent: None.

A. City Council discussed the following topics:

- FY 2014 Financial Forecast
- FY 2014 Budget inclusion of performance goals and outcomes
- Police Department Joint Building, Fire Department and City Hall Renovations
- Additional funding for Economic Development purposes.

The meeting was adjourned at 11:30 a.m.

James L. Dyer, Mayor

Trisha Nelson, Clerk

CALL TO ORDER

IN REGULAR SESSION Monday, December 3, 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

Barry Chaffin of Church of Christ gave the invocation and Mayor Dyer led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Metzger, supported Mankerian, to add to the agenda item 9A – Update from the City Manager regarding the Police and Fire Buildings. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

David Morris spoke in opposition of the Group Child Care at 815 Forest.

Donald Rose spoke unfavorably of the Group Child Care at 815 Forest.

Dawn Hayes spoke in opposition of the Group Child Care at 815 Forest and her property values.

Rachelle Mayhew, petitioner at 815 Forest, clarified a few points and spoke of her certifications.

Andrew Groeneveld spoke on behalf of the Marshall Patrol Officers to give their support for a new public safety building and to express that this is a need and not a want.

Josh Lankerd spoke on behalf of the Command Staff for the Marshall Police Department to support the new public safety building and express their feeling that now is the time.

Ed Costine spoke on behalf of the Full-Time Firefighters to express their full support for a new building.

Matt Parks spoke on behalf of the Part-Paid Firefighters to express the support of the volunteer staff for a new building.

CONSENT AGENDA

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

- A. Approve the 2013 City Council Meeting Schedule;
- B. Approve the listing of the Board and Commission positions that are scheduled to expire in 2013;
- C. Approve minutes of the City Council Regular Session and Work Session held on Monday, November 19, 2012;
- D. Approve city bills in the amount of \$532,405.70.

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

PRESENTATIONS AND RECOGNITIONS

A. Introduction of Theresa Sears

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

B. Downtown Tree Project Resolutions of Appreciation:

Mayor Dyer presented resolutions of appreciation to the individuals who made the Downtown Tree Project a huge success.

C. CCCDA Recognitions:

Jeff Troyer of the CCCDA announced the State wide honors recently given to three of the CCCDA staff:

- Jill Fish, Michigan APCO 2012 Director of the Year
- Larissa Griffith, Michigan APCO 2012 Communications Training Officer of the Year
- Jaimee Owens, Michigan APCO Certificate of Excellence.

INFORMATIONAL ITEMS

City Manager Tarkiewicz provided an update on the Joint Police Facility and the Fire Department renovations.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

None.

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

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

Moved Booton, supported Miller, to approve the Special Land Use Permit for a Group Day Care Home at 815 Forest Street under the conditions set forth by the Planning Commission. On a roll call vote – ayes: Mankerian, Metzger, Miller, Reed, Williams, Booton, and Mayor Dyer; nays: none. **MOTION CARRIED.**

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

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

C. Shearman School Property Purchase:

Moved Williams, supported Metzger, to authorize the Clerk to sign the sales agreement with Marshall Public Schools for the Shearman School Site and authorize staff to make any necessary changes. On a roll call vote – ayes: Miller, Reed, Williams, Booton, Mayor Dyer, Mankerian, and Metzger; nays: none. **MOTION CARRIED.**

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

Council asked for more information and will be brought back at a later date.

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

Moved Metzger, supported Williams, to appoint Trisha Nelson as Clerk, Michelle

Mastej as Treasurer, and the FY 2013 annual salary of the Clerk be established as \$42,448.40, the Treasurer at \$47,393.85, and the Finance Director at \$66,454.41. On a roll call vote – ayes: Reed, Williams, Booton, Mayor Dyer, Mankerian, Metzger, and Miller; nays: none. **MOTION CARRIED.**

F. Planning Commission HCOD Recommendation:

Council Member Williams was recused from voting on the HCOD on September 4, 2012.

Moved Miller, supported Metzger, to adopt the Planning Commission's recommendation to Amendment #4 which states "to have applicant submit a project narrative including timeline to Council for approval, then submit to Planning Commission for Site Plan Approval." On a voice vote - **MOTION CARRIED.** Ayes: 5 and Nays: 1.

Moved Metzger, supported Mankerian, to adopt the Planning Commission's recommendation to Amendment #5 which states "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 voice vote – **MOTION CARRIED.** Ayes: 5 and Nays: 1.

Moved Metzger, supported Reed, to adopt the Planning Commission's recommendation to Amendment #6 which states "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 voice vote – **MOTION CARRIED.** Ayes: 5 and Nays: 1.

Moved Miller, supported Mankerian, to remove from table the motion to approve the HCOD District by the HNC with the approved amendments and have the matter referred to the City Attorney for the adoption of final language. On a voice vote – **MOTION CARRIED.** Ayes: 6 and Nays: 0.

APPOINTMENTS / ELECTIONS

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

Moved Booton, supported Reed, to approve the reappointment of Tim Sykora,

Marshall City Council, Regular Session
Monday, December 3, 2012
Unofficial

Ryan Traver, and Jason LaForge to the DDA/Main Street Board with terms expiring on December 31, 2016 and the appointment of Paul Herman to the DDA/Main Street Board with a term expiring December 31, 2014 and Richard Kane with a term expiring on December 31, 2015. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON NON-AGENDA ITEMS

Carl Fedders commended Rodney McFadden and Cody Drumm on being civic minded and volunteering their time to assist with clean-up efforts from Super Storm Sandy.

COUNCIL AND MANAGER COMMUNICATIONS

ADJOURNMENT

The meeting was adjourned at 9:13 p.m.

