

Mayor Joe Caron
Council Member Scott Wolfersberger
Council Member Jim Schwartz
Council Member Jacob Gates



Council Member Jen Rice
Council Member Ryan Underhill
Council Member Ryan Traver
City Manager Derek N. Perry

CITY COUNCIL AGENDA

December 20, 2022
Regular Meeting - 7:00 PM

- 1) **CALL TO ORDER**
- 2) **ROLL CALL**
- 3) **PLEDGE OF ALLEGIANCE**
- 4) **APPROVAL OF AGENDA** - Items can be added or deleted from the Agenda by City Council action.
- 5) **PUBLIC COMMENT ON AGENDA AND 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.
- 6) **CONSENT AGENDA**
 - A. **CITY COUNCIL MINUTES**
Work Session- December 5, 2002
Regular Session - December 5, 2022
 - B. **CITY BILLS**

Purchases-12/2/2022	\$695,334.81
Purchases- 12/9/2022	\$275, 083.76
Purchases- 12/21/22	\$345,031.22
Power Purchase- November	\$771,478.03
Total	\$2,086,927.82
- 7) **PRESENTATIONS AND RECOGNITIONS**
- 8) **INFORMATIONAL ITEMS**
- 9) **PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**
- 10) **OLD BUSINESS**
- 11) **REPORTS AND RECOMMENDATIONS**
 - A. **AMP FREMONT ENERGY CENTER ADDITIONAL ALLOCATION**

B. DART GRANT REQUEST

C. MARSHALL COMMUNITY FOUNDATION GRANT REQUEST

12) APPOINTMENTS / ELECTIONS

13) PUBLIC COMMENT ON AGENDA AND 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.

14) COUNCIL AND MANAGER COMMUNICATIONS

15) CLOSED SESSION

Pursuant to section 8(h) of the Open Meetings Act, to consider material exempt from disclosure by state statute, section 13(1)(g) of the Freedom of Information Act: Confidential Attorney-Client Written Communication dated November 21, 2022 and December 20, 2022 re: Marshall House.

16) ADJOURNMENT

CALL TO ORDER

IN A WORK SESSION held on Monday, December 5, 2022 at 6:00 p.m. in the Training Room of Town Hall, 323 West Michigan Avenue, Marshall, MI 49068, the Marshall City Council was called to order by Mayor Caron.

ROLL CALL

Roll was called:

Present: Council Members: Mayor Caron, Gates, Underhill, and Wolfersberger

Also Present: City Manager Perry and Clerk Eubank

Absent: Council Members: Rice and Schwartz

- A. Josh Lankerd gave background on the existing overnight parking policy. Marguerite Davenport gave background on snow removal and input received from the DDA. Council consensus was to allow for free overnight parking in designated areas.

Joe Caron, Mayor

Michelle Eubank, Clerk

CALL TO ORDER

IN REGULAR SESSION, Monday, December 5, 2022 at 7:00 P.M., in the Council Chambers of City Hall, 323 West Michigan Avenue, Marshall, MI 49068. City Council was called to order by Mayor Caron.

ROLL CALL

Roll was called:

Present: Council Members: Mayor Caron, Gates, Traver, Underhill and Wolfersberger.

Also Present: City Manager Perry and Clerk Eubank

Absent: Rice and Schwartz

Moved Underhill, supported Gates, to excuse members Rice and Schwartz. On a voice vote- **MOTION CARRIED.**

PLEDGE OF ALLEGIANCE

Mayor Caron led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Wolfersberger, supported Underhill, to approve the agenda as presented. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

Moved Traver, supported Underhill, to approve the Consent Agenda:

- A. Minutes of the City Council Regular Session held on Monday, November 21;
- B. Approve city bills in the amount of \$909,312.97
- C. Approve the 2023 City Council meeting schedule by resolution 2022-30
- D. Approve the 2023 Boards and Commissions openings posting

On a roll call vote – ayes: Gates, Traver, Underhill, Wolfersberger and Mayor Caron; nays: none. **MOTION CARRIED.**

PRESENTATIONS AND RECOGNITION

Aaron Stevens of Maner Costerisan presented the Fiscal Year 2022 Annual Financial Audit Report.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. 15998 W Michigan Rezoning

Director Zuzga provided background regarding the rezoning of 15998 W Michigan after a recent PA425 land transfer.

Mayor Caron opened the public hearing

Hearing no comment, the hearing was closed.

Moved Traver, supported Gates, to approve Ordinance 2022-09 to rezone 15998 W Michigan to Regional Commercial (B-4) On a roll call vote – ayes: Underhill, Wolfersberger Mayor Caron, Gates and Traver; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL ORDINANCE #2022-09

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CHANGE THE ZONING OF A PARCEL OF REAL PROPERTY AT 15998 WEST MICHIGAN AVENUE, PARCEL #16-273-024-01, FROM TOWNSHIP ZONING HIGHWAY SERVICE COMMERCIAL DISTRICT (HS) TO REGIONAL COMMERCIAL DISTRICT (B-4).

THE CITY OF MARSHALL, MICHIGAN ORDAINS:

Section 1. Pursuant to the authority granted in Section 7.1 of the Marshall City Code, the Zoning Map of the City of Marshall is hereby amended so as to change the zoning district for the below described properties from Township Zoning to Regional Commercial (B-4).

TAX PARCEL #16-273-024-01 (15998 West Michigan Avenue.) Legal Description

MARSHALL TWP SEC 27 T2S R6W BEG INT SLY LI MICH AVE WITH W LI WEST DR S 213.32 FT E 15.78 FT S 185.45 FT S 80 DEG 26' 30" W 238.02 FT N 15 DEG 10' 24" W 158.58 FT N 74 DEG 49' 36" E 90 FT N 15 DEG 10' 24" W 208.26 FT N 74 DEG 49' 36" E 230.85 FT TO POB 2 AC +/-

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

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

Adopted and signed this 5th day of December, 2022.

Joe Caron, Mayor

Michelle Eubank, City Clerk

B. 902 S Kalamazoo Rezoning

Director Zuzga provided background regarding the rezoning of 902 S Kalamazoo, also known as 550 W Hughes, after a recent PA425 land transfer.

Mayor Caron opened the public hearing

Hearing no comment, the hearing was closed.

Moved Gates, supported Underhill to approve Ordinance 2022-10 to rezone 550 W Hughes, also known as 902 S Kalamazoo, to Multi-Family Residential (MFRD). On a roll call vote – ayes: Wolfersberger Mayor Caron, Gates, Traver and Underhill; nays: none.
MOTION CARRIED.

CITY OF MARSHALL ORDINANCE #2022-10

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CHANGE THE ZONING OF A PARCEL OF REAL PROPERTY AT 550 WEST HUGHES, PARCEL #16-260-003-00, FROM TOWNSHIP ZONING AGRICULTURE DISTRICT (AR) TO MULTI-FAMILY RESIDENTIAL DISTRICT (MFRD).

THE CITY OF MARSHALL, MICHIGAN ORDAINS:

Section 1. Pursuant to the authority granted in Section 7.1 of the Marshall City Code, the Zoning Map of the City of Marshall is hereby amended so as to change the zoning district for the below described properties from Township Zoning Agriculture to Multi-Family Residential District (MFRD).

TAX PARCEL #16-260-0003-00 (550 West Hughes.) Legal Description

MSH. TWP. SEC. 26 E 275.22 FT. OF W 1/2 OF SE 1/4 S OF KALAMAZOO RIVER E 1/2 OF SE 1/4 S OF RIVER EXC. E 198 FT. EXC. BEG. 424 FT. N & 198 FT. W OF SE SEC. COR - W 350 FT. S TO N LI HUGHES ST. - E 350 FT. - N TO BEG. ALSO: COM AT THE NE COR OF SEC 35 TH N89DEG 35'40"W 1026.68FT TO POB TH 163.48FT ALONG ARC OF CURVE TO LEFT, DELTA ANGLE 6DEG 49'39", RAD OF 1371.86FT AND CHORL OF 163.38FT BEARING S 79DEG 08'26"W, TH 431.06FT ALONG ARC OF CURVE TO LEFT, WITH A DELTA ANGLE OF 0DEG 19'26", RAD OF 76283.26FT , CHORD OF 431.06FT BEARING S 76DEG 13'01"W TH N 0DEG 24'20"E 137.58FT TO N LI OF SEC TH S 89DEG 35'40"E 578.14FT TO POB

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

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

Adopted and signed this 5th day of December, 2022.

