

CALL TO ORDER

IN REGULAR SESSION Tuesday, January 19, 2016 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 Reed.

ROLL CALL

Roll was called:

Present: Council Members: Gerten, McNeil, Metzger, Miller, Mayor Reed, Schurig, and Williams.

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: None.

INVOCATION/PLEDGE OF ALLEGIANCE

David Good of First Baptist Church gave the invocation and Mayor Reed led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Metzger, supported Schurig, to approve the agenda with the addition of the Michigan South Central Power Agency invoice in the amount of \$635,419.78. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

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

- A. Scheduled a public hearing for February 1, 2016 to hear public comment regarding the proposed July 1, 2016 through June 30, 2022 Capital Improvement Program;
- B. Scheduled a public hearing for February 16, 2016 to hear comments on Zoning Amendments #JPCRZ15.01 and #RZ15.02 for the property commonly known as “Udell” to rezone both parcels from OC (Open Space Conservation) and AG (Agricultural), to I-1 (Research and Technical District);
- C. Minutes of the City Council Regular Session held on Monday, January 4, 2016;
- D. Approve city bills in the amount of \$ 1,071,690.66.

On a roll call vote – ayes: Gerten, McNeil, Metzger, Miller, Mayor Reed, Schurig, and Williams; nays: none. **MOTION CARRIED.**

PRESENTATIONS AND RECOGNITION

None.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

None.

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Marshall Area Farmer's Market – Oaklawn Lease Agreement for Winter Market: Manager Contract:

Moved Miller, supported Metzger, to approve the recommendation to execute a lease agreement with Oaklawn Hospital to accommodate the Farmer's Market in the hospital lobby. On a voice vote – **MOTION CARRIED.**

B. Purchase Power Agreement:

Moved Metzger, supported McNeil, to approve the recommendation to adopt the resolution authorizing the execution of the 2018-2030 Fixed Volume Energy Supply Schedule with American Municipal Power, Inc. On a roll call vote – ayes: Gerten, McNeil, Metzger, Miller, Mayor Reed, Schurig, and Williams; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL

RESOLUTION NO. 2016-01

**RESOLUTION AUTHORIZING THE EXECUTION
OF THE 2018-2030 FIXED VOLUME ENERGY SUPPLY SCHEDULE
WITH AMERICAN MUNICIPAL POWER, INC. ("AMP")**

WHEREAS, the City of Marshall, Michigan (the "Municipality") is a political subdivision organized and existing pursuant to the laws of the state of Michigan which owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers;

WHEREAS, Michigan South Central Power Agency (the "Agency"), and each of its member municipalities, including the Municipality, have entered into a Master Services Agreement (the "Agreement") with American Municipal Power, Inc. ("AMP") and AMP Affiliated entities, under which the Agency may enter into schedules on behalf of and as agent for one or more of its members for or related to the purchase or sale of electric power and energy;

WHEREAS, by working jointly with AMP, the Agency can continue to provide to its member municipalities, including the Municipality, electric capacity and energy for their electric utility customers, with reliable service at reasonable rates;

WHEREAS, the Agency has determined that acquisition of a reliable source of energy in the years 2018 through 2030 is necessary for the assurance of adequate power supplies and is in the best interests of the Agency and its Members;

WHEREAS, AMP is willing to contract to provide to the Agency power and energy pursuant to the Agreement in the required amounts, from a source or sources to be identified by AMP and approved by the Agency;

WHEREAS, AMP will negotiate with one or more reputable and financially sound third party power suppliers to enter into an agreement(s) to purchase electric energy in various megawatt ("MW") or megawatt hour ("MWh") blocks for a term beginning on January 1, 2018 and ending no later than December 31, 2030 at contract cost (excluding any taxes, transmission costs, replacement energy, losses, congestion costs, security costs, or AMP service fees) not to exceed \$34.00 per MWh for January 2018 – December 2020 5x16 purchases, \$37.50 per MWh for January 2018 – December 2025 5x16 purchases, and \$44.50 per MWh for January 2018 – December 2030 5x16 purchases, all of which will provide an economical source of electric energy (herein "Long Term Energy Purchase(s)") for Municipality;

WHEREAS, AMP, has prepared and delivered to the Agency and Municipality the form of a 2018-2018 Fixed Volume Energy Supply Schedule, pursuant to which the Agency may purchase energy on behalf of Municipality; and

WHEREAS, AMP has provided and will continue to provide appropriate personnel and information regarding the Long Term Energy Purchase(s) to the Agency and Municipality, as such officers and representatives of the Agency and Municipality deem necessary or appropriate, to enable an evaluation of the benefits and risks of the Long Term Energy Purchase(s), to take actions contemplated by the Resolution hereinafter set forth and to determine that the same are in the public interest.

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

SECTION 1. That the form of the 2018-2030 Fixed Volume Energy Supply Schedule between the Agency on behalf of this Municipality and AMP, substantially in the form attached hereto as Exhibit 1, is approved, subject to and with any and all changes provided for herein and therein.

SECTION 2. That the MSCPA General Manager be authorized to execute the 2018-2030 Fixed Volume Energy Supply Schedule and to acquire the Municipality's energy from one or more Long Term Energy Purchase(s), each with a term beginning on January 1, 2018 and ending no later than December 31, 2030, and with a third party contract price (excluding any taxes, transmission costs, replacement energy, losses, congestion costs, security costs, or AMP service fees) not exceed \$34.00 per MWh for January 2018 – December 2020 5x16 purchases, \$37.50 per MWh for January 2018 – December 2025 5x16 purchases, and \$44.50 per MWh for January 2018 – December 2030 5x16 purchases, from AMP, and is further authorized to execute and deliver any and all documents necessary to participate in one or more Long Term Energy Purchase(s), pursuant to the conditions set forth herein for a term beginning on January 1, 2018 and ending no later than December 31, 2030, as set forth in the 2018-2030 Fixed Volume Energy Supply Schedule; provided, however, that (i) the total MW for all such 5x16 purchases under the 2018-2030 Fixed Volume Energy Supply Schedule shall not exceed 25 MW.

SECTION 3. That competitive bidding is not required on the Municipality's acquisition of its right to secure energy under the 2018-2030 Fixed Volume Energy

Supply Schedule, and in the event any competitive bidding requirements are applicable, any such competitive bidding requirement that might otherwise be applicable, are hereby waived.

SECTION 4. That is it found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of a quorum of the Council, and that all deliberations of this Council and of any its committees that resulted in such formal action, were held in meetings open to the public, in compliance with all legal requirements.

SECTION 5. If any section, subsection, paragraph, clause or provision or any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this ordinance shall be unaffected by such adjudication and all the remaining provisions of this ordinance shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 6. That this Resolution shall take effect at the earliest date allowed by law.

CERTIFICATION OF CITY CLERK

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Marshall at a regular meeting held on the 19th day of January, 2016.

Trisha Nelson, City Clerk

Date

C. 2016 – 2018 Electric Line Tree Trimming Program:

Moved Williams, supported Metzger, to approve the retention of the ARS Corp. to continue to perform the tree clearance program for the City of Marshall and authorize the City Clerk to sign a contract addendum for a three year extension with a 2%, 3%, 3% escalator for years 2016, 2017, and 2018, respectively. On a voice vote – **MOTION CARRIED.**

D. Fiber To The Premise Project:

Moved Schurig, supported McNeil, to approve the \$55,000 legal and technical consultant expenditures to develop and analyze a RFP bid document to be published for a Fiber to the Premise project for the City of Marshall. On a roll call vote – ayes: Metzger, Miller, Mayor Reed, Schurig, Williams, Gerten, and McNeil; nays: none. **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Doreen Woods of 209 W. Mansion Street, inquired regarding the use of the city parking lot at Eagle Street and Mansion Street and the requirement for obtaining a permit.

COUNCIL AND MANAGER COMMUNICATIONS

ADJOURNMENT

The meeting was adjourned at 7:42 p.m.

Jack Reed, Mayor

Trisha Nelson, City Clerk