James L. Dyer, Mayor

Trisha Nelson, Clerk

User: ctanner

DB: Marshall

EXP CHECK RUN DATES 12/20/2012 - 12/20/2012

UNJOURNALIZED

OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
19136	A & D LIGHTING SUPPLY	FULL COLOR FLUORESCENT	87.26
82898	APOLLO FIRE EQUIPMENT	REPAIR PARTS	2,855.21
4055693	ARGUS-HAZCO	LEL SENSOR EAGLE	208.13
25300	ARISTO CHEM, INC	JANITORIAL SUPPLIES	243.98
719395	ARROW UNIFORM	RETURNED MERCHANDISE	(48.00)
11-772929	ARROW UNIFORM	CUST #010198-04	62.30
11-772924	ARROW UNIFORM	CUST #010198-01	26.37
11-780597	ARROW UNIFORM	CUST #010198-04	62.30
11-780599	ARROW UNIFORM	CUST #010198-05	20.00
11-780591	ARROW UNIFORM	CUST #010198-01	26.37
11-78598	ARROW UNIFORM	CUST #010198-03	135.58
11-780596	ARROW UNIFORM	CUST #010198-02	54.56
11-772930	ARROW UNIFORM	CUST #010198-03	135.58
11-772928	ARROW UNIFORM	CUST #010198-02	54.56
11-772931	ARROW UNIFORM	CUST #010198-05	20.00
103615-01	AUSTIN-BATTERIES PLUS	400 W HPS LAMP	455.76
388-147937	AUSTIN-BATTERIES PLUS	D BATTERIES	12.60
388-147965	AUSTIN-BATTERIES PLUS	EMERGENCY LIGHT BATTERIES	349.68
388-148076	AUSTIN-BATTERIES PLUS	EMERGENCY LIGHT BATTERIES	89.70
87170	B S & A SOFTWARE	BUILDING DEPT.NET TRAINING 500	1,062.50
120412	BAKER TOOL RENTAL & S	MINI EX	175.00
112712	BAKER TOOL RENTAL & S	UPS CHARGE	11.84
55325	C2AE	MARSHALL FIRE STATION	1,897.00
113012	CALHOUN COUNTY MUNICI	NOTICE OF ELECTION	41.02
2013	CALHOUN COUNTY MUNICI	DOES - TRISHA NELSON & TRACY HALL	25.00
112012	CARL COMMUNICATIONS	REROUTED & EXTENDED CAT5	135.00
171561	CITY OF ALBION	WOW! - INTERNET	127.49
CLERK-2013-0000000	CITY OF BATTLE CREEK	PUBLIC ACCURACY TESTING NOTICE	38.26
26297	CLASSIC DRY CLEANING&	CLEANING & LAUNDRY	204.20
52483	COGITATE INC	MMS STATE TRUNKLINE SUPPORT	155.00
2013.130	COLLINS PROFESSION TR	STUMP GRINDING	10,350.00
2013.129	COLLINS PROFESSION TR	STUMP GRINDING	4,350.00
5111	COURTNEY & ASSOCIATES	NOVEMBER	250.00
110838	D & D MAINTENANCE SUP	JANITORIAL SUPPLIES	347.93
110929	D & D MAINTENANCE SUP	DISP PAPER BAGS	43.20
110839	D & D MAINTENANCE SUP	JANITORIAL SUPPLIES	805.95
110927	D & D MAINTENANCE SUP	JANITORIAL SUPPLIES	85.00
420080	DARLING ACE HARDWARE	KEY	1.99
419022	DARLING ACE HARDWARE	KNOCKOUT SEALS	31.81
419974	DARLING ACE HARDWARE	KEYS	3.98
420342	DARLING ACE HARDWARE	DRILL	119.99
420648	DARLING ACE HARDWARE	BAR FLAT	14.98
131468	DLZ	2012 BRIDGE INSPECTION AND LOADING	1,200.00
285972	DOECO INC	AUGER SLING	50.67
112812	DUSTY NASH EMRGNCY VE	EMERGENCY VEHICLE CHANGEOVER	1,500.00
8971	ERIC DALE HEATING & A	SERVICE CALL AT AIRPORT	154.50
9100527270.001	ETNA SUPPLY	REPAIR SUPPLIES	186.28
MIMA142731	FASTENAL COMPANY	NUTS & BOLTS	2.71
MIMA142652	FASTENAL COMPANY	PIN, USS F/W	5.25
12-2048	FIRST DUE FIRE SUPPLY	SOPPLIES	4,750.06
11-11695	GARAGE DOORS UNLIMITE	DOOR FOBS	198.20
2716	GLGC PLUMBING COMPANY	REPLC LEAKY WATER HEATER	294.74
1013	GOODWIN'S PLUMBING, I	PLUMBING SUPPLIES	100.58
9007655922	GRAINGER	SAMPLER TUBING	183.90
14376350	GUARDIAN ALARM	ALARM MONITORING	407.16
65736	HERMANS MARSHALL HARD	SWITCH, ROPE	3.09
65696	HERMANS MARSHALL HARD	SCREEN, HINGES, HANDLES, WOOD SEALER	76.85
65726	HERMANS MARSHALL HARD	BAGS	47.88
65734	HERMANS MARSHALL HARD	LIGHTERS, ZIP TIES	44.34
65750	HERMANS MARSHALL HARD	THERMOMETER	7.99
65085	HERMANS MARSHALL HARD	FILTERS, LIGHT BULB	29.75
65003	HERMANS MARSHALL HARD	KEYS	7.96
65733	HERMANS MARSHALL HARD	SWITCH	1.29
27661	HYDRO DYNAMICS INC	BLOWER FILTERS	586.00
79524	J & K PLUMBING SUPPLY	BUILDING SUPPLIES	226.40
80063	J & K PLUMBING SUPPLY	TUBING COPPER	15.50
PC01227850:001	JACKSON TRUCK SERVICE	FEDERAL INSPCTN FORM & STICKERS	32.60
4331	JS BUXTON	DULK LIME BLANKET PO FOR FY2013	1,016.62
112512A	K-MART	NOVEMBER CHARGES	279.04
129493	KAR LABORATORIES INC	LIME ANALYSIS	75.00
128211	KAR LABORATORIES INC	MERCURY ANALYSIS	260.00
127977	KAR LABORATORIES INC	SLUDGE ANALYSIS	305.00
128227	KAR LABORATORIES INC		37.50
128210	KAR LABORATORIES INC	CYANIDE ANALYSIS	100.00
50980	KEBS INC	2012 LOCAL ROAD RESURFACING	300.00
25614	LAKELAND ASPHALT CORP	BITUMINOUS AGGREGATES	339.04
7920	LEWEY'S SHOE REPAIR	JEFF RHODES BOOT ALLOWANCE	85.00

12/12/2012 10:47 AM
User: ctanner
DB: Marshall

APPROVAL LISTING FOR CITY OF MARSHALL

EXP CHECK RUN DATES 12/20/2012 - 12/20/2012
UNJOURNALIZED
OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
I-3733	ABLE HEATING & COOLING	INSTALL NEW FURNACE, AIR CLEANER, AC UNI	4,375.00
65120	HERMANS MARSHALL HARDW	BALLAST, CEMENT, CAPS	41.22
200049719	OVERHISER, MARTIN	REIMBURSEMENT FOR LITERATURE SUPPLIES	437.95
8444	OVERHISER, MARTIN	REIMBURSEMENT FOR SUPPLIES	296.19
70013	SCHULERS RESTAURANT	MEALS	238.91
			5,389.27

EXP CHECK RUN DATES 11/30/2012 - 11/30/2012
 UNJOURNALIZED
 OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
2-002800-13	COMBS, KATHY	REFUND UTILITY OVERPAYMENT	64.82
587542	COMMERCIAL OFFICE PRO	CRTDGS, PAPER	74.62
587988	COMMERCIAL OFFICE PRO	CRTDG, TONER	323.37
206253037144	CONSUMERS ENERGY	1000 0033 5602	2,545.38
206697906043	CONSUMERS ENERGY	1000 0916 3203	183.87
206697906045	CONSUMERS ENERGY	1000 0916 3708	151.63
205808068949	CONSUMERS ENERGY	1000 5741 9077	45.69
203405148309	CONSUMERS ENERGY	1000 0759 4680	274.74
206697906046	CONSUMERS ENERGY	1000 0916 3971	1,144.79
206697906044	CONSUMERS ENERGY	1000 0916 3435	565.39
112712	CRAMPTON, JERRY	CONNECTION REFUND	500.00
8-024400-13	CRUSCIEL, CONNIE	REFUND UTILITY DEPOSIT	2.41
MI022820001-1212	DELTA DENTAL PLAN OF	CUST #MI022820001	4,797.47
112512	DEVENEY, JAMES R	INSPECTORS COMMISSION	40.00
112512	GANO, DARYL	INSPECTORS COMMISSION	420.00
112512	GROSS, JOHN	INSPECTORS COMMISSION	940.00
21006600-05	HEATH, MIRANDA & PHIL	REFUND UTILITY OVERPAYMENT	29.74
386500	HUB INTERNATIONAL MID	POLICY # BINDERS1805444	43,943.00
112712	LAKE MICHIGAN MAILERS	POSTAGE - ACCT #M323	500.00
112912	MACPA	LOCAL GOVT SUMMIT - SANDRA BIRD	139.00
6187-1012	MARSHALL COMMUNITY CU	6187 - RODGERS	436.60
7654	MICHIGAN MUNICIPAL LE	CDL CONSORTIUM DRIVERS FEES	1,890.00
M 10-12	MICHIGAN SOUTH CENTRA	NATURAL GAS - OCTOBER	3,176.73
112712	MOFFATT, SUE	ENERGY OPTIMIZATION - FURNACE & THMSTAT	165.00
19-008300-18	RIEGLE, KEITH	REFUND UTILITY DEPOSIT	13.80
2-008400-14	SCHROEDER, CAROLINE	REFUND UTILITY DEPOSIT	131.50
21-033600-07	SHAUGER, REBECCA	REFUND UTILITY OVERPAYMENT	144.00
8-009500-22	SMITH, CECIL	REFUND UTILITY DEPOSIT	15.25
112712	WEBB, COLLEEN	ENERGY OPTIMIZATION - LED CHRISTMAS LIG	53.96
10040764-1112	WOW! BUSINESS	ACCT #10040764	1,359.80
			64,072.56