Joe Caron, Mayor

Michelle Eubank, City Clerk

C. I-3 Zoning District

Director Zuzga provided on the background for the request for a creation of an I-3 zoning district. He stated that the MEDC originally approved the language of the zoning district but has since come back with requested revisions. Council expressed concern over the Planning Commission not having an opportunity to review the changes that were proposed by the MEDC.

Mayor Caron opened the public hearing

Hearing no comment, the hearing was closed.

Moved Traver, supported Wolfersberger, to refer Ordinance 2022-11, the Creation of an I-3 Zoning District, back to Planning Commission for further review. On a roll call vote – ayes: Underhill, Wolfersberger Mayor Caron, Gates and Traver; nays: none. **MOTION CARRIED.**

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Spark Grant Submission

Moved Gates, supported Traver to Resolution 2022-33 for the submission of a Spark Grant to the Michigan DNR in an amount of \$1 million. On a roll call vote – ayes: Traver, Underhill Wolfersberger Mayor Caron, and Gates; nays: none. **MOTION CARRIED.**

Resolution 2022-33

Resolution to approve a Spark Grant Application

WHEREAS, Marshall City Council supports the submission of an application titled, "Eaton Park Development" to the Spark grant program for the redevelopment of a former parking lot to add pickleball courts, new parking lot, splash pad, and pavilion/restroom facilities at Eaton Park (116 South Fountain Street) and,

WHEREAS, City of Marshall is hereby making a financial commitment to the project in the amount of \$1,000,000 in matching funds, in cash and/or force account; and,

WHEREAS, if the grant is awarded the applicant commits its local match and donated amounts from the following sources:

Cronin Foundation	\$600,000
Marshall Community Foundation	\$ 50,000
Community Donations	\$350,000
Total	\$1,000,000 (sum of donations)

NOW THEREFORE, BE IT RESOLVED that Marshall City Council hereby authorizes submission of a Spark Grant Application for \$1 million, and further resolves to make available a local match through financial commitment and donation(s) of \$1,000,000 (50%) of a total \$2,000,000 project cost, during the 2022-2023 and 2023-2024 fiscal years.

AYES: Traver, Underhill, Wolfersberger, Caron, Gates

NAYES: None

ABSENT: Rice and Schwartz

MOTION APPROVED.

I HEREBY CERTIFY, that the foregoing is a Resolution duly made and passed by City Council of the City of Marshall at their regular meeting held on December 5, 2022, at 7:00 p.m. in Marshall, Michigan, with a quorum present.

Michelle Eubank, City Clerk

Date

B. Cronin Foundation Grant Submission

Moved Underhill, supported Gates, to approve the submission of a Cronin Foundation Grant in the amount of \$200,000, with City match of \$46,000 for the reconstruction of the Marshall Riverwalk section from Stuart's Landing to Marshall Avenue. On a voice vote – **MOTION CARRIED.**

C. Pension and OPEB Report

Moved Wolfersberger, supported Underhill to accept the 2022 Local Government Retirement System Annual Report. On a voice vote – **MOTION CARRIED.**

D. Electric Fund Deficit Elimination Plan

Moved Wolfersberger, supported Gates to approve Resolution 2022-32 for the Electric Fund deficit elimination plan and to direct the Finance Department to file the plan with the Michigan Department of Treasury. On a voice vote – **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN

RESOLUTION # 2022-32

WHEREAS, the City of Marshall's **Electric Fund** has an unrestricted net position deficit of \$1,212,179 on June 30, 2022; and

WHEREAS, Public Act 140, of 1971, as amended, requires that a Deficit Elimination Plan be formulated and approved by the City of Marshall, and filed with the Michigan Department of Treasury; and

WHEREAS, fiscal year 2022 completes the fourth year of a five year deficit elimination plan with the

Michigan Department of Treasury; and

WHEREAS, the deficit elimination plan reflects the fiscal year 2023 revenues and expenditures which reflect the cost of service study by Courtney & Associates including a rate increase and other trends;

NOW THEREFORE BE IT RESOLVED, that the plan includes an 11% rate increase effective July 1, 2022 as well as expenditure reductions to improve its financial position;

BE IT FURTHER RESOLVED that a plan for repayment of Fibernet Fund Advance of \$1,700,000 from the Electric Fund was approved by Council and is in the second year of the six-year repayment plan;

BE IT FURTHER RESOLVED that the City of Marshall Council adopts the following as the City of Marshall Electric Fund Deficit Elimination Plan:

ELECTRIC	
	5th year of Deficit Elimination Plan
	FY2023
Unrestricted Net Position (Deficit) July 1	(1,212,179)
Revenue	
Charges for Services	60,000
Residential Sales	4,168,190
Commercial Sales	5,347,275
Commercial Sales Marihuana	3,866,871
Industrial Sales	5,633,991
Street & Highway Lighting	57,539
Security & Resort Lighting	54,000
Penalties Income	64,105
Interest	20,000
Rents	6,401
Miscellaneous Revenue	104,381
Total Revenue	19,382,753
Expenditures	
Salaries and Fringes	2,850,494
Material and Supplies	107,142
Purchased Power	10,960,814
Contracted Services	391,248
Insurance	57,680
Other Services and Charges	648,917
Bond Interest	174,525
Depreciation	575,932
Transfers Out	612,896
Total Expenditures	16,379,648
Add Back Depreciation	575,932
Unrestricted Net Position (Deficit) June 30	\$2,366,858
	5th year of Deficit Elimination Plan
	FY2023
Current Assets - Current Liab. (Deficit)-not including accrued interest-July 1	(\$1,809,507)
Revenues	19,382,753
Expenditures	(16,379,648)
Add Back Depreciation	575,932
Current Assets - Current Liab. (Deficit)-not including accrued interest-June 30	\$1,769,530

BE IT FURTHER RESOLVED that the City of Marshall's Finance Director is directed to submit the Deficit Elimination Plan to the Michigan Department of Treasury for certification.

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 5th day of December 2022.

Michelle Eubank, City Clerk

Date

E. Maria's Uncorked MLCC

Moved Underhill, supported Traver to approve Resolution 2022-31, authorizing the MLCC application for a Joint Tasting Room License for Maria's Uncorked, LLC and Warner Vineyards, Inc at 116 E Michigan Ave contingent upon approval of the small wine maker license. On a roll call vote – ayes: Gates, Traver, Underhill, Wolfersberger and Mayor Caron; nays: none. **MOTION CARRIED.**

F. Personnel Manual Modification

Moved Gates, supported Wolfersberger, to approve the addition of section 6.20-Employee Recognition Activities and Awards, to the City of Marshall Personnel Policy Manual as presented. On a voice vote – **MOTION CARRIED.**

G. Triterra Service Agreement

Moved Gates, supported Traver, to authorize the City Manager to execute the proposal from Triterra for the impacted soil removal, sub-slab depressurization system design and installation, and response activity plan in the amount not to exceed \$293,000. On a roll call vote – ayes: Traver, Underhill Wolfersberger Mayor Caron, and Gates; nays: none. **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

A. Planning Commission Appointment

Moved Wolfersberger, supported Traver, to approve the reappointment of Jim Zuck to the Planning Commission with a term expiration of November 1, 2025. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON NON-AGENDA ITEMS

None

COUNCIL AND MANAGER COMMUNICATIONS

Underhill and Wolfersberger appreciated all the work of the City Staff on the Annual Christmas Parade.

ADJOURNMENT

The meeting was adjourned at 8:09 p.m.

Joe Caron, Mayor

Michelle Eubank, City Clerk

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 12/02/2022 - 12/02/2022
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
5862	AUGUST ENVIRONMENTAL S	QUARTERLY WASTE WATER LAB SERVICES		1,404.00
142150	BALTIC NETWORKS USA	RB962 MIKROTIK ROUTERS QTY 20	2022.251	2,492.98
142152	BALTIC NETWORKS USA	RB962 MIKROTIK ROUTERS QTY 20	2022.251	2,492.98
0350262-IN	BEAVER RESEARCH COMPAN	ACCT NO. CIT123 DISINFECTANT SPRAY		225.00
12012022	CALHOUN CO. MUNICIPAL	2023 CALHOUN CO. CLERK'S MEMBERSHIP DUES		15.00
12012022	CALHOUN COUNTY CLERK	NOTARY FILING FEE - MICHELLE EUBANK		10.00
12022022	CALHOUN COUNTY TREASUR	PRE CHANGE - INVOICES 22-902 & 22-903		38.27
169534	D & D MAINTENANCE SUPP	ACCT NO. CIMA1 JANITORIAL SUPPLIES		243.14
169535	D & D MAINTENANCE SUPP	ACCT NO. CIMA1 JANITORIAL SUPPLIES		613.28
170635	D & D MAINTENANCE SUPP	ACCT NO. CIMA1 JANITORIAL SUPPLIES		17.60
MIBAT324516	FASTENAL COMPANY	CUST NO. MIBAT1561 GARAGE SUPPLIES		328.59
9498077594	GRAINGER	ACCT NO. 804945673 RUBBER BOOTS		52.86
9329426302	GRAYBAR ELECTRIC	ACCT NO. 0000571644 COMMScope INVENTORY 2023.070		955.87
9329426303	GRAYBAR ELECTRIC	ACCT NO. 0000571644 COMMScope CABLES FOR 2023.045		312.30
9329472663	GRAYBAR ELECTRIC	ACCT NO. 0000571644 COMMScope INVENTORY 2023.070		818.14
9329513909	GRAYBAR ELECTRIC	ACCT NO. 0000571644 COMMScope CABLES FOR 2023.045		3,343.23
9329522024	GRAYBAR ELECTRIC	ACCT NO. 0000571644 DROP CABLES, REAL FL 2023.116		809.99
23201	GUTTERS R US LLC	LAWN PEST APPLICATION AT MARSHALL HOUSE		200.00
23342	GUTTERS R US LLC	SNOW REMOVAL AND SIDEWALK SALTING FOR 2 2023.124		4,431.60
23343	GUTTERS R US LLC	SNOW REMOVAL AND SIDEWALK SALTING FOR 2 2023.125		2,350.00
11132022	HOME DEPOT CREDIT SERV	ACCT NO. 6035 3225 3883 7943 MARSHALL HO		96.59
4033548	IIX INSURANCE INFORMAT	ACCT NO. 888907 MOTOR VEHICLE REPORT ACC		36.20
826	IMPACT LAWN & LANDSCAP	LAWN CARE/LEAVES AT WASTE WATER OCT 2022		400.00
S112306143.001	KENDALL ELECTRIC INCOR	POWER HOUSE - HEATER		174.42
11092022CAR	MARSHALL COMMUNITY CU	CITY CREDIT CARD - CHRISTY A. RAMEY 3101		521.24
11092022DP	MARSHALL COMMUNITY CU	CITY CREDIT CARD - DEREK PERRY 0186		932.50
11092022EZ	MARSHALL COMMUNITY CU	CITY CREDIT CARD - ERIC ZUZGA 3119		298.12
11092022JL	MARSHALL COMMUNITY CU	CITY CREDIT CARD - JOSHUA LANKERD 3280		305.67
11092022JRM	MARSHALL COMMUNITY CU	CITY CREDIT CARD - JUSTIN R. MILLER 9156		879.28
11092022MD	MARSHALL COMMUNITY CU	CITY CREDIT CARD - MARGUERITE DAVENPORT		1,070.93
11092022ME	MARSHALL COMMUNITY CU	CITY CREDIT CARD - MARTIN ERSKINE 9519		459.00
11092022TAS	MARSHALL COMMUNITY CU	CITY CREDIT CARD - THERESA A. SEARS		87.50
11092022WD	MARSHALL COMMUNITY CU	CITY CREDIT CARD - WILLIAM DOPP III 9493		9.90
61387	MCNALLY ELEVATOR COMP	ACCT NO. MA2391 MARSHALL HOUSE ELEVATOR		702.68
61549	MCNALLY ELEVATOR COMP	ACCT NO. MA2391 MARSHALL HOUSE ELEVATOR		410.00
61932	MCNALLY ELEVATOR COMP	ACCT NO. MA2391 MARSHALL HOUSE ELEVATOR		2,429.25
62242	MCNALLY ELEVATOR COMP	ACCT NO. MA2391 MARSHALL HOUSE ELEVATOR		702.68
12012022	MICHIGAN ASSOC OF MUNI	2023 MICHIGAN ASSOC. OF MUNI CLERKS MEMB		81.00
2430561	OFFICE 360	ACCT NO. 26140 SOAP		111.22
12/02/2022	OSBORN, LINN	UB refund for account: 3204580023		80.66
82925	PRINTLINK	DRIVER PRE-TRIP INSPECTION/REPAIR (DART)		236.40
22-0310	QUALITY EXCAVATORS, IN	2022 SIDEWALK REPAIRS	2023.128	19,574.00
22-0312	QUALITY EXCAVATORS, IN	2022 SIDEWALK REPAIRS ADD ON		2,100.00
19366	RC SYSTEMS INC.	ANNUAL REC PRO RECREATION MANAGEMENT SYST		4,375.00
I004309	RED'S BEST AUTO SERVIC	AIRPORT TRUCK REPAIR SERVICE		2,341.52
12/02/2022	ROBIN SHELLENBERGER	UB refund for account: 3279		54.40
70862357	ROSE PEST SOLUTIONS	CLIENT NO. 70019775 MARSHALL HOUSE SERVI		1,600.00
70862450	ROSE PEST SOLUTIONS	CLIENT NO. 70019775 MARSHALL HOUSE SERVI		152.00
12012022	STATE OF MICHIGAN	NOTARY FILING - MICHELLE EUBANK		10.00
139	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE (3-PERSON \$106/2023.002		1,855.00
151397	USA BLUEBOOK	CUST NO. 859103 WATER PLANT SUPPLIES		327.42
12022022	V & V ASSESSING LLC	ASSESSING SERVICES DECEMBER 2022		4,700.00
69054	VIRGINIA TRANSFORMER C	TRANSFORMERS FOR BROOKS SUBSTATION 20/27 2022.164		313,532.70
69071	VIRGINIA TRANSFORMER C	TRANSFORMERS FOR BROOKS SUBSTATION 20/27 2022.164		313,532.70
GRAND TOTAL:				695,334.81

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 12/09/2022 - 12/09/2022
UNJOURNALIZED
OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
92594	ALL-TRONICS, INC.	2023 Q1 FIRE ALARM MONITORING AT POWER H		81.00
92595	ALL-TRONICS, INC.	2023 Q1 FIRE ALARM MONITORING AT WATER P		81.00
32915070	APPLIED CAPITAL, LLC	CONTRACT NO. 132-1753516-000 MRLEC COPIE		117.52
488579	ASCENSION MICHIGAN	DOT PHYSICAL EXAM - SCHIPPER		88.00
11172022	AT&T	ACCT NO. 145970911 MRLEC INTERNET DEC 20		117.34
12082022	BENHAM, DAVID & RAMONA	TAX REFUND OVERPAYMENT 13-53-008-614-00		586.67
3982308	BESCO WATER TREATMENT,	CUST NO. 2035827 MRLEC SALT		94.58
12/09/2022	BLAND, LYNN CHARLES	UB refund for account: 3005440023		49.87
172661	BRUTSCHE CONCRETE PROD	CUST ID: 0412 TAX EXEMPT - FOUNDATIONS		229.00
172662	BRUTSCHE CONCRETE PROD	CUST ID: 0412 TAX EXEMPT - FOUNDATIONS		2,102.00
12072022	BUCZYNSKI, THOMAS	ENERGY OPTIMIZATION - AIR CONDITIONER		150.00
17956	BURNHAM & FLOWER INSUR	ACCT NO. MARSCIT-01 NOTARY BOND		50.00
12/09/2022	CARVEY JR., THURYL	UB refund for account: 3203040019		16.37
12/09/2022	CATE PELLEY	UB refund for account: 324400		18.50
2200029143	CITY OF JACKSON	CUST NO. 000803 FALL 2022 SMCJTC CONTRIB		458.40
12082022	CORELOGIC CENTRALIZED	TAX REFUND OVERPAYMENT 13-53-009-246-00		3,005.39
12012022	CORELOGIC CENTRALIZED	TAX REFUND OVERPAYMENT 13-53-022-092-00		3,489.92
106404	CRT, INC.	SMARTNET 1 YEAR		80.00
106429	CRT, INC.	CLOUD STORAGE DEC 2022		1,563.10
170723	D & D MAINTENANCE SUPP	ACCT NO. CIMA1 JANITORIAL SUPPLIES		240.56
170736	D & D MAINTENANCE SUPP	ACCT NO. CIMA1 TRASH BAGS		35.42
S0016736	EMERGENCY VEHICLE PROD	CUST ID: MARSHALL - FIRE VEHICLE MAINTEN		375.00
I121404	ERIC DALE HEATING & AI	MAINTENANCE AGREEMENT - DPW STORAGE BLDG		86.18
I121410	ERIC DALE HEATING & AI	MAINTENANCE AGREEMENT - DPW GARAGE		227.75
0168046	FERGUSON WATERWORKS	#3 CUST NO. 2868 MEGALUGS & BOLTS INVENTORY		640.00
12082022	FINNEY, EMILY	BOOT ALLOWANCE - FINNEY, EMILY		41.96
12092022	FIRST CONTRACTING, INC	SCHULER'S PAYMENT REQUEST - CONSTRUCTION		215,856.58
12/09/2022	GALUSZKA, CHELSEA	UB refund for account: 3205040029		58.44
12012022	GRENQUIST, SCOTT	TAX REFUND OVERPAYMENT 13-53-000-433-01		381.71
12012022	HAMILTON, TERESA	MARSHALL HOUSE RESIDENT PET DEPOSIT REFU		50.00
12/09/2022	HAMMER, JIM & CLAIRE	UB refund for account: 318600		221.00
2022-3	HEITFELD, CASSANDRA	PAYROLL SERVICES & TRAINING		2,805.00
134	HERMAN ELECTRIC	MAINTENANCE TO LIGHTS AT PSB		806.44
136	HERMAN ELECTRIC	MAINTENANCE TO BATHROOM AT PSB		422.90
109039	HOFFMAN AG SERVICE, LT	ELECTRIC DEPT - HERBICIDE		407.50
34838	HUNTER PRELL COMPANY	GENERATOR GAS PIPING AT CITY HALL		2,149.36
838	IMPACT LAWN & LANDSCAP	LAWN CARE AT ATHLETIC FIELDS		295.00
853	IMPACT LAWN & LANDSCAP	LAWN CARE AT WASTE WATER PLANT		100.00
854	IMPACT LAWN & LANDSCAP	LAWN CARE AT WATER PLANT		110.00
147	JOHN B SULLIVAN	PROFESSIONAL SERVICES JULY - SEPT 2022		7,210.00
11282022	JOHNSON, LARRY	MARSHALL HOUSE RESIDENT REFUND		561.00
8690	JS BUXTON	WASTE WATER BLANKET PO FOR LIME	2022.033	1,542.84
12022022	MARSHALL COMMUNITY CU	PROPERTY TAX REFUND - DUPLICATE PAYMENT		442.71
002128	MARSHALL HARDWARE	FIBERNET - STEP LADDER		45.99
002157	MARSHALL HARDWARE	ELECTRIC - ZIP TIES, SOCKET ADAPTER		41.65
12/09/2022	MCDONALD, ERIN & JOSH	UB refund for account: 1800703005		47.38
12/09/2022	MCINNIS, BRIAN	UB refund for account: 3202620013		40.17
87993969	MCMASTER-CARR	ACCT NO. 188371900 STEEL ROD, CLAMPING H		43.38
S5126519.001	MEDLER ELECTRIC COMPAN	CUST NO. 979 ELECTRICAL TAPE		571.05
7833	MID-MICHIGAN MECHANICA	MARSHALL HOUSE WATER MAIN INSULATION		1,227.88
11282022	OAKLAWN HOSPITAL	ACCT NO. 9950-56303 DRUG SCREEN SERVICES		40.00
12/09/2022	OERTHER'S	UB refund for account: 1900130002		140.91
11212022	PATE, BRIAN	ENERGY OPTIMIZATION - AIR CONDITIONER &		190.00
12072022	PERKINS, MARTHA	ENERGY OPTIMIZATION - ENERGY STAR APPLIA		50.00
00189740	PROGRESSIVE AE	ZONING SERVICES FOR MARSHALL MEGA SITE	2022.277	2,551.25
00190327	PROGRESSIVE AE	ZONING SERVICES FOR MARSHALL MEGA SITE	2022.277	1,530.00
12/09/2022	RHOADES, NICOLE	UB refund for account: 100680012		114.85
12022022	RICHMOND, KANDRA	REFUND UTILITY SECURITY DEPOSIT - NO UB		100.00
12/09/2022	ROBARTS, PHILIP	UB refund for account: 1700040005		280.21
12/09/2022	SANDRA MAUNTEL	UB refund for account: 2235		45.60
12/09/2022	SCHLUMM, JACOB & DEBOE	UB refund for account: 601600011		57.04
2009380	STANTEC CONSULTING MIC	2022 CONSTRUCTION ENGINEERING - S. MARSH	2023.073	7,301.25
2009382	STANTEC CONSULTING MIC	2022 CONSTRUCTION ENGINEERING - S. MARSH	2023.073	7,766.13
12/09/2022	TATRAI, WILLIAM	UB refund for account: 2708060009		138.76
259689	TELNET WORLDWIDE	ACCT NO. 8948 NOV 2022		1,293.95
140	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE (3-PERSON \$106/2023.002		3,392.00
1620046686	UNIFIRST CORPORATION	UNIFORM SERVICES - POWER HOUSE		66.02
1620046685	UNIFIRST CORPORATION	UNIFORM SERVICES - DPW GARAGE		53.15
1620046689	UNIFIRST CORPORATION	UNIFORM SERVICES - WATER		42.19
1620046687	UNIFIRST CORPORATION	UNIFORM SERVICES - ELECTRIC & FIBER		203.81
1620046682	UNIFIRST CORPORATION	UNIFORM SERVICES - WASTE WATER		39.45
1620046688	UNIFIRST CORPORATION	UNIFORM SERVICES - MARSHALL HOUSE		50.83
11292022	WOW! BUSINESS	ACCT NO. 014226414 FIRE DEC 2022		126.16
11242022	WOW! BUSINESS	ACCT NO. 013934621 DPW DEC 2022		46.69
GRAND TOTAL:				275,083.76

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 12/21/2022 - 12/21/2022
UNJOURNALIZED
OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
14RG-1WNN-JPT1	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - ETHERNET ADAPTERS		450.13
1CXQ-GC9J-VXQ9	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - USB C CHARGER		24.04
1R9J-PLTH-37DM	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - BOOT COVERS		37.98
11Q7-KQYC-1FJ7	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - THERMAL IMAGING CA		3,374.81
1NMD-K9RD-73TT	AMAZON CAPITAL SERVICE	ACCT A1P4GM99HG1EO2 - FLAGPOLE RING		47.98
225-501213	AUTO VALUE MARSHALL	GARAGE/STREETS - CONTOUR BLADE, 1000LM 1		95.07
225-501250	AUTO VALUE MARSHALL	GARAGE/STREETS - VEHICLE BATTERY		338.00
225-501266	AUTO VALUE MARSHALL	GARAGE/STREETS - OIL/AIR FILTER, LAMP		84.60
225-501301	AUTO VALUE MARSHALL	GARAGE/STREETS - LED LAMPS		113.22
225-501306	AUTO VALUE MARSHALL	GARAGE/STREETS - IGNITION SWITCH		47.98
225-501328	AUTO VALUE MARSHALL	GARAGE/STREETS - MURPHY SWITCH		111.09
225-501344	AUTO VALUE MARSHALL	GARAGE/STREETS - WIRE ACCESSORIES		7.18
225-501413	AUTO VALUE MARSHALL	GARAGE/STREETS - AIR FILTER		14.64
225-501435	AUTO VALUE MARSHALL	GARAGE/STREETS - SAND SPONGE, CRYSTAL CL		16.66
225-501544	AUTO VALUE MARSHALL	GARAGE/STREETS - UNIV CB 1		6.29
225-501545	AUTO VALUE MARSHALL	GARAGE/STREETS - CIRCUIT BREAKER		21.89
22-713	CANYON INDUSTRIES, INC	HYDRO 3 THRUST/UPPER BEARING REPAIR	2022.283	22,960.00
1265422	CLARK HILL PLC	CLIENT NO. K9950 SERVICES THROUGH 11/30/		493.00
708728	CORRPRO COMPANIES, INC	CLIENT NO. 2393477 WATER TANK INSPECTION		1,720.00
2500772211	FIRST ADVANTAGE CORPOR	ACCT NO. 866466 CLINIC COLLECTION		152.47
9329775072	GRAYBAR ELECTRIC	COMMSCOPE INVENTORY ORDER QUOTE# 2416347	2023.070	1,001.10
9329797333	GRAYBAR ELECTRIC	DROP CABLES, REAL FLEX CABLES FOR FIBERN	2023.116	1,846.91
9329806694	GRAYBAR ELECTRIC	ACCT NO. 0000571644 REEL CABLE 50FT		187.94
2294595	GRIFFIN PEST SOLUTIONS	ACCT NO. 197892 SERVICES AT 1201 ARMS ST		42.00
4020	HE CLEANS TOO, LLC	MARSHALL HOUSE - JANITORIAL SUPPLIES		95.78
4021	HE CLEANS TOO, LLC	FIRE STATION - JANITORIAL SUPPLIES		175.00
4022	HE CLEANS TOO, LLC	CITY HALL - JANITORIAL SUPPLIES		303.28
D355673-IN	ILLUSTRATUS, DIVISION	ACCT NO. 01-BT508 MARSHALL HOUSE SUBSCRI		46.27
173581	IMPACT SOLUTIONS	CLIENT NO. MARSH - TAX PAPER (W/O SALES		1,583.00
29074	J AND K PLUMBING SUPPL	MARSHALL HOUSE - STAINLESS STEEL CONNECT		41.48
018187	LEWEY'S SHOE REPAIR	BOOT ALLOWANCE - WISE, JOSH		230.00
018195	LEWEY'S SHOE REPAIR	BOOT ALLOWANCE - STRAND, MARK		225.00
INVPR112175	LEXIPOL	POLICEONE ACADEMY ANNUAL USER FEE		1,483.20
02142023	MARENGO TOWNSHIP	TAXES PROP #: 15-311-015-00 WINTER TAXES		1,427.43
2022-04	MARSHALL HIGH SCHOOL	2023 DADDY DAUGHTER DATE NIGHT		565.10
12082022	MCGINTY, HITCH, PERSON	CLIENT NO. 4030.001 SERVICES THROUGH 11/		7,500.00
S5126519.003	MEDLER ELECTRIC COMPAN	CUST NO. 979 ELECTRIC TAPE		136.96
20221221125	METRO WIRELESS	BUSINESS DATA SERVICES - 10 GBPS INTERNE	2023.105	2,500.00
1858362	MILLER JOHNSON ATTORNE	CLIENT NO. 52636 SERVICES THROUGH 11/30/		116.00
NNS42047	NEONOVA NETWORK SERVIC	ISP TECH SUPPORT NOVEMBER 2022		1,000.00
824626	NYE UNIFORM COMPANY	MARSHALL PD - AMBROSE PANTS		13.77
116027	O'LEARY WATER CONDITIO	METER OFFICE - NOV & DEC COOLER & WATER		115.00
2445337	OFFICE 360	ACCT NO. 26140 COPY PAPER & LABELS		168.94
2446534	OFFICE 360	ACCT NO. 26140 COPY PAPER		43.49
2453118	OFFICE 360	ACCT NO. 26140 DESK PAD		9.46
56706848	POWER LINE SUPPLY	CUST ID: 100402 500MCM COPPER		3,680.00
56707056	POWER LINE SUPPLY	CUST ID: 100402 4" U-GUARD		155.95
56707059	POWER LINE SUPPLY	CUST ID: 100402 INVENTORY		491.30
56707422	POWER LINE SUPPLY	CUST ID: 100402 METER MOUNT FOR FAIRGROU		1,114.50
56708549	POWER LINE SUPPLY	CUST ID: 100402 PHOTO EYE		1,045.50
56708546	POWER LINE SUPPLY	CUST ID: 100402 POWER GRIP		78.90
56708581	POWER LINE SUPPLY	CUST ID: 100402 3 WIRE RACK		748.35
8990	POWERS CLOTHING, INC.	CUST NO. 10114 BOOT ALLOWANCE - SANDERS,		165.94
1256658	PROFORMANCE DJ'S LLC	2023 DADDY DAUGHTER DATE NIGHT		300.00
12062022	QUALITY EXCAVATORS, IN	2022 STREET IMPROVEMENTS - ROAD MILLAGE	2022.280	268,363.63
22-0320	QUALITY EXCAVATORS, IN	WATER DEPARTMENT INDUSTRIAL RD		1,250.00
19733	SHOULDCICE INDUSTRIAL	M.22 KW GENERATOR AND TRANSFER SWITCH FOR	2023.048	13,655.00
11038	TIRE CITY TIRE PROS	2011 CHEVY CAPRICE NEW TIRES & INSTALL		1,152.04
11820	TIRE CITY TIRE PROS	2017 FORD INTERCEPTOR NEW TIRES & INSTAL		764.80
1620048632	UNIFIRST CORPORATION	UNIFORM SERVICES - MARSHALL HOUSE		50.83
1620048629	UNIFIRST CORPORATION	UNIFORM SERVICES - DPW GARAGE		53.15
1620048631	UNIFIRST CORPORATION	UNIFORM SERVICES - ELECTRIC & FIBER		204.99
1620048630	UNIFIRST CORPORATION	UNIFORM SERVICES - POWER HOUSE		61.67
1620048627	UNIFIRST CORPORATION	UNIFORM SERVICES - WASTE WATER		69.65
1620048633	UNIFIRST CORPORATION	UNIFORM SERVICES - WATER		38.89
1620049281	UNIFIRST CORPORATION	UNIFORM SERVICES - MARSHALL HOUSE		50.83
1620049278	UNIFIRST CORPORATION	UNIFORM SERVICES - DPW GARAGE		53.59
1620049280	UNIFIRST CORPORATION	UNIFORM SERVICES - ELECTRIC & FIBER		349.98
1620049279	UNIFIRST CORPORATION	UNIFORM SERVICES - POWER HOUSE		58.10
1620049276	UNIFIRST CORPORATION	UNIFORM SERVICES - WASTE WATER		54.45
1620049282	UNIFIRST CORPORATION	UNIFORM SERVICES - WATER		45.04
GRAND TOTAL:				345,031.22



MICHIGAN SOUTH CENTRAL POWER AGENCY

168 DIVISION STREET
COLDWATER, MICHIGAN 49036
PHONE (517) 279-6961
FAX (517) 279-6969

INVOICE MONTH: November, 2022
INVOICE DATE: 12/14/2022
DUE DATE: 12/29/2022
TOTAL AMOUNT DUE: \$771,478.03

MARSHALL CITY ELECTRIC DEPARTMENT
323 WEST MICHIGAN AVENUE
MARSHALL, MICHIGAN 49068
ATTN: KEVIN MAYNARD

MSCPA Member Power Billing - November, 2022

Total Power Charges:	\$610,097.21
Transmission / Capacity / Ancillary Services:	\$130,008.45
Total Other Charges:	\$9,618.24
Total Miscellaneous Charges:	\$21,754.13

TOTAL CHARGES \$771,478.03

NOTE: PLEASE SEE ENCLOSED BACKUP FOR ADDITIONAL DETAIL

* Any amounts due and not paid by the due date shall bear interest at the rate of 1% per month until paid

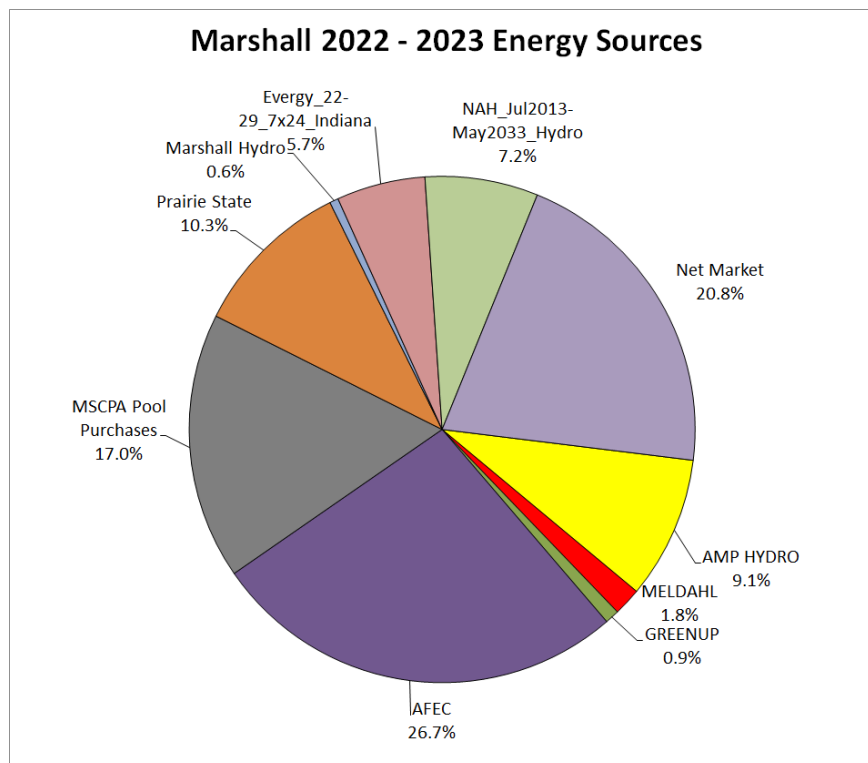
Notes:



ITEM 11.A

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Kevin Maynard, Director of Electric Utilities
DATE: December 20, 2022
SUBJECT: **AMP FREMONT ENERGY CENTER ADDITIONAL ALLOCATION**

The City of Marshall works diligently to reduce its power supply costs, which account for \$10,960,814 (65.5%) of the \$16,729,648 budgeted FY2023 Electric Department expenses. Approximately 78% of the City's annual energy requirements are provided by a diversified mix of generating assets including the Prairie State Energy Campus, American Municipal Power Hydroelectric Projects, AMP Fremont Energy Center, Menominee and Oconto Falls hydroelectric projects, the Marshall Power Plant and Hydroelectric Project, and through Power Purchase Agreements (PPAs) with various power suppliers, as shown on this pie chart of the City's projected 2022-2023 energy resources.

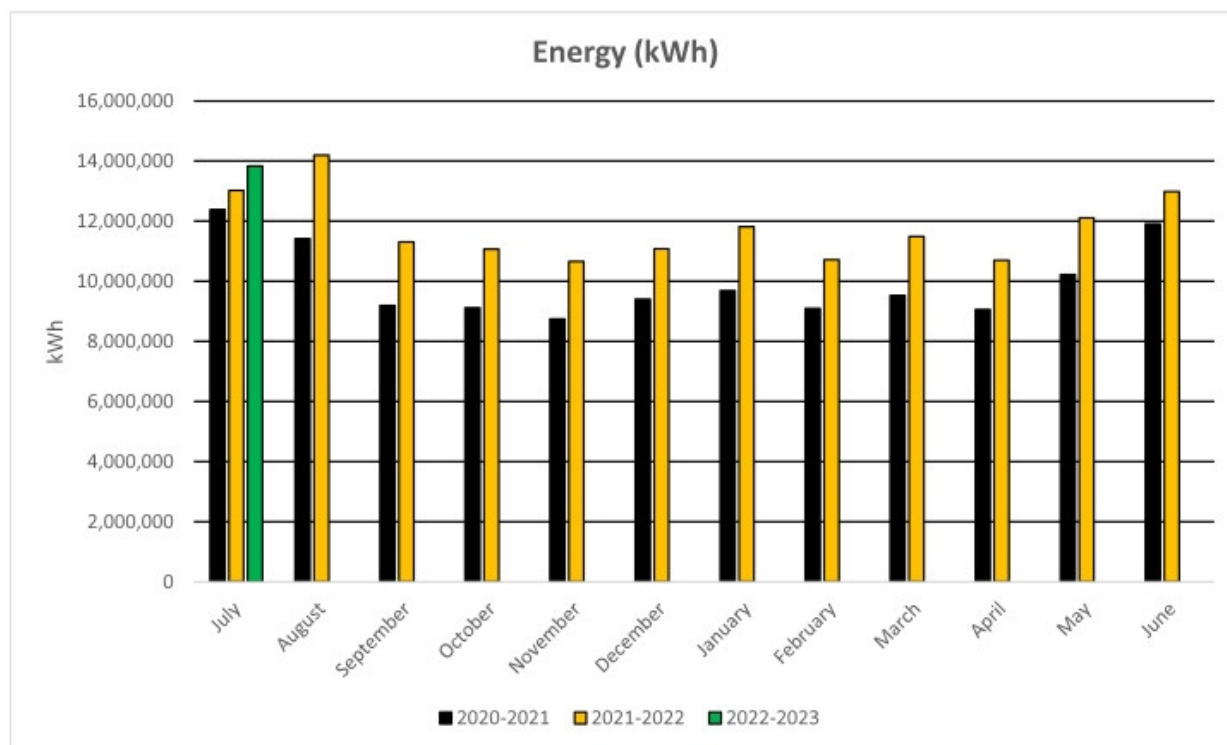


Prior to October 1, 2022, the City's remaining energy requirements (approximately 22%) were purchased on the Midcontinent Independent System Operator (MISO) hourly power supply market at a price that changed hour by hour. When market prices are low, these purchases help reduce the Power Supply Cost Adjustment (PSCA) included in electric bills; however, when market power prices increase, the PSCA—and local electric bills—also increase.

As shown in the table below, average monthly MISO market prices increased significantly since March 2022, and so did the City's energy market purchases. Market power prices increased along with Henry Hub Natural Gas Spot Price from \$4.38 per million Btu (MMBtu) in January 2022 to \$8.81 per MMBtu in August 2022. The financial impact for local consumers was significant, as the monthly cost of market power increased from \$352,032 in December 2021 to \$1,078,881 in August 2022, an increase of \$726,848. While much of this cost was offset by the power supply resources described above, approximately 22% of the City's energy needs remained subject to these increased costs.

City of Marshall Monthly MISO Market Power Purchases 2021-2022			
Month/Year	kWh	Cost (\$)	Cost/kWh (\$)
October 2021	8,882,004	513,110.88	0.0578
November 2021	8,248,451	450,457.05	0.0546
December 2021	8,665,900	352,032.04	0.0406
January 2022	9,446,549	469,170.94	0.0497
February 2022	8,889,373	429,894.99	0.0484
March 2022	9,168,959	430,672.33	0.0470
April 2022	7,784,415	483,075.62	0.0621
May 2022	8,984,285	712,470.92	0.0793
June 2022	9,675,295	946,956.62	0.0979
July 2022	10,805,288	991,336.14	0.0917
August 2022	10,819,119	1,078,880.52	0.0997
September 2022			#DIV/0!
October 2022			#DIV/0!
November 2022			#DIV/0!
December 2022			#DIV/0!
Total	101,369,638	6,858,058.05	0.0677

The bar graph below shows that the City's electric load has grown significantly over the past two years. If this electric load continues to increase, the amount of market energy purchases will also increase unless new power supply resources are acquired.



It is difficult to find new power supply resources that can help reduce the City's exposure to volatile market power prices while also ratcheting down total power supply costs. However, three viable options were identified:

Locust Ridge Wind Project: In September 2022, the Michigan South Central Power Agency (MSCPA) board approved a three-year, fixed price PPA from the Locust Ridge Wind Project in Schuylkill County, Pennsylvania. MSCPA will receive 20 MW of wind power under the agreement at a fixed price of \$47.50 per megawatt-hour (4.75 cents/kWh). The delivered cost of Marshall's 3.2 MW allocation is projected to be \$55.50/MWh, which began on October 1, 2022. This is the first wind power included in Marshall's power supply portfolio, and has reduced market power purchases.

Hart Solar Project: On September 19, 2022, City Council authorized execution of the MSCPA Project VI (Hart Solar Project) and Supplemental Power Sales Contract. This 100 MW solar project is being developed by CMS Enterprises in Oceana County, Michigan. It has a projected commercial operation date of January 1, 2026—three months after the Locust Ridge Wind Project PPA ends. The City of Marshall will receive a 3.7 MW allocation of the Hart Solar Project, the first solar energy included in the City's power supply portfolio.

AMP Fremont Energy Center (AFEC): The City of Marshall currently has a 7.645 MW allocation of this 687 MW natural gas combined cycle generating station located in Fremont, Ohio, which began commercial operation in 2012. This number includes 429 kW that the City

acquired from Union City on June 1, 2022. AFEC is a very efficient generating station that operates when market power prices exceed its variable operating costs. AMP has hedged much of AFEC's future natural gas purchases, which has helped keep energy generated at the facility below market prices.

The City of Hamilton's power supply resources exceed its energy needs, and it is interested in reducing its AFEC allocation. After consulting with AMP and City power supply consultant Courtney & Associates, staff recommends acquiring a 1 MW (1,000 kW) additional AFEC allocation.

Since AFEC operates when market power prices exceed its variable operating costs, it provides Marshall an additional hedge against higher market prices. Below is an analysis of the City's projected power supply costs from 2023 through 2027 with and without an additional 1 MW AFEC allocation. Projected savings in 2023 are approximately \$181,812, due to higher projected market prices in 2023 than those projected in 2024-2027. Projected savings over the five-year period are approximately \$276,000. If market power prices are greater in 2024-2027, estimated savings will increase.

Marshall Projected Power Supply Costs 2023-2027						
With and Without Additional 1 MW of AMP Fremont Energy Center						
\$/MWh				Total Power Costs/Year \$		
	W 1 MW	W/O 1	Difference	W 1 MW	W/O 1 MW	Difference
	AFEC	MW AFEC	\$	AFEC	AFEC	\$
2023	71.72	72.90	\$1.18	11,044,133	11,225,945	\$181,812
2024	76.71	76.88	\$0.17	11,813,351	11,840,056	\$26,705
2025	78.68	78.83	\$0.15	12,116,446	12,140,542	\$24,096
2026	79.52	79.73	\$0.21	12,246,388	12,278,272	\$31,884
2027	81.15	81.22	\$0.07	12,497,809	12,508,982	\$11,173
Total						\$275,670

BUDGET IMPACT:

The proposed additional 1 MW AFEC allocation will reduce the City's exposure to volatile market power purchases and is projected to save approximately \$276,000 over the next five years.

RECOMMENDATION:

Authorize the Mayor and City Clerk to execute the Assignment and Assumption Agreement for a 1 MW additional allocation of the American Municipal Power Fremont Energy Center.

RESOLUTION 22-034
APPROVING THE ASSUMPTION OF AN INTEREST OF THE CITY OF
HAMILTON, OHIO IN THE AMP FREMONT ENERGY CENTER POWER SALES
CONTRACT AND OTHER MATTERS

WHEREAS, the City of Marshall (the “City”) owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers; and

WHEREAS, the City is also a member of American Municipal Power, Inc., (“AMP”); and

WHEREAS, the City, along with other AMP Members (collectively “Participants”), entered into a Power Sales Contract regarding the American Municipal Power Fremont Energy Center dated June 15, 2011 (“PSC”); and

WHEREAS, in order to obtain such sources of electric capacity and energy, each Participant purchases its PSCR Share (as defined in the PSC) of the output of the Power Sales Contract Resources (as defined in the PCS) from AMP; and

WHEREAS, the City has determined that it requires additional electric capacity and energy; and

WHEREAS, the City of Hamilton, Ohio is a Participant under the PSC (“Assignor”); and

WHEREAS, the City desires to accept the assignment of and assume up to 0.215% (1,000 kW) from Assignor’s PSCR Share (the “Assigned Share”) along with the other rights and obligations of Assignor under the PSC, including, without limitation, any obligation of Assignor to purchase Step Up Power and pay Step Up Costs, related to the PSCR Share (as such terms are defined in the PSC) (the “Assignment”); and

WHEREAS, AMP, on behalf of the remaining Participants, has waived or will waive, upon the effectiveness of this Resolution and certain other prerequisites, the right of first refusal to assume Assignor's rights under the PSC; and

WHEREAS, the City, Assignor and AMP desire to enter into an Assignment and Assumption Agreement ("Assignment Agreement") which sets forth the parties' respective rights and obligations with regard to the Assignment.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Assignment is hereby authorized and the Assignment Agreement, in substantially the form of which is on file with the City Clerk, is hereby approved, and the Mayor and the City Clerk are authorized and directed, upon request of the City Council, to execute on behalf of the City a final form of the Assignment Agreement, substantially in the form approved by this resolution with such completions and changes therein as may be necessary and approved by the City Attorney.

2. The City is hereby authorized, through the execution and delivery of the Assignment Agreement, to acquire the Assigned Share, and the Mayor and the City Clerk, and each of them, are authorized to execute and deliver any and all documents necessary for the City to acquire the Assigned Share and to carry out Assignor's related obligations under the PSC.

3. 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 resolution shall be unaffected by such adjudication and all the remaining provisions of this resolution 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.

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

5. This resolution shall take effect immediately as an emergency measure because a continuous, uninterrupted, and cost-effective power supply is necessary to preserve the health, welfare, and safety of the community.

Passed on this, the _____ day of _____, 2022, by the following vote:

AYES:

NAYS:

ABSENT:

MOTION APPROVED.

I HEREBY CERTIFY, that the foregoing is a Resolution duly made and passed by City Council of the City of Marshall at their regular meeting held on December 20, 2022, at 7:00 p.m. in Marshall, Michigan, with a quorum present.

Michelle Eubank, City Clerk

Date

MEMORANDUM

TO: Kevin Maynard

FROM: John Courtney

DATE: December 15, 2022

SUBJECT: AFEC ASSIGNMENT

DISCUSSION: In response to your request, we are submitting this memorandum of recommendation regarding the City of Marshall's acquisition of 1 MW of the AMP Fremont Energy Center Project (AFEC) from the City of Hamilton, Ohio. As you know, we have several clients, including Marshall, that are Participants in AFEC, so we are very familiar with the AFEC project

Since its startup, AFEC has been a very efficient and cost-effective resource. With a typical heat rate of approximately 7.2 MMBTUs per kWh, and AMP's practice of purchasing natural gas in the forward market when prices are low, the plant is typically "in-the-money", which means that it can produce energy at a lower cost per MWh than the market price for energy. As such, AFEC provides a long-term hedge against future volatile energy prices.

The only negative aspect of the project is that it is not located in MISO Zone 7. AFEC is located in the PJM Interconnection and has consistently received capacity payments from PJM, which provide an offset to the capital and fixed costs associated with the project.

Based on the reasons cited above, it is our recommendation that the City of Marshall accept the assignment of 1 MW of Hamilton's subscription to AFEC. This resource will provide a long-term hedge against future volatile energy prices.

Assignment and Assumption Agreement

This Assignment and Assumption Agreement (“**Agreement**”), dated as of _____, 2022 (“**Effective Date**”), is by and among the City of Hamilton, Ohio (“**Hamilton**”), the City of Marshall, Michigan (“**Marshall**”), and American Municipal Power, Inc. (“**AMP**”).

WHEREAS, Hamilton is a party to the Power Sales Contract regarding AMP’s Fremont Energy Center between AMP and the Participants dated June 15, 2011 (“**PSC**”);

WHEREAS, pursuant to the PSC, Hamilton purchases its PSCR Share of the output of the Power Sales Contract Resources from AMP;

WHEREAS, as of November 1, Hamilton’s PSCR Share was 2.487% (11,550 kW) (the “**Current Hamilton Share**”;

WHEREAS, Marshall is also a party to the PSC as a Participant;

WHEREAS, Hamilton desires to assign to Marshall all of its rights and delegate to Marshall all of its obligations under the PSC related to 0.215% (1,000 kW) (the “**Assigned Share**”) from its PSCR Share and the obligations related thereto;

WHEREAS, Marshall desires to accept such assignment of rights and delegation of obligations under the PSC; and,

WHEREAS, AMP, on behalf of itself and on behalf of the remaining Participants, desires to consent to the Assignment.

NOW, THEREFORE, in consideration of the mutual covenants, terms and conditions set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Assignment and Assumption.

1.1 Assignment. Hamilton irrevocably (a) assigns to Marshall the Assigned Share and all of its accompanying rights under the PSC attributed to the Assigned Share and (b) delegates to Marshall all of its accompanying obligations under the PSC, including the obligation to buy the Assigned Share of the Power Sales Contract Resources from AMP, from and after the Effective Date (collectively, the “**Assignment**”).

1.2 Assumption. Marshall unconditionally accepts all of Hamilton’s rights and obligations in, to and under the PSC, including, without limitation, any obligation of Hamilton to purchase Step Up Power and pay Step Up Costs, related to the Assigned Share, and assumes and agrees to be bound by, fulfill, perform and discharge all of the liabilities, obligations, duties and covenants under or arising out of the PSC in connection with the Assigned Share, all from and after the Effective Date (collectively, the “**Assumption**”).

1.3 Consent. AMP, on behalf of itself and on behalf of the remaining Participants, consents to the Assignment and the Assumption. AMP, Hamilton and Marshall acknowledge and agree

that, from and after the Effective Date, Marshall's PSCR Share is 1.464% (6,799 kW), subject to adjustment as set forth in the PSC. AMP and Hamilton acknowledge and agree that, from and after the Effective Date, assuming the Other Assignments have also occurred, Hamilton will have no remaining PSCR Share. For purposes of this Section 1.3, "Other Assignments" refers to anticipated assignments of additional portions of Hamilton's PSCR Share to other PSC Participants, which may occur before, after, or together with the Assignment. The Other Assignments, together with the Assignment, are anticipated to include the assignment of the entirety of the Current Hamilton Share.

2. Representations and Warranties.

2.1 Hamilton's Representations and Warranties. Hamilton represents and warrants as follows:

(a) It has the full right, power and authority to enter into this Agreement and to perform its obligations hereunder.

(b) It has taken all necessary action to authorize the execution of this Agreement.

(c) It is the sole legal and beneficial owner of the rights granted to Marshall by this Agreement, free and clear of any lien, security interest, charge or encumbrance.

(d) It has performed all of its obligations under the PSC that are required to be performed on or before the Effective Date.

2.2 Marshall's Representations and Warranties. Marshall represents and warrants as follows:

(a) It has the full right, power and authority to enter into this Agreement and to perform its obligations hereunder.

(b) It has taken all necessary action to authorize the execution of this Agreement.

2.3 AMP's Representations and Warranties. AMP confirms that, to the best of its knowledge, as of the Effective Date of this Agreement, all conditions set forth in Section 26(C)(i)-(vi) of the PSC have been met, and represents and warrants as follows:

(a) It has the full right, power and authority to enter into this Agreement and to consent to the Assignment and the Assumption.

(b) It has taken all necessary action to authorize the execution of this Agreement.

3. Definitions. Capitalized terms used and not defined in this Agreement have the respective meanings assigned to them in the PSC.

4.1 Further Assurances. Upon another party's reasonable request, each party shall, at its sole cost and expense, execute and deliver all such further documents and instruments, and take all such further acts, necessary to give full effect to this Agreement.

4.3 Notices. Each party shall deliver all notices, requests, consents, claims, demands, waivers and other communications under this Agreement (each, a “**Notice**”) in writing and addressed to the other party at its address set forth below (or to such other address that the receiving party may designate from time to time in accordance with this section). Each party shall deliver all Notices by personal delivery, nationally recognized overnight courier (with all fees pre-paid), or certified mail (in each case, return receipt requested, postage prepaid). Except as otherwise provided in this Agreement, a Notice is effective only (a) on receipt by the receiving party, and (b) if the party giving the Notice has complied with the requirements of this Section.

Notice to Marshall: City of Marshall
323 W Michigan Ave
Marshall, MI 49068
Attention: City Manager

Notice to AMP: American Municipal Power Inc.
1111 Schrock Road, Suite 100
Columbus, Ohio 43229
Attention: President & CEO

4.5 Amendment and Modification. No amendment to this Agreement is effective unless it is in writing and signed by an authorized representative of each party to this Agreement.

4.6 Choice of Law. This Agreement is governed by, and construed in accordance with, the laws of the State of Ohio, without regard to the conflict of laws provisions, provided that the power and authority of Marshall to enter into this Agreement shall be construed in accordance with the laws of Michigan.

4.7 Counterparts. This Agreement may be executed in counterparts, each of which is deemed an original, but all of which together is deemed to be one and the same agreement. A signed copy of this Agreement delivered by facsimile, e-mail or other means of electronic transmission is deemed to have the same legal effect as delivery of an original signed copy of this Agreement.

[signature page follows]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

City of Hamilton, Ohio

City of Marshall, Michigan

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Approved as to Form

Approved as to Form

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

**Acknowledged and agreed with respect to Sections 1.3 and 2.3 hereof:
American Municipal Power, Inc.**

By: _____

Name: _____

Title: _____

Approved as to Form

By: _____

Rachel Gerrick

SVP & General Counsel for Corporate Affairs

The terms of the foregoing Assignment and Assumption by and between the City of Hamilton, Ohio and the City of Marshall, Michigan are hereby acknowledged and agreed by the Michigan South Central Power Agency.

MICHIGAN SOUTH CENTRAL POWER AGENCY

By: _____

Pamala Sullivan
General Manager

4892-3898-0669, v. 1



ITEM 11.B

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Marguerite Davenport, Director of Public Services
DATE: December 20, 2022
SUBJECT: **DART GRANT REQUEST**

Annually, the Senior Services of Calhoun County accepts mini-grant requests for agencies providing dedicated services to seniors in Calhoun County. The City of Marshall's Dial-A-Ride Transportation offers discounted rates to seniors (60+) for the Albion – Marshall Connector (AMC). The City is submitting a grant request to support the expenses of the AMC. The grant applications are received monthly by the County and the City plans to submit an application for review at the January 6, 2022, committee meeting. The grant amount is \$3,500.

BUDGET IMPACT:

The department has received a mini grant in the past from senior services. The revenue is budgeted, so if the grant is not awarded it will be a shortfall in revenue and potentially impact the AMC service. The current budget shortfall for the AMC is \$19,084.51.

RECOMMENDATION:

Authorize the submission of a Senior Millage Mini-Grant to Calhoun County in the amount of \$3,500.



ITEM 11.C

TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Marguerite Davenport, Director of Public Services
DATE: December 20, 2022
SUBJECT: **MARSHALL COMMUNITY FOUNDATION GRANT REQUEST**

The Marshall Area Farmers Market Board would like to improve customer engagement and marketing for the 2023 season. The MAFM Board has put together an application to the Marshall Community Foundation for \$4,640 to support various marketing materials including canopies and signs as well as tablets to collect customer data via surveys. The Marshall Community Foundation second quarter grant applications are due January 1, 2023.

BUDGET IMPACT:

None. If awarded, the grant will support the currently budgeted revenue of \$25,750.00.

RECOMMENDATION:

Approve the Marshall Area Farmer Market grant application to the Marshall Community Foundation.