



# MARSHALL CITY COUNCIL AGENDA

MONDAY – 7:00 P.M.

December 5, 2016

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) INVOCATION – Gail Monsma, First Presbyterian 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. 2017 City Council Meetings P. 3  
City Council will receive the dates for the 2017 City Council Meetings.
- B. 2017 Boards and Commissions P. 5  
City Council will receive the listing of the Boards and Commissions positions that are scheduled to expire and the term of office.
- C. Set Public Hearing – Adoption of the July 1, 2017 – June 30, 2023 Capital Improvement Program P. 7  
City Council will consider the recommendation to schedule a public hearing for January 3, 2017 to hear public comment regarding the proposed July 1, 2017 through June 30, 2023 Capital Improvement Program.
- D. City Council Minutes P. 17  
Regular Session.....Monday, November 21, 2016
- E. City Bills P. 21  

Regular Purchases .....	\$ 110,843.79
Weekly Purchases – 11/18/16.....	\$ 10,513.82
Weekly Purchases – 11/23/16.....	\$ 49,416.03
<b>Total .....</b>	<b>\$ 170,773.64</b>

8) PRESENTATIONS AND RECOGNITIONS

- A. Certificates of Appreciation  
City Council will present Certificates of Appreciation to past Boards and Commissions members.
- B. 2016 Comprehensive Annual Financial Audit  
Joe Verlin of Gabridge & Co., will present the 2016 Comprehensive Annual Financial Audit (CAFR) Report for the City of Marshall for the year ending June 30, 2016.

**Mayor:**

Jack Reed

**Council Members:**

Ward 1 - Kari Schurig

Ward 2 - Nick Metzger

Ward 3 - Brent Williams

Ward 4 - Michael McNeil

Ward 5 - Jon Gerten

At-Large - Kathy Miller



**C. Brooks Nature Area Presentation**

The Brooks Nature Area Advisory Committee will present an update on activities at the Brooks Nature Area.

**9) INFORMATIONAL ITEMS**

**10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**

**A. Changes to §150.120 - §150.124: Demolition of Building or Structures P. 25**

City Council will receive public comment on the proposed changes to §150.120 - §150.124: Demolition of Building or Structures.

**B. Amendment to Chapter §53: RATES P. 27**

City Council will receive public comment on the proposed amendment to Chapter §53: RATES of the Marshall City Code of Ordinances.

**11) OLD BUSINESS**

**12) REPORTS AND RECOMMENDATIONS**

**A. Marshall House Elevator Modernization P. 37**

City Council will consider the recommendation to approve and award the contract for the Elevator Modernization Project at Marshall House Apartments to McNally Elevator of Kalamazoo and authorize the City Clerk to sign the agreement

**B. Update to the City of Marshall Utilities Rate Classifications and Standard Rules and Regulations, Water and Sewer Rates and Fees P. 59**

City Council will consider the recommendation to accept the update to the City of Marshall Utilities Rate Classifications and Standard Rules and Regulations, Water and Sewer Rates and Fees.

**C. FY 2018 General Fund Budget Parameters P. 116**

City Council will consider the recommendation to approve the FY 2018 General Fund Budget parameters.

**D. City Assessor Wage P. 118**

City Council will consider the recommendation to increase the Assessor's salary to \$56,733 effective December 12, 2016.

**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,

Tom Tarkiewicz  
City Manager

December 5, 2016



**ADMINISTRATIVE REPORT**  
**December 5, 2016 – CITY COUNCIL MEETING**

**REPORT TO:** Honorable Mayor and City Council

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

**SUBJECT:** 2017 City Council Meetings

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

Attached is a listing of meeting dates for City Council in the Year 2017. All meetings will be held at 7:00 p.m. in the Council Chambers of Town Hall.