Prescription reimbursements 85.30

Total Cash Disbursements \$64,157.86

User: ctanner

DB: Marshall

EXP CHECK RUN DATES 12/07/2012 - 12/07/2012

UNJOURNALIZED

OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
6100458-000-1212	AD-VISOR & CHRONICLE	ACCT #6100458-000 NOVEMBER CHARGES	438.23
120312	ARMOUR-ECKRICH	HANS FOR LDFA MEETING	341.15
DEC 2012	BATTLE CREEK UNLIMITE	DECEMBER	14,041.66
112712	BEARDSLEE LAW OFFICES	NOVEMBER CHARGES	2,659.50
DEC2012	CALHOUN COUNTY EQUALI	DECEMBER 2012	2,122.00
NOV2012	CALHOUN COUNTY TREASU	NOVEMBER TRAILER FEES	80.00
113012-1	CALHOUN COUNTY TREASU	11/17/12--11/30/12 SUMMER REAL AD VAL	1,300.12
113012-2	CALHOUN COUNTY TREASU	11/17/12--11/30/12 SUMMER REAL AD VAL	2.23
113012-3	CALHOUN COUNTY TREASU	11/17/12--11/30/12 SUMMER PERS AD VAL	9.27
113012-4	CALHOUN COUNTY TREASU	11/17/12--11/30/12 SUMMER REAL AD VAL	1,450.53
113012-5	CALHOUN COUNTY TREASU	11/17/12--11/30/12 SUMMER REAL AD VAL	2.50
113012-6	CALHOUN COUNTY TREASU	11/17/12--11/30/12 SUMMER PERS AD VAL	10.35
113012-1	CALHOUN INTERMEDIATE	11/17/12--11/30/12 SUMMER REAL AD VAL	756.67
113012-2	CALHOUN INTERMEDIATE	11/17/12--11/30/12 SUMMER REAL AD VAL	1.30
113012-3	CALHOUN INTERMEDIATE	11/17/12--11/30/12 SUMMER PERS AD VAL	5.37
36455032-1212	CITGO	FLEET #132271610	14,184.86
588412	COMMERCIAL OFFICE PRO	FIDRS, CLIPBRDS, CLIPS, LABELS	49.27
588124	COMMERCIAL OFFICE PRO	BINDERS, INDEX	92.90
122712	COULTER, JOHN	MAEDA - INTERVIEWER TRAVEL EXP REIMB	649.60
1158180-1112	CULLIGAN	ACCT #1155180	24.00
13-11-101-006-00	FREDONIA TOWNSHIP	2012 WINTER PROPERTY TAXES	1,356.97
135302404100	JOHN & GEORGIE TALLEB	REFUND TAX OVERPAYMENT	4.87
113012-1	KELLOGG COMMUNITY COL	11/17/12--11/30/12 SUMMER REAL AD VAL	448.52
113012-2	KELLOGG COMMUNITY COL	11/17/12--11/30/12 SUMMER REAL AD VAL	0.77
113012-3	KELLOGG COMMUNITY COL	11/17/12--11/30/12 SUMMER PERS AD VAL	3.21
82130231089095-121	LOWES BUSINESS ACCOUN	PAINT & SUPPLIES	271.03
1531101500	MARENGO TOWNSHIP	2012 WINTER TAXES P/N 13-15-111-015-00	1,140.16
113012-1	MARSHALL DISTRICT LIB	11/17/12--11/30/12 SUMMER REAL AD VAL	403.99
113012-2	MARSHALL DISTRICT LIB	11/17/12--11/30/12 SUMMER REAL AD VAL	0.69
113012-3	MARSHALL DISTRICT LIB	11/17/12--11/30/12 SUMMER PERS AD VAL	2.88
113012-1	MARSHALL PUBLIC SCHOO	11/17/12--11/30/12 SUMMER REAL AD VAL	1,019.36
113012-2	MARSHALL PUBLIC SCHOO	11/17/12--11/30/12 SUMMER REAL AD VAL	3.75
113012-3	MARSHALL PUBLIC SCHOO	11/17/12--11/30/12 SUMMER PERS AD VAL	5.17
113012-4	MARSHALL PUBLIC SCHOO	11/17/12--11/30/12 SUMMER REAL AD VAL	831.61
113012-5	MARSHALL PUBLIC SCHOO	11/17/12--11/30/12 SUMMER REAL AD VAL	1.43
113012-6	MARSHALL PUBLIC SCHOO	11/17/12--11/30/12 SUMMER PERS AD VAL	5.91
113012-7	MARSHALL PUBLIC SCHOO	11/17/12--11/30/12 SUMMER REAL AD VAL	120.86
113012-8	MARSHALL PUBLIC SCHOO	11/17/12--11/30/12 SUMMER REAL AD VAL	0.20
113012-9	MARSHALL PUBLIC SCHOO	11/17/12--11/30/12 SUMMER PERS AD VAL	0.86
131636000300	MARSHALL TOWNSHIP	2012 WINTER TAXES P/N 13-16-360-003-00	1,121.37
131627201200	MARSHALL TOWNSHIP	2012 WINTER TAXES P/N 13-16-272-012-00	72.68
93291214.003	MEDLER ELECTRIC COMPA	2" TAPE	71.62
83307944.001	MEDLER ELECTRIC COMPA	EMERGENCY LIGHT @ POWERHOUSE	25.12
93283243.001	MEDLER ELECTRIC COMPA	THERMOSTAT	17.94
113012	MENGEL, KEITH	ENERGY OPTIMIZATION - UPRIGHT FREEZER	25.00
334118	NAPA OF MARSHALL	CLEANER, CARB CLN	9.75
120512	R & R TRAILERS	ALUMINUM PUMP TRAILER	1,999.00
249-003587621	REPUBLIC SERVICES #24	ACCT #3-0249-1022021	580.45
120412	ROSENE, BARB	GAS REIMBURSEMENT	32.50
21063-1212	SPARTAN STORES	CUST #021063 NOVEMBER CHARGES	354.25
803551782034889311	STAPLES	OFFICE SUPPLIES	778.77
38-8004708-1112	STATE OF MICHIGAN	38-8004708, NOV 2012, SLS TAX	26,392.04
1500340000	TUCKER, GERALD I.	REFUND UTILITY OVERPAYMENT	4.80
113012	ZIENERT, SMERL	COFFEE & SUPPLIES	50.92
			75,380.76



ADMINISTRATIVE REPORT
DECEMBER 17, 2012 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members

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

SUBJECT: Timeline Information for HCOD Draft

Staff met with City Attorney, Paul Beardslee on December 6th to exchange information regarding drafting of the council-approved amendments to the Hospital Campus Overlay District (HCOD) language. With consideration being given to the up-coming holidays, staff and Attorney Beardslee will have a draft available for the council meeting scheduled for Tuesday, January 22, 2013. As drafting takes place, if there are any concerns that will affect this schedule, staff will notify council.

Respectfully submitted,

A handwritten signature in cursive script that reads "Natalie Huestis".

Natalie Huestis
Director of Community Services

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

Tom Tarkiewicz
City Manager

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ADMINISTRATIVE REPORT
December 17, 2012 – CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: Sandra Bird, Finance Director
Tom Tarkiewicz, City Manager

SUBJECT: City of Marshall Fund Balance Reserves Policy

BACKGROUND: At the November 19, 2012 Council Work Session, Council reviewed financial policies presented by the Finance Director for Fund Balance Reserve, Investment, Debt Management and Capital Improvement Program. The proposed financial policies were discussed and approved at the November 19 Regular Council meeting, excluding the Fund Balance Reserve policy, which was tabled. It was discussed the General Fund Reserve and Enterprise Fund Reserve sections include additional guidelines per Council recommendations, as highlighted in the attached.

RECOMMENDATION: To approve the City of Marshall Fund Balance Reserves policy in the form presented.

FISCAL EFFECTS: None at this time.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Sandra E. Bird".

Sandra Bird
Finance Director

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

Tom Tarkiewicz
City Manager

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Fund Balance Reserve Policy

The City desires to maintain a prudent level of financial resources to guard its citizens against service disruption in the event of unexpected temporary revenue shortfalls or unpredicted one-time expenditures. The Fund Balance has been accumulated to meet this purpose, to provide stability and flexibility to respond to unexpected adversity and/or opportunities. The City's goals are to maintain annual expenditure increases at a conservative growth rate, and to limit expenditures to anticipated revenues.

The following fund balance reserve policy should be used to provide the general framework for setting unreserved, undesignated fund balance reserve levels and for proposals with intended use of fund balance reserves. City Council recognizes there are no absolute rules or easy formulas that provide fund balance reserve levels. Generally, reserve levels are determined based on a percent of operating expenditures plus debt service ratio. The City recognizes the need to provide a policy which provides the guidelines for the annual review and discussion of fund balance reserves during the budget development process. Planned use of fund balance reserve decisions should be the result of deliberative consideration of all factors involved.

GENERAL FUND 18-22% Operating Expenditures Plus 1.2 Debt Service Ratio

To account for resources traditionally associated with governments, which are not required to be accounted for in another fund. Expenditures from the General Fund go to services such as public safety (police, fire, and emergency management); parks and recreation programs; development and planning; community development services; roads; the City's legal and general government administration; and a variety of other services and programs.

The City Council considers it a good practice to keep around 18-22% of annual operating expenditures in unrestricted governmental fund balance plus 1.2 debt service ratio to cover new, unexpected expenses or an unanticipated drop in revenue. The long-term target is to maintain a rolling beginning fund balance equal to 18-22% of operating revenues.

The decision to retain a fund balance of 18-22% of operating expenditures stems from the following considerations:

- This amount, in combination with the Working Capital Reserve, provides adequate funding to cover approximately three months (or 25%) of operating expenses.
- It provides the liquidity necessary to accommodate the City's uneven cash flow, which is inherent in its periodic tax collection schedule.
- It provides the liquidity to respond to contingent liabilities.

Fund balance may be accessed under the following conditions:

- The Fund Balance target will be maintained at 18-22% of Operating Expenditures. Surplus Funds may be transferred to a Capital Reserve, Long Term Obligation, Debt Service Fund, or may be used to restore the target fund balance.

Fund Balance Reserve Policy

- Except in the event of the declaration of an emergency by the City Council, a minimum Fund Balance equal to 18-22% of operating expenditures will be maintained. A majority of the council is required to approve use of the Fund Balance such that it falls below the 15% target. The City will identify a plan to restore the General Government fund balance to its target amount as part of the emergency budget proposal.

ENTERPRISE FUNDS 25% Operating Expenditures Plus 1.2 Debt Service Ratio

Includes all revenue and expenses necessary to operate the funds including, but not limited to, administration, operations, maintenance, financing and related debt service, billing and collection.

For Utility fund balance reserves (electric, wastewater and water), the decision to increase or decrease target fund balance reserves will be supported by the report of cost of service study or review provided by the City's consultant.

Marshall House – to account for the HUD assistance and rental activities of a lower-income senior citizen housing facility.

Electric System - to account for the provision of electricity of the City and account for the proceeds of bonds and construction of infrastructure related to the City's Electric System.

Dial-A-Ride Transportation – to account for the user fees, property taxes and grants related to the operation and maintenance of a local public transportation system.

Waste Water Disposal System - to account for the collection and treatment of the sewage of the City and to account for the proceeds of bonds and construction of infrastructure related to the City's Sewage Disposal System.

Water Supply System - to account for the provision of treated water of the City and account for the proceeds of bonds and construction of infrastructure related to the City's Water Supply System.

SPECIAL REVENUE FUNDS 1.2 Debt Service Ratio

To account for the proceeds of specific revenue sources (other than those from expendable trusts or for major capital projects), which are restricted legally to expenditure for specified purposes.

MVH Major and Local Roads - to account for the State-Shared gasoline and weight tax collections to provide for certain maintenance, repair costs and capital improvements of the City's Roads.

Fund Balance Reserve Policy

Leaf, Brush and Trash Removal - to account for the dedicated millage collections to provide for certain maintenance, repair costs and capital improvements of the City's Leaf removal, spring brush removal and spring trash removal services.

INTERNAL SERVICE FUNDS 1.2 Debt Service Ratio

To account for the costs of the various services below, which are billed to the various other funds on the basis of services used. The costs include, but are not limited to, administrative, operation, maintenance and financing costs.

Data Processing - to account for the operation and maintenance of the City's information technology equipment and software.

Motor Pool - to account for the operation and maintenance of the City's motor vehicle fleet and other equipment.

Safety - to account for the operation of the City's safety training program.

Health Reimbursement Arrangement - to account for the City's funding for health insurance HRA and HSA deductibles.

COMPONENT UNITS 15% Plus 1.2 Debt Service Ratio

Legally separate organizations for which the elected officials of the primary government are financially accountable.

Downtown Development Authority - to account for the tax increment revenue that is derived from new construction in the Downtown Development District, which is used to finance various improvements in the downtown area.

Local Development Finance Authority - to account for the monies which provide local financing/partnership for developing and sustaining local industrial business.



ADMINISTRATIVE REPORT
December 17, 2012 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council

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

SUBJECT: City of Marshall Utilities - Standard Rules & 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, to ensure that the applicant is the legal occupant/tenant of the property.

At the December 3, 2012 Regular Council Meeting, there was discussion regarding the application request for social security number. This has been removed, as suggested. Also verbiage has been added to reiterate the City of Marshall’s Identity Theft Prevention Program (adopted by City Council on October 20, 2008), attached.

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

Also at the December 3, 2012 Regular Council Meeting, there was discussion regarding all *parties* being responsible for the utilities. This has been reworded, as suggested, to state that all *tenants* listed on a lease agreement will be included as responsible parties for the utilities. There was also a question of what is to be done if no lease agreement exists between the landlord and tenant. In these cases, the landlord/property owner will be responsible for utilities.

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.

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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.

RECOMMENDATION: 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 17, 2012.

FISCAL EFFECTS: None.

ALTERNATIVES: As suggested by the Council.

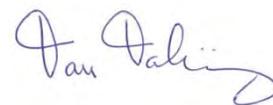
Respectfully submitted,



Michelle Mastej
Treasurer



Carl Fedders
Director of Public Services



Tom Tarkiewicz
City Manager

City of Marshall



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Marshall Town Hall ca: 1857

ADMINISTRATIVE REPORT October 20, 2008 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor Smith and City Council

FROM: Tracy Hovarter, Clerk-Treasurer
Christopher S. Olson, City Manager

SUBJECT: Identity Theft Prevention Program

BACKGROUND: The Federal Trade Commission (FTC), the federal bank regulatory agencies, and the National Credit Union Administration (NCUA) have issued regulations (the Red Flags Rules) requiring financial institutions and creditors to develop and implement written identity prevention programs, as part of the Fair and Accurate Credit Transactions (FACT) Act of 2003. The programs must be in place by November 1, 2008, and must provide for the identification, detection, and response to patterns, practices or specific activities – known as “red flags” – that could indicate identity theft.

RECOMMENDATION: To approve the Identity Theft Prevention Program as presented.

FISCAL EFFECTS: None.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Tracy Hovarter
Clerk-Treasurer

Christopher S. Olson
City Manager



City of Marshall
Identity Theft Prevention Program

Effective beginning November 1, 2008

I. PROGRAM ADOPTION

The City of Marshall ("Utility") developed this Identity Theft Prevention Program ("Program") pursuant to the Federal Trade Commission's Red Flags Rule ("Rule"), which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. 16 C. F. R. § 681.2. This Program was developed with oversight and approval of the Program Administrator. After consideration of the size and complexity of the Utility's operations and account systems, and the nature and scope of the Utility's activities, the City Council determined that this Program was appropriate for the City of Marshall, and therefore approved this Program on October 20, 2008.

II. PROGRAM PURPOSE AND DEFINITIONS

A. Fulfilling requirements of the Red Flags Rule

Under the Red Flag Rule, every financial institution and creditor is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

1. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
2. Detect Red Flags that have been incorporated into the Program;
3. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
4. Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

B. Red Flags Rule definitions used in this Program

The Red Flags Rule defines "Identity Theft" as "fraud committed using the identifying information of another person" and a "Red Flag" as a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.

According to the Rule, a municipal utility is a creditor subject to the Rule requirements. The Rule defines creditors "to include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors."

All the Utility's accounts that are individual utility service accounts held by customers of the utility whether residential, commercial or industrial are covered by the Rule. Under the Rule, a "covered account" is:

1. Any account the Utility offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and
2. Any other account the Utility offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the Utility from Identity Theft.

“Identifying information” is defined under the Rule as “any name or number that may be used, alone or in conjunction with any other information, to identify a specific person,” including: name, address, telephone number, social security number, date of birth, government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer’s Internet Protocol address, or routing code.

III. IDENTIFICATION OF RED FLAGS.

In order to identify relevant Red Flags, the Utility considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with Identity Theft. The Utility identifies the following red flags, in each of the listed categories:

A. Notifications and Warnings From Credit Reporting Agencies

Red Flags

- 1) Report of fraud accompanying a credit report;
- 2) Notice or report from a credit agency of a credit freeze on a customer or applicant;
- 3) Notice or report from a credit agency of an active duty alert for an applicant; and
- 4) Indication from a credit report of activity that is inconsistent with a customer’s usual pattern or activity.

B. Suspicious Documents

Red Flags

1. Identification document or card that appears to be forged, altered or inauthentic;
2. Identification document or card on which a person’s photograph or physical description is not consistent with the person presenting the document;
3. Other document with information that is not consistent with existing customer information (such as if a person’s signature on a check appears forged); and
4. Application for service that appears to have been altered or forged.

C. Suspicious Personal Identifying Information

Red Flags

1. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
2. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
3. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
4. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
5. Social security number presented that is the same as one given by another customer;
6. An address or phone number presented that is the same as that of another person;
7. A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
8. A person's identifying information is not consistent with the information that is on file for the customer.

D. Suspicious Account Activity or Unusual Use of Account

Red Flags

1. Change of address for an account followed by a request to change the account holder's name;
2. Payments stop on an otherwise consistently up-to-date account;
3. Account used in a way that is not consistent with prior use (example: very high activity);
4. Mail sent to the account holder is repeatedly returned as undeliverable;
5. Notice to the Utility that a customer is not receiving mail sent by the Utility;
6. Notice to the Utility that an account has unauthorized activity;
7. Breach in the Utility's computer system security; and
8. Unauthorized access to or use of customer account information.

E. Alerts from Others

Red Flag

1. Notice to the Utility from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

IV. DETECTING RED FLAGS.

A. New Accounts

In order to detect any of the Red Flags identified above associated with the opening of a **new account**, Utility personnel will take the following steps to obtain and verify the identity of the person opening the account:

Detect

1. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
2. Verify the customer's identity (for instance, review a driver's license or other identification card);
3. Review documentation showing the existence of a business entity; and
4. Independently contact the customer.

B. Existing Accounts

In order to detect any of the Red Flags identified above for an **existing account**, Utility personnel will take the following steps to monitor transactions with an account:

Detect

1. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
2. Verify the validity of requests to change billing addresses; and
3. Verify changes in banking information given for billing and payment purposes.

V. PREVENTING AND MITIGATING IDENTITY THEFT

In the event Utility personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

Prevent and Mitigate

1. Continue to monitor an account for evidence of Identity Theft;
2. Contact the customer;
3. Change any passwords or other security devices that permit access to accounts;
4. Not open a new account;
5. Close an existing account;
6. Reopen an account with a new number;

7. Notify the Program Administrator for determination of the appropriate step(s) to take;
8. Notify law enforcement; or
9. Determine that no response is warranted under the particular circumstances.

Protect customer identifying information

In order to further prevent the likelihood of identity theft occurring with respect to Utility accounts, the Utility will take the following steps with respect to its internal operating procedures to protect customer identifying information:

1. Ensure that its website is secure or provide clear notice that the website is not secure;
2. Ensure complete and secure destruction of paper documents and computer files containing customer information;
3. Ensure that office computers are password protected and that computer screens lock after a set period of time;
4. Keep offices clear of papers containing customer information;
5. Request only the last 4 digits of social security numbers (if any);
6. Ensure computer virus protection is up to date; and
7. Require and keep only the kinds of customer information that are necessary for utility purposes.

VI. PROGRAM UPDATES

This Program will be periodically reviewed and updated to reflect changes in risks to customers and the soundness of the Utility from Identity Theft. At least yearly, the Program Administrator will consider the Utility's experiences with Identity Theft situation, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, changes in types of accounts the Utility maintains and changes in the Utility's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will update the Program or present the City Council with his or her recommended changes and the City Council will make a determination of whether to accept, modify or reject those changes to the Program.

VII. PROGRAM ADMINISTRATION.

A. Oversight

Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee for the Utility. The Committee is headed by the Clerk/Treasurer with the Deputy Clerk/Treasurer and Sergeant McDonald comprising the remainder of the committee

membership. The Program Administrator will be responsible for the Program administration, for ensuring appropriate training of Utility staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

B. Staff Training and Reports

Utility staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected. Utility staff is required to provide reports to the Program Administrator on incidents of Identity Theft, the City's compliance with the Program and the effectiveness of the Program.

C. Service Provider Arrangements

In the event the Utility engages a service provider to perform an activity in connection with one or more accounts, the Utility will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

1. Require, by contract, that service providers have such policies and procedures in place; and
2. Require, by contract, that service providers review the Utility's Program and report any Red Flags to the Program Administrator.

D. Specific Program Elements and Confidentiality

For the effectiveness of Identity Theft prevention Programs, the Red Flag Rule envisions a degree of confidentiality regarding the Utility's specific practices relating to Identity Theft detection, prevention and mitigation. Therefore, under this Program, knowledge of such specific practices are to be limited to the Identity Theft Committee and those employees who need to know them for purposes of preventing Identity Theft. Because this Program is to be adopted by a public body and thus publicly available, it would be counterproductive to list these specific practices here. Therefore, only the Program's general red flag detection, implementation and prevention practices are listed in this document.

Revision History

<u>Date</u>	<u>Revision #</u>	<u>Nature of Revision</u>
10/20/08	00	Original Document

STANDARD RULES AND REGULATIONS

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| Effective ~~8/20/2012~~ 12/17/2012, 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 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~~ 12/17/2012, 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 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 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 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 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 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 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 12/17/2012, 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.~~

98. 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 ~~8/29/2012~~12/17/2012, 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 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 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 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 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 be separately metered, that the tenants shall 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 be separately metered, that the tenants shall 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

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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.

~~109.~~ 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.

~~11.~~ 10. Billing Policy

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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 final 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.

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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.

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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.

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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.

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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

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government issued photo ID, driver's license, military ID or passport; and copy of mortgage or purchase or lease agreement. Driver's license or other photo ID's, except passports, issued by a foreign government are not acceptable.

The City of Marshall has established an Identity Theft Prevention Program designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or an existing covered account and to provide for continued administration of the program in compliance with the Federal Trade Commission's Red Flags Rule (Part 681 of Title 16 of the Code of Federal Regulations) implementing sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003.

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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 the legal tenant of the property. All tenants on such agreement will be included as responsible parties on the utility account. If no lease is provided, then the landlord/property owner is responsible for the utilities.

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:

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ii. Residential Customers

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\$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.

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iii. Commercial and Industrial Customers

\$150 deposit required at time of application for service. After minimum six months

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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

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not comply with the terms of the plan agreement.

VII. Budget Billing

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.

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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.

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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.

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HX. 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.

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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 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.

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

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IV.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.

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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.

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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 will not exceed a total of 90 days in a calendar year.

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D. Restoration of Service

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City of Marshall Utility Rate Classifications and Standard Rules and Regulations

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 ~~VXIII~~.
- 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.

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- 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.
- 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.~~

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~~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:

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

Effective ~~8/20/2012~~ 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

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\$115.00 -- All other times

~~VII. — Payment Plan~~

- ~~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

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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~~

Effective ~~8/29/2012~~ 12/17/2012. 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

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~~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.~~

~~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~~

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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.

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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.

412. 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

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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.

4513. 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.

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~~16.~~ 14. Fire Hydrant Use

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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.

~~17.~~ 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.

~~18.~~ 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.

~~19.~~ 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.

~~20.~~ 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

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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.

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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

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**

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- 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.
- 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

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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 12/17/2012, 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

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.

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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

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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

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purchase or lease agreement. Driver's license or other photo ID's, except passports, issued by a foreign government are not acceptable.

The City of Marshall has established an Identity Theft Prevention Program designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or an existing covered account and to provide for continued administration of the program in compliance with the Federal Trade Commission's Red Flags Rule (Part 681 of Title 16 of the Code of Federal Regulations) implementing sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003.

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 the legal tenant of the property. All tenants on such agreement will be included as responsible parties on the utility account. If no lease is provided, then the landlord/property owner is responsible for the utilities.

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

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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.
- 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

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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

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

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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.

*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 Utility Rate Classifications and Standard Rules and Regulations

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.
- 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.

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

- 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.



ADMINISTRATIVE REPORT
December 17, 2012 - CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: James M. Schwartz, Police Chief
Tom Tarkiewicz, City Manager

SUBJECT: Resolution to Accept the CGAP Grant Award
from the State of Michigan for Marshall Regional
Law Enforcement Center

BACKGROUND: The City of Marshall originally applied for a CGAP (formerly EVIP) Grant in July, 2012 for approximately \$2.1 million dollars. In October, 2012 the City of Marshall received an award letter from the State of Michigan for the CGAP Grant in the amount of \$674,254. The award excluded costs involving the construction of the building, land acquisition and land preparation.

The grant award will pay for 100% of design fees, surveying costs up to \$298,603 and 100% of design costs up to \$375,651. The Department of Treasury requires the City of Marshall to formally approve a resolution accepting the \$674,254 grant award.

RECOMMENDATION: It is recommended to accept the CGAP Grant Award in the amount of \$674,254 by adopting the attached resolution.

FISCAL EFFECTS: None at this time. The CGAP Grant award will be utilized to pay for 100% expected costs of design fees, survey fees and soft cost fees of the proposed Marshall Regional Law Enforcement Center.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

James M. Schwartz
Police Chief

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

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cityofmarshall.com

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2012-_____**

**City of Marshall Authorizing Resolution for the
State of Michigan Department of Treasury Competitive Grant Assistance Program
(CGAP) formerly known as the Economic Vitality Incentive Program
(EVIP) Grant Agreement for a Shared Police Facility Construction**

Upon motion made by _____; seconded by _____, the following Resolution was adopted:

"RESOLVED, that the City of Marshall, Michigan, does hereby accept the terms of the Agreement, in a letter dated **October 23, 2012**, as received from the Michigan Department of Treasury, and that the City of Marshall does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate all funds necessary to complete the building design fees, costs and surveying during the project period in the award amount of \$674,254.00.
2. To maintain satisfactory financial accounts, documents, and records to make them available to the DEPARTMENT for auditing at reasonable times.
3. To provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement.
4. To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution."

The following aye votes were recorded: _____

The following nay votes were recorded: _____

STATE OF MICHIGAN
COUNTY OF CALHOUN

I, Trisha Nelson, Clerk of the City of Marshall, Michigan, do hereby certify that the above is a true and correct copy of the Resolution relative to the Agreement with the Michigan Department of Treasury, which Resolution was adopted by the City Council of the City of Marshall at a meeting held on December 17, 2012.

Signature

Title

Date



ADMINISTRATIVE REPORT
December 17, 2012 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members

FROM: Robert Kiessling, Fire Chief
Tom Tarkiewicz, City Manager

SUBJECT: General Fund-Fire Department Financial Report –
5 ½ Months Ending 12/12/12

BACKGROUND In response to the Council's request at the October 1, 2012 Regular Council meeting, attached is the General Fund-Fire Department Financial Report for the 5 ½ months ending 12/12/12. The report shows the status of the expenditures to date, including a comparison to the annual amended budget. An assumption is made that approximately 46% of the budgeted expenditures should be realized by 12/12/2012.

General Fund –Fire Department

- Overtime – 96% of the budget has been expended due to the coverage for two FF positions; 1) retired vacant position not filled and 2) current FF position on medical disability.
- Workers Compensation – 86% of the budget has been expended due to the workers comp invoice paid at the beginning of the fiscal year.
- Education and Training – 83% of the budget has been expended due to planned training paid in the first half of the fiscal year.
- The total Fire Department expenditures are 48.81% compared to the annual budget, which is slightly over the average of 46%.

Recommendation: It is recommended to accept the report as presented.

Respectfully Submitted,

Robert Kiessling
Fire Chief

Tom Tarkiewicz
City Manager

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EXPENDITURE REPORT FOR CITY OF MARSHALL
PERIOD ENDING 12/12/2012
FIRE DEPARTMENT

GL NUMBER	DESCRIPTION	2012-13 AMENDED BUDGET	YTD END BALANCE 12/12/2012	ACTIVITY FOR MONTH 12/12/2012	ENCUMBERED YEAR-TO-DATE	UNENCUMBERED BALANCE	% BDGT USED
Fund 101 - General Fund							
Expenditures							
Dept 336-Fire							
101-336-702.00	Payroll	384,951.00	195,649.11	18,323.98	0.00	189,301.89	50.82
101-336-702.01	Other Fringe Benefits-taxable	25,224.00	9,949.31	8,700.00	0.00	15,274.69	39.44
101-336-703.00	Part-time Salaries	45,700.00	21,631.00	21,631.00	0.00	24,069.00	47.33
101-336-704.00	Overtime Salaries	39,000.00	37,508.09	3,338.32	0.00	1,491.91	96.17
101-336-715.00	Social Security	10,009.00	4,608.08	2,090.38	0.00	5,400.92	46.04
101-336-716.00	Hospitalization	91,866.00	33,306.22	(323.34)	0.00	58,559.78	36.26
101-336-717.00	Life Insurance	604.00	203.47	0.00	0.00	400.53	33.69
101-336-718.00	Retirement	55,249.00	21,895.80	0.00	0.00	33,353.20	39.63
101-336-719.00	Hospitalization - Prescriptio	0.00	58.29	0.00	0.00	(58.29)	100.00
101-336-721.00	Workers Compensation	8,385.04	7,173.96	0.00	0.00	1,211.08	85.56
101-336-725.00	Other Fringe Benefits-non tax	4,997.00	0.00	0.00	0.00	4,997.00	0.00
101-336-727.00	Office Supplies	250.00	0.00	0.00	0.00	250.00	0.00
101-336-727.02	Postage and Shipping	50.00	0.00	0.00	0.00	50.00	0.00
101-336-740.00	Operating Supplies	10,500.00	4,959.52	(1,718.25)	0.00	5,540.48	47.23
101-336-741.00	Uniforms	7,000.00	1,972.09	0.00	0.00	5,027.91	28.17
101-336-755.00	Miscellaneous Supplies	300.00	0.00	0.00	0.00	300.00	0.00
101-336-757.00	Fuels & Lubricants	4,700.00	2,209.31	425.87	0.00	2,490.69	47.01
101-336-760.00	Medical Services	4,000.00	403.00	0.00	0.00	3,597.00	10.08
101-336-777.00	Minor Tools	250.00	0.00	0.00	0.00	250.00	0.00
101-336-810.00	Dues & Memberships	2,000.00	105.00	0.00	0.00	1,895.00	5.25
101-336-820.00	Contracted Services	2,500.00	1,100.00	0.00	0.00	1,400.00	44.00
101-336-825.00	Insurance	7,560.00	3,866.98	0.00	0.00	3,693.02	51.15
101-336-850.00	Communications	13,000.00	3,927.39	0.00	0.00	9,072.61	30.21
101-336-860.00	Transportation & Travel	1,500.00	111.89	0.00	0.00	1,388.11	7.46
101-336-922.00	Utilities-Elec, Water, Sewer	11,400.00	4,750.00	0.00	0.00	6,650.00	41.67
101-336-930.00	Equipment Maintenance	34,000.00	11,919.11	1,728.00	4,880.21	17,200.68	49.41
101-336-941.00	Motor Pool Equip Rental	1,000.00	593.30	0.00	0.00	406.70	59.33
101-336-941.01	Data Processing	8,642.00	3,600.95	0.00	0.00	5,041.05	41.67
101-336-958.00	Education & Training	5,000.00	4,137.92	0.00	0.00	862.08	82.76
Total Dept 336-Fire		779,637.04	375,639.79	54,195.96	4,880.21	399,117.04	48.81
TOTAL Expenditures		779,637.04	375,639.79	54,195.96	4,880.21	399,117.04	48.81



ADMINISTRATIVE REPORT
December 17, 2012 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council

FROM: Tom Tarkiewicz, City Manager

SUBJECT: Purchase Power Agreement (PPA)

BACKGROUND: Michigan South Central Power Agency has been offered 5.75 MW of hydroelectric power from a generating plant in Menominee, Michigan from N.E.W. Hydro LLC. The City of Marshall will be allocated 24% of this 20 year fixed priced power (\$49.00/MWh) which can be counted as Renewable Energy in Michigan. The 24% is based on the allocation of the Litchfield coal plant. A memo from Glen White, MSCPA General Manager is attached. Also attached is a resolution of approval.

RECOMMENDATION: It is recommended that the City Council approve the Resolution Approving Hydro-electric Power Purchase Agreement and Related Matters.

FISCAL EFFECTS: This power purchase will have a stable effect on the City's future power supply cost.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tom Tarkiewicz", written in a cursive style.

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com



MICHIGAN SOUTH CENTRAL POWER AGENCY

720 HERRING ROAD · LITCHFIELD, MICHIGAN 49252

PHONE (517) 542-2346 · FAX (517) 542-3049

WEB SITE www.mscca.net

MEMO

To: MSCPA Board of Commissioners
From: Glen White, General Manager
Date: December 10, 2012
Re: Menominee Hydro

At the December 6, 2012 MSCPA Board meeting, the Board of Commissioners adopted a resolution approving the signing of a 20 year power purchase agreement (PPA) with N.E.W. Hydro for the output from two hydro facilities located in Menominee, Michigan at a fixed price of \$49 per megawatt hour. Similar resolutions have been sent to each MSCPA member for their consideration. To aid in this process, I offer the following summary of this transaction.

Early this past summer, MSCPA received an unsolicited proposal from Clear Energy Brokerage & Consulting, LLC offering a 20 year PPA for the energy, capacity, and renewable energy credits at a fixed price of \$49/MWh for all output from hydro generation located in the Upper Peninsula of Michigan with a nameplate capacity of 5.75 MW. Given the attractive price and fixed term, it was determined that further investigation was warranted.

MSCPA's due diligence included:

- Projection of the future needs for energy, capacity, and REC's for all five members, which was accomplished internally and with the assistance of SAIC through the AMP power supply study;
- Locational Marginal Pricing (LMP) analysis of the Menominee area in order to determine how that LMP compared to our members LMP's;
- On site investigation of operation and maintenance of these facilities; and
- Identification of all necessary agreements, including those required by MISO for interconnection and metering and WPS for transmission distribution, as well as the PPA with N.E.W. Hydro.

Our analysis concluded that for the long term, the fixed price of \$49/MWh is well below that of any future projected energy resource. The addition of capacity will help offset future capacity purchases and aid in maximizing the benefits between the MISO and PJM markets. The facilities are registered and compliant with the Michigan MIREC's program, and the REC's provided will further add to MSCPA's renewable resource mix and help in meeting future requirements necessitated by member growth. The LMP analysis indicated additional cost benefits due to the history of transmission constraints in the Menominee area, which results in higher congestion charges than is typically seen in our area. The onsite investigation revealed a culture of good operation and maintenance practices, with future maintenance plans well detailed. In addition, all agreements with MISO, WPS, and N.E.W. Hydro have been completed and reviewed by legal counsel.

Based on the past ten years of historical data, it is expected that the 5.75 MW of capacity will produce an average of 3 MW per hour of energy. Each participating member will receive an entitlement equal to their current Project 1 share. N.E.W. Hydro is responsible for all operating and maintenance expenses as well as any future permitting costs. MSCPA will only pay for energy actually received at the interconnection point. MSCPA is responsible for metering and scheduling with MISO.

Based on the above, MSCPA has concluded that the Menominee Hydro does offer significant benefits to MSCPA members. Please do not hesitate to contact me if you have any questions or concerns.

**CITY OF MARSHALL
COUNTY OF CALHOUN**

**RESOLUTION APPROVING HYDRO-ELECTRIC POWER PURCHASE
AGREEMENT AND RELATED MATTERS**

WHEREAS, the City of Marshall (hereinafter "Municipality") owns and operates an electric utility system for the benefit of the Municipality, its citizens and taxpayers; and

WHEREAS, the Michigan South Central Power Agency (the "Agency") has been formed as a Joint Agency by its members, the Cities of Coldwater, Hillsdale and Marshall, and the Villages of Clinton and Union City (the "Members"), under and pursuant to 1976 Public Acts of Michigan, 448 (the "Act"); and

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

WHEREAS, the Agency, and the Members endeavor to arrange for reliable, reasonably priced supplies of electric power and energy for ultimate delivery to their customers; and

WHEREAS, the Agency and N.E.W. Hydro, LLC ("Hydro") have negotiated a Power Purchase Agreement (the "Agreement") under which Hydro will agree to sell and the Agency will agree to purchase energy and capacity rights, and associated environmental attributes, generated at and arising from hydro-electric generating facilities identified in the Agreement (collectively, the "Project"); and

WHEREAS, the Agency has caused to be performed the engineering studies and reports with respect to the Project, in compliance with Section 40 of the Act; and

WHEREAS, it is intended that the Project shall constitute an additional "Project" under the Power Sales Contract (the "Contract"), dated as of September 15, 1979, as amended, between the Agency and each of its Members, with each Member's Entitlement Share in the Project being the same as that set forth in the Contract as that Member's Entitlement Share in Project I; and

WHEREAS, it is necessary in connection with the execution and delivery of the Agreement that the Agency also execute and deliver the related Direct Agreement (the "Direct Agreement") by and among the Agency, Hydro and ING Capital, LLC, as Collateral Agent; and

WHEREAS, the proposed forms of the Agreement and the Direct Agreement have each been reviewed by this body and this body has been advised on the same; and

WHEREAS, it is necessary and desirable the City Council approve the execution and delivery of the Agreement and the Direct Agreement by the Agency and the designation of the Project as an additional Project under the Contract and the allocation of its Entitlement Share in the Project.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL:

1. The actions of the Agency, for the benefit of its Members, in the purchase of hydro-electric capacity and energy, and related environmental attributes, as provided in the Agreement are hereby approved.
2. The forms of the Agreement and the Direct Agreement, in each case as on file with the City Clerk, and the execution and delivery of the Agreement and the Direct Agreement by the General Manager of the Agency, are hereby approved.
3. The designation of the Project as an additional Project under the Contract is hereby approved, and the Entitlement Share, as defined in the Contract, of the Municipality in the Project shall be same as the Entitlement Share of the Municipality in Project I under the Contract, namely 24.0%
4. This Resolution shall be effective at the earliest time permitted by law.

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Marshall, County of Calhoun, Michigan, at a regular meeting held on December 17, 2012, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the motion to adopt the foregoing resolution was made by _____ and seconded by _____ and that the following Council members voted Aye on the motion: _____

_____;

and the following Council members voted No on the motion: _____
_____.

City Clerk
City of Marshall

258839.1
20,715,617.1\060539-00004



ADMINISTRATIVE REPORT
December 17, 2012 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council
FROM: Carl Fedders, Director of Public Services
Tom Tarkiewicz, City Manager
SUBJECT: American Municipal Power Inc. (AMP) - Mutual Aid Agreement

BACKGROUND: AMP facilitates a number of different programs for its members. The Mutual Aid Program currently includes eighty-five agencies in seven different states and is organized by region. AMP and the Mutual Aid Committee have recently made revisions to the agreement that must be approved by each member before aid and be sent or received. The attached agreement and resolution is similar to that which was signed with Consumers Energy earlier this year.

Like with our other agreements, the final decision as to whether to provide aid to another member will be at our discretion and will be based on several factors, including but limited to the status of our system, availability of our staff, or the current workload.

The City of Marshall currently has two other active mutual aid agreements for the electrical system.

RECOMMENDATION: It is recommended that the City Council adopt the attached ordinance authorizing the Clerk to execute the mutual aid agreement with interstate and intrastate participating municipal electric systems.

FISCAL EFFECTS: None.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,

Carl Fedders
Director of Public Services

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

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City of Marshall, Michigan Mutual Aid Ordinance

Pertaining to AMP Contract No. C-11-2012-9391

AN ORDINANCE TO AUTHORIZE AND DIRECT THE MUNICIPALITY
TO EXECUTE A MUTUAL AID AGREEMENT WITH INTERSTATE AND INTRASTATE
PARTICIPATING MUNICIPALITIES WITH MUNICIPAL ELECTRIC SYSTEMS, IN
ORDER TO BE ABLE TO RECEIVE AND PROVIDE MUTUAL ASSISTANCE DURING
TIMES OF EMERGENCIES THROUGH THE INTERCHANGE AND USE OF PERSONNEL
AND EQUIPMENT

WHEREAS, Michigan law provides authority for the City of Marshall, Michigan (herein "Municipality") to execute an agreement with other in state and out of state municipalities for the joint provision of aid during times of emergencies; and

WHEREAS, American Municipal Power, Inc. (herein "AMP") organizes and manages a Mutual Aid Program among its member municipalities wherein members experiencing an emergency in the provision of electricity to customers of the municipal electric system can request assistance from other participating member municipalities, both intrastate and interstate, to assist Municipality in expediting repairs to its electric system to restore electric service as soon as possible; and

WHEREAS, Municipality is a member of AMP and operates a municipal electric system;
and

WHEREAS, Municipality deems it prudent to enter into a Mutual Aid Agreement with AMP and other participating member municipalities to participate in the AMP Mutual Aid Program so that it can provide and receive aid and assistance from other municipalities in times of an emergency; and

WHEREAS, a Mutual Aid Agreement to receive and provide assistance in times of an emergency to preserve the public health, safety and welfare is a valid public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF CITY OF MARSHALL, MICHIGAN:

SECTION 1. That the form of the Mutual Aid Agreement, substantially in the form attached hereto, is approved.

SECTION 2. That the [CLERK] is authorized and directed to execute the Mutual Aid Agreement, substantially in the form of the mutual agreement attached hereto.

SECTION 3. That any and all competitive bidding requirements are hereby waived.

SECTION 4. That the Municipality agrees to reimburse any Signatory to the Mutual Aid Agreement all eligible costs for services provided to the Municipality in accordance with the terms and conditions of the Mutual Aid agreement in response to a request for aid from the

City of Marshall, Michigan Mutual Aid Ordinance

Municipality.

SECTION 5: This Ordinance shall be in full force and effect at the earliest period provided by law.

PASSED this day of , 201__

President of Council

APPROVED this day of , 201__

ATTEST:

Mayor

Clerk-Treasurer

228569.1