**RECOMMENDATION:** None. This is an informational report.

**FISCAL EFFECT:** None.

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

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

Trisha Nelson  
Clerk

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

Tom Tarkiewicz  
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com



**CITY OF MARSHALL**

**PUBLIC NOTICE**

**THE MARSHALL CITY COUNCIL MAY HOLD WORK SESSIONS PRIOR TO COUNCIL MEETINGS AT 6:00 P.M., AT TOWN HALL IN THE TRAINING ROOM, 323 WEST MICHIGAN AVENUE, MARSHALL, MI 49068.**

**THE MARSHALL CITY COUNCIL WILL HOLD ITS REGULAR MEETINGS IN THE YEAR 2017 AT 7:00 P.M., AT TOWN HALL IN THE COUNCIL CHAMBERS, 323 WEST MICHIGAN AVENUE, MARSHALL, MI 49068, ON THE FOLLOWING DATES:**

*Tuesday, January 3<sup>rd</sup>*

*Tuesday, January 17<sup>th</sup>*

Monday, February 6<sup>th</sup>

*Tuesday, February 21<sup>st</sup>*

Monday, March 6<sup>th</sup>

Monday, March 20<sup>th</sup>

Monday, April 3<sup>rd</sup>

Monday, April 17<sup>th</sup>

Monday, May 1<sup>st</sup>

Monday, May 15<sup>th</sup>

Monday, June 5<sup>th</sup>

Monday, June 19<sup>th</sup>

**Wednesday, July 5<sup>th</sup>**

Monday, July 17<sup>th</sup>

Monday, August 7<sup>th</sup>

Monday, August 21<sup>st</sup>

*Tuesday, September 5<sup>th</sup>*

Monday, September 18<sup>th</sup>

Monday, October 2<sup>nd</sup>

Monday, October 16<sup>th</sup>

Monday, November 6<sup>th</sup>

Monday, November 20<sup>th</sup>

Monday, December 4<sup>th</sup>

Monday, December 18<sup>th</sup>

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Trisha Nelson, Clerk



**ADMINISTRATIVE REPORT**  
**December 5, 2016 – CITY COUNCIL MEETING**

**REPORT TO:** Honorable Mayor and City Council

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

**SUBJECT:** Appointment or Reappointment of Boards and  
Commission Members

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

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

**RECOMMENDATION:** None. This is an informational report

**FISCAL EFFECT:** None.

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

Trisha Nelson  
Clerk

Tom Tarkiewicz  
City Manager

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**CITY OF MARSHALL NOTICE**  
**Boards and Commissions Positions**

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

Following is a listing of Boards and Commissions positions whose terms are scheduled to expire in 2017. Interested parties wishing to volunteer their services may apply by filling out an application and submitting a resume to the Mayor, Marshall City Hall, 323 West Michigan Avenue, Marshall, MI 49068. Some expired seats may be filled by the incumbent member.

<b>Board or Commission</b>	<b>Term of Office</b>
AIRPORT BOARD Two positions	10/1/2017 to 9/30/2020
BROOKS NATURE AREA Two positions	8/15/2017 to 8/14/2020
CONSTRUCTION BOARD OF APPEALS Three positions	10/7/2017 to 10/6/2020
DISTRICT LIBRARY BOARD One position	3/31/2017 to 3/30/2020
DOWNTOWN DEVELOPMENT AUTHORITY/ LOCAL DEVELOPMENT FINANCE AUTHORITY Two positions	9/15/2017 to 9/14/2021
LOCAL ADVISORY COMMITTEE One position	2/1/2017 to 1/31/2020
MARSHALL FARMERS MARKET ADVISORY BOARD Three positions	10/20/2017 to 10/19/2020
PARKS AND RECREATION Two positions	7/01/2017 to 6/30/2020
PLANNING COMMISSION Three positions	11/01/2017 to 10/31/2020
ZONING BOARD OF APPEALS Two positions	3/10/2017 to 3/09/2020

Trisha Nelson, Clerk  
12/5/2016



**ADMINISTRATIVE REPORT**  
**December 5, 2016 – City Council Meeting**

**TO:** Honorable Mayor and City Council Members

**FROM:** Jon B. Bartlett, Finance Director  
Tom Tarkiewicz, City Manager

**SUBJECT:** Schedule a Public Hearing for Adoption of the  
July 1, 2017 through June 30, 2023 Capital Improvement  
Program

**BACKGROUND:** Each year the City of Marshall must prepare a six-year Capital Improvement Program (CIP) that is formally adopted by City Council. This six-year CIP (spreadsheet attached) is the guide for future capital needs and resource allocation for the City of Marshall.

Beginning in August, staff began to update the previous CIP to address the changes impacting the six-year plan and add the latest fiscal year, 2022-23. The Finance Director assembles the data and analyzes the needs and the potential revenue resources.

The Marshall City Planning Commission held a public hearing at its November 9, 2016 regular meeting to hear public comment on the proposed CIP. The Planning Commission's role is to review the Planning Commission portion of the CIP to make certain it addresses any priorities included in the Master Plan for future land use and development. There was no public comments made on the CIP at this public hearing. The Planning Commission accepted and recommended Council approval of the CIP (minutes attached).

Council shall conduct a public hearing to receive comments on the proposed Capital Improvement Program in its entirety. Following the public hearing, Council will be asked to adopt the CIP as presented or with any changes Council deems appropriate.

**RECOMMENDATION:** Set a public hearing for January 3, 2017 for discussion and public comment regarding the proposed July 1, 2017 through June 30, 2023 Capital Improvement Program.

**FISCAL EFFECTS:** None.

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

Jon B. Bartlett  
Finance Director

Tom Tarkiewicz  
City Manager

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FUND	Department (sort with filter)	Project Title	Priority Ranking	Estimated Useful Life	Source of Funding	Project Narrative/Purpose	2017-2018 Expenditure	2018-2019 Expenditure	2019-2020 Expenditure	2020-2021 Expenditure	2021-2022 Expenditure	2022-2023 Expenditure	City Expenditure	Other Funds or Grant Share	Total Expenditure
295	Airport	Terminal Building Construction	2	30	General Fund 5%, FAA Allocation 90%, State 5%	The existing terminal building, due to it's age, requires improvements to maintain the use of the building.	\$13,500	\$13,500					\$27,000	\$517,000	\$544,000
295	Airport	Pavement Marking and Crack Sealing	1	10	General Fund 5%, FAA Allocation 90%, State 5%	Replacement of pavement markings and crack sealing as necessary	\$1,250						\$1,250	\$23,750	\$25,000
295	Airport	Purchase Snow Removal Equipment	2	30	General Fund 5%, FAA Allocation 90%, State 5%	Purchase snow removal equipment for the airport. The airport does not have any dedicated equipment on site for snow removal. This equipment will help airport personnel keep pavements clear of snow and better serve the airport users.		\$8,300					\$8,300	\$158,300	\$166,600
295	Airport	Land Acquisition	3	N/A	General Fund 5%, FAA Allocation 90%, State 5%	This project is to acquire approximately 29 acres of propoerty in easement. The propoerty is located at the approach end of runway 28 and is needed for approach protection and future development of the RPZ control.			\$8,300				\$8,300	\$158,300	\$166,600
						<b>TOTAL</b>	<b>\$14,750</b>	<b>\$21,800</b>	<b>\$8,300</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$44,850</b>	<b>\$857,350</b>	<b>\$902,200</b>
101	Cemetery	Cemetery Water Distribution System	2	20	Cemetery Trust Fund	Replacing the current water distribution system will eliminate line breaks which will result in reduced water usage as a result of the leaks.	\$10,000	\$10,000	\$10,000	\$12,000	\$12,000		\$54,000		\$54,000
101	Cemetery	Cemetery Road Paving Project	2	20	Cemetery Trust Fund	Finishing the drives in the cemetery will provide a clean and solid surface during inclement weather for those visiting their loved ones during a funeral service.	\$15,000	\$15,000	\$15,000	\$18,000	\$18,000		\$81,000		\$81,000
101	Cemetery	Cemetery Expansion to Meet Future Demand	3	150	Cemetery Trust Fund	Cemetery has four sections left holding 600 spaces for purchase. The number available will shrink exponentially as families begin having trouble finding blocks of spaces available for family plots. This will drive many to seek alternate locations.		\$30,000	\$50,000				\$80,000		\$80,000
						<b>TOTAL</b>	<b>\$25,000</b>	<b>\$55,000</b>	<b>\$75,000</b>	<b>\$30,000</b>	<b>\$30,000</b>	<b>\$0</b>	<b>\$215,000</b>	<b>\$0</b>	<b>\$215,000</b>
101	City Hall	Handicap Door Opener	2	15	General Fund	Handicap door opener on one outside door and interior door into Finance Department		\$10,400					\$10,400		\$10,400
101	City Hall	Replace eavetroughs at City Hall	2	15	General Fund	Replace all eavetroughs at City Hall. Current ones are bent and damaged from ice dams. Eliminate possible foundation damage in the future		\$7,200					\$7,200		\$7,200
101	City Hall	New Roof on garage at City Hall	1	25	General Fund	Re-roof whole garage area with membrain roofing	\$16,850						\$16,850		\$16,850
101	City Hall	Tuck Pointing at City Hall	1	25	General Fund	Chip out lost or missing mortar and tuck point	\$15,000						\$15,000		\$15,000
101	City Hall	Paint Trim at City Hall	2	15	General Fund	Paint trim and eaves at City Hall. Includes window caulking		\$5,000	\$5,000	\$5,000			\$15,000		\$15,000
101	PSB	Repair parking lot at PSB	2	15	General Fund	Crack sealing and a few large skip patch areas	\$6,500	\$6,500	\$6,500				\$19,500		\$19,500
101	PSB	Replace carpet on 1st and 2nd floor	3	15	General Fund	Replace approx. 9,786 sq. ft. of carpet on the 1st and 2nd floors of PSB including lobby and hallways.		\$12,000	\$12,000	\$12,000			\$36,000		\$36,000



FUND	Department (sort with filter)	Project Title	Priority Ranking	Estimated Useful Life	Source of Funding	Project Narrative/Purpose	2017-2018 Expenditure	2018-2019 Expenditure	2019-2020 Expenditure	2020-2021 Expenditure	2021-2022 Expenditure	2022-2023 Expenditure	City Expenditure	Other Funds or Grant Share	Total Expenditure
						TOTAL	\$38,350	\$41,100	\$23,500	\$17,000	\$0	\$0	\$119,950	\$0	\$119,950
207	MRLEC	Purchase 2 AEDs for MRLEC Building	1	15	MRLEC Operations	Building currently does not have an AED	\$6,000						\$6,000		\$6,000
298	Downtown Development Authority	Wayfaring signage	3	15	DDA Fund & grants	Installation of directional signs in the downtown			\$50,000				\$50,000		\$50,000
296	LDFA	Oliver Drive Extension	4	25	LDFA reserves and possible Bond	Extend Oliver Dr to Udell Property				\$400,000			\$400,000		\$400,000
296	LDFA	Water main loop in Industrial Park	4	50	LDFA reserves and possible Bond	Extend water main from Woolley Dr & Kalamazoo to Pratt Ave. Circle				\$650,000			\$650,000		\$650,000
						TOTAL	\$0	\$0	\$0	\$1,050,000	\$0	\$0	\$1,050,000	\$0	\$1,050,000
582	Electric	Replace High School Underground exit cables at the South Substation	1	40 yrs	Electric Fund	Underground electric cable has a normal life expectancy of 40 years. Substation exits are a critical component of the electric system. The High School Circuit out of the South Substation is the normal electric source to the high school, Oaklawn Hosp. and 250 residential customers in Northeast Marshall and is over 40 years old. The cables should be replaced before cable failures start to develop.	\$200,000						\$200,000		\$200,000
582	Electric	Rebuild Water Well #1 at Powerhouse	1	25	Electric Fund	Originally installed in the 1960's	\$25,000						\$25,000		\$25,000
582	Electric	Engine #6 rebuild turbochargers	1	20	Electric Fund	Rebuild worn turbochargers on Engine #6	\$50,000						\$50,000		\$50,000
582	Electric	Replace Tie 1 and 2 underground cable	2	40 years	Electric Fund	A portion of the two main express feeder cables from Pearl St. Substation to the Powerhouse are underground and in a duct system. They have been in service for 35 years and have meet their life expectancy. The feeder cables are the main source of power to the city's electric load and are the connection to the grid for the city's internal generation. Because they are a critical component of the electric system the cables should be modernized.			\$500,000	\$500,000			\$1,000,000		\$1,000,000
582	Electric	Repair Brick (re-tuck joints & seal)	1	50	Electric Fund	General maintenance of the brick structures. This is a historical site.	\$40,000	\$40,000					\$80,000		\$80,000
582	Electric	Replace Windows	3	50	Electric Fund	Existing windows are the original single pane steel framed and not energy efficient. Many of the window sills and frames are deteriorated to the point that water is coming in and further damaging the building.	\$50,000	\$50,000	\$50,000				\$150,000		\$150,000
582	Electric	Pearl St. Substation #1 Bank 12kv Bushing Replacement	1	40 years	Electric Fund	Replace #1 12.5 kv transformer bushing that are leaking	\$25,000						\$25,000		\$25,000
582	Electric	Replace the underground electric cable in the Wooded Lane area.	2	40 years	Electric Fund	The underground electric system in the Wooded Lane area is 35 years old. The normal life expectancy of this type of cable is 35 years. The proposal is to replace the total primary system cable and replace the secondary/service cables on an as needed basis.		\$100,000	\$100,000				\$200,000		\$200,000

FUND	Department (sort with filter)	Project Title	Priority Ranking	Estimated Useful Life	Source of Funding	Project Narrative/Purpose	2017-2018 Expenditure	2018-2019 Expenditure	2019-2020 Expenditure	2020-2021 Expenditure	2021-2022 Expenditure	2022-2023 Expenditure	City Expenditure	Other Funds or Grant Share	Total Expenditure
582	Electric	Replace Engine #6 Cooling Tower Piping	1	40	Electric Fund/DDA	Replace deteriorated and corroded piping to #6 cooling tower	\$25,000						\$25,000		\$25,000
582	Electric	Pole Replacement and Line Reconstruction	2	50	Electric Fund	Most of the older poles in the City of Marshall are Creosote treated poles and have a life expectancy of 30 - 40 years. Creosote, is not environmentally acceptable by today's standards. In most recent history, the City has purchased Penta and CCA treated poles. Many of the poles in the City of Marshall's electric system are older than 60 years and are in need of replacement. The plan is to replace several poles and conductor (if needed) per year to get the poles in the system more environmentally friendly and safe.	\$80,000	\$80,000	\$80,000	\$80,000	\$80,000	\$80,000	\$480,000		\$480,000
582	Electric	Kalamazoo River Dam Project	1	50	Electric Fund - Bond	The FERC is requiring that all trees, stumps and root system systems be removed from the earthen embankment between the spillway's. This will require a geotechnical investigation be completed to determine to what extent the embankment must be excavated and replaced. This budgetary number was created assuming the top eight feet of the embankment would need to be removed and reconstructed.	\$500,000	\$500,000					\$1,000,000		\$1,000,000
582	Electric	Substation Relay Replacement	1	30	Electric Fund	Replace outdated substation relays with new microprocessor based relays. Brings system protection schemes to modern day technology.	\$30,000	\$30,000					\$60,000		\$60,000
582	Electric	Circuit Upgrade	2	50	Bonding	Partial Conversion of 4kv System to 12kv. This will relieve the heavily loaded 4kv system and reduce line losses.	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$1,500,000		\$1,500,000
582	Electric	Underground Line Relocation	3	40	Electric Fund	Re-route electric underground cables to maintain feed to old State Farm warehouse building do to the demolition of the main State Farm building.	\$100,000						\$100,000		\$100,000
						TOTAL	\$1,375,000	\$1,050,000	\$980,000	\$830,000	\$330,000	\$330,000	\$4,895,000	\$0	\$4,895,000
210	Farmer's Market	Farmer's Market Pavillion	4	25	Farmer's Market/Grants	Pavillion to cover a portion of the Farmer's Market area in the Green St. parking lot				\$150,000			\$150,000		\$150,000
101	Fire	Structural Fire Fighting Protective Clothing Purchase	1	10	General Fund	With our turn-out gear being quickly outdated and non-compliant, it is imperative to set up a program to not only keep our fire fighters in current gear but to lessen the financial burden of having to make a one time purchase. This CIP should be placed in perpetuity so as to keep up with the ever changing standards and rules for protective clothing.	\$12,000						\$12,000		\$12,000
101	Fire	HVAC repair Fire Department	3	15	General Fund	Eliminate excess humidity		\$5,800					\$5,800		\$5,800
101	Fire	SCBA Gear	1	10	General Fund	Our current self contained breathing apparatus are out of compliance. Parts are no longer available	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000		\$175,000		\$175,000
						TOTAL	\$47,000	\$40,800	\$35,000	\$35,000	\$35,000	\$0	\$192,800	\$0	\$192,800
536	Marshall House	Apartment Remodeling	2	15	Marshall House Fund - HUD Reserves	Remove old and replace with new cabinets, countertops and floor coverings with vinyl base. Current items from original construction in 1979. Based on 4 units/year	\$88,000	\$88,000	\$88,000	\$88,000	\$88,000		\$440,000		\$440,000
536	Marshall House	Sidewalk Replacement	3	40	Marshall House Fund	Allowance for replacement of deteriorated concrete sidewalk (10% replacement)						\$29,400	\$29,400		\$29,400

FUND	Department (sort with filter)	Project Title	Priority Ranking	Estimated Useful Life	Source of Funding	Project Narrative/Purpose	2017-2018 Expenditure	2018-2019 Expenditure	2019-2020 Expenditure	2020-2021 Expenditure	2021-2022 Expenditure	2022-2023 Expenditure	City Expenditure	Other Funds or Grant Share	Total Expenditure
536	Marshall House	Public Restrooms	1	20	Marshall House Fund	Upgrade the public restrooms to ADA compliant status	\$12,500						\$12,500		\$12,500
536	Marshall House	Window Repair/Water Infiltration	3	40	Marshall House Fund	Replace and Repair the flashing on all windows				\$500,000	\$500,000		\$1,000,000		\$1,000,000
536	Marshall House	Sign Refurbishing	2	25	Marshall House Fund	Refurbish property sign w/new landscaping and electric for illuminating sign	\$5,000						\$5,000		\$5,000
536	Marshall House	Ceiling Tiles	3	25	Marshall House Fund	Replace suspended ceiling tiles and lighting fixtures in common areas		\$5,000					\$5,000		\$5,000
536	Marshall House	Hallway Flooring	2	10	Marshall House Fund	Replace the flooring in hallways and elevator lobby area	\$14,000	\$14,000	\$14,000				\$42,000		\$42,000
536	Marshall House	Intercom Replacement	4	40	Marshall House Fund	Replace intercom system	\$27,500						\$27,500		\$27,500
536	Marshall House	Replace Steel Entrance Service Doors	2	20	Marshall House Fund	They are the original doors of the facility and have long outlived their expected life.	\$12,000						\$12,000		\$12,000
536	Marshall House	Exterior Brick Power Cleaned, Joints Re-tucked	1	20	Marshall House Fund	The re-sealing of the brick is the minimal amount of maintenance required to prevent further water infiltration into interior of apartments causing further damage.	\$200,000	\$200,000					\$400,000		\$400,000
536	Marshall House	Renovation of Salon	4	20	Marshall House Fund	The salon and its equipment have long outlived its estimated useful lifespan.		\$8,000					\$8,000		\$8,000
536	Marshall House	Parking Lot Lighting	2	25	Marshall House Fund	Replace 3 lighting fixtures @ \$4,500 each		\$13,500					\$13,500		\$13,500
536	Marshall House	Replace Pole Mounted Lighting on walkways	2	30	Marshall House Fund	Replace inefficient pole mounted lighting along pedestrian walkways		\$32,000					\$32,000		\$32,000
536	Marshall House	Replace Water Softeners	3	10	Marshall House Fund	The water softeners will be exceeding their useful lifespan in fifteen years and will need to be replaced.					\$7,702		\$7,702		\$7,702
						TOTAL	\$359,000	\$360,500	\$102,000	\$588,000	\$595,702	\$29,400	\$2,034,602	\$0	\$2,034,602
661	Motor Pool	Powerwash and Paint DPW Garage	3	20	Motorpool - General Fund	Powerwash, prime, and paint DPW garage		\$8,000					\$8,000		\$8,000
661	Motor Pool	2018 Purchases		Variable	Motorpool	110 WW Pickup 4x4 - \$26,000, 116 PH Pickup 4x4 - \$26,000, 300 Electric Digger Truck, \$25,000 Lease Pymt, 306 DPW Plow Truck \$140,000, 307 DPW Bucket Truck - \$16,000 Lease Pymt, 308 DPW Salt Truck - \$14,000 Lease Pymt, 313 DPW Dump Truck - \$40,000, 2 police vehicles \$27,000	\$341,000						\$341,000		\$341,000
661	Motor Pool	2019 Purchases		Variable	Motorpool	320 DPW Vector - \$45,000 Lease Pymt, 402 DPW Loader - \$8,000 Lease Pymt, 300 Electric Digger truck - \$25,000 Lease Pymt, 307 DPW Bucket Truck - \$16,000 Lease Pymt, 308 DPW Salt Truck - \$14,000 Lease Pymt, 710 Zero Turn Mower - \$10,000, 712 Powerhouse Zero Turn Mower - \$10,000, M-3 Explorer - \$29,500, M-6 Explorer - \$29,500		\$187,000					\$187,000		\$187,000
661	Motor Pool	2020 Purchases		Variable	Motorpool	320 DPW Vector - \$45,000 Lease Pymt, 402 DPW Loader - \$8,000 Lease Pymt, 300 Electric Digger truck - \$25,000 Lease Pymt, 307 DPW Bucket Truck - \$16,000 Lease Pymt, 308 DPW Salt Truck - \$14,000 Lease Pymt, 124 DPW Pickup Truck 4x4 - \$28,000, 709 Rec Dept. Tractor - \$35,000, M-4 Explorer - \$29,500			\$200,500				\$200,500		\$200,500

FUND	Department (sort with filter)	Project Title	Priority Ranking	Estimated Useful Life	Source of Funding	Project Narrative/Purpose	2017-2018 Expenditure	2018-2019 Expenditure	2019-2020 Expenditure	2020-2021 Expenditure	2021-2022 Expenditure	2022-2023 Expenditure	City Expenditure	Other Funds or Grant Share	Total Expenditure
661	Motor Pool	2021 Purchases		Variable	Motorpool	320 DPW Vactor - \$45,000 Lease Pymt, 402 DPW Loader - \$8,000 Lease Pymt, 300 Electric Digger truck - \$25,000 Lease Pymt, 307 DPW Bucket Truck - \$16,000 Lease Pymt, 308 DPW Salt Truck - \$14,000 Lease Pymt, 318 DPW Dump Truck - \$42,000, 362 Tool Cat - \$52,000, 730-732-733 Zero Turn (3) - \$33,000				\$235,000			\$235,000		\$235,000
661	Motor Pool	2020 Purchases		Variable	Motorpool	320 DPW Vactor - \$45,000 Lease Pymt, 402 DPW Loader - \$8,000 Lease Pymt, 300 Electric Digger truck - \$25,000 Lease Pymt, 307 DPW Bucket Truck - \$16,000 Lease Pymt, 308 DPW Salt Truck - \$14,000 Lease Pymt				\$108,000			\$108,000		\$108,000
661	Motor Pool	Repair Parking Lot at DPW Garage	2	15	Motorpool	Crack-fill, sealcoat, and stripe asphalt parking lot at DPW Garage		\$12,000					\$12,000		\$12,000
						TOTAL	\$341,000	\$207,000	\$200,500	\$235,000	\$108,000	\$0	\$1,091,500	\$0	\$1,091,500
101	Parks	Shearman Park Senior Exercise Equipment	3	20	General Fund/ Misc Grants	Purchase and install senior exercise equipment							\$0	\$15,000	\$15,000
101	Parks	Shearman Park Pavillion	3	20	General Fund/ Misc Grants	New Pavilion Construction							\$0	\$45,000	\$45,000
101	Parks	Brooks Nature Park Vault Toilet	3	20	Grants	Toilet installed at Brooks Nature Area							\$0	\$25,000	\$25,000
101	Parks	Phase V Riverwalk Design / Construction	4	30	General Fund 25%, Local Grant 75%	Design and construction of the next phase of Kalamazoo Riverwalk extending from Kalamazoo Ave. westerly to Pearl St sub-station area.			\$37,500				\$37,500	\$1,387,000	\$1,424,500
101	Parks	South Ketchum Parking Lot Expansion	3	40	Grants - General Fund	With the addition of the Kid's Kingdom, additional parking is needed		\$60,000					\$60,000		\$60,000
101	Parks	South Ketchum Ground Leveling	3	40	Grants - General Fund	The area behind Kids Kingdom needs to be leveled, top soil and seeded			\$20,000				\$20,000		\$20,000
101	Parks	Ketchum Park Sub Project #1 - Overlook & Slope Restoration	1	40	Various Grants	Main Park Overlook Structure and Bank Restoration (This is the match portion of the larger project, not in addition to the overall costs.)							\$0	\$110,300	\$110,300
101	Parks	Ketchum Park Sub Phase 1	3	40	Various Grants	This includes a trellis type structure and retaining wall, seating, interpretive signage, and a new park sign. This does not include any of the sub-project							\$0	\$387,000	\$387,000
101	Parks	Ketchum Park Phase 2	3	40	Grants	The improvement plan includes development of the north side of the park including trails, and a connection to the north								\$1,000,000	\$1,000,000
						TOTAL	\$0	\$60,000	\$57,500	\$0	\$0	\$0	\$117,500	\$2,969,300	\$3,086,800
101	Police	Police Vehicle Change-over	2	4	General Fund	To purchase all new equipment other than radios for the new vehicles beginning in 2011. This is due to the crown Victoria no longer be produced, therefore a new design vehicle will be utilized. This will not allow the current equipment to change-over to the new design.	\$13,600						\$13,600		\$13,600
101	Police	Tasers	2	7	General Fund	Current Tasers are no longer manufactured and replacement will be required within 2 years.		\$4,800	\$4,800				\$9,600		\$9,600
						TOTAL	\$13,600						\$23,200	\$0	\$23,200

FUND	Department (sort with filter)	Project Title	Priority Ranking	Estimated Useful Life	Source of Funding	Project Narrative/Purpose	2017-2018 Expenditure	2018-2019 Expenditure	2019-2020 Expenditure	2020-2021 Expenditure	2021-2022 Expenditure	2022-2023 Expenditure	City Expenditure	Other Funds or Grant Share	Total Expenditure
208	Recreation	Replacement of Athletic Field Light System	2	30	Recreation Fund	The current lights on diamond #1 & #2 are approaching the end of their expected life. The entire system should be replaced.	\$15,000						\$15,000		\$15,000
208	Recreation	Canoe/Kayak Trailer and Storage Systems	4	5	Enbridge Grant/Rec Fund	Three 2 person kayaks, 18 ft. trailer, 1 garage door opener	\$6,400						\$6,400		\$6,400
208	Recreation	Seal Coating Athletic Field Parking Lot & Pathways. Striping of Parking Lot	2	3-5	Recreation Fund	Seal Coating Athletic Field Parking Lot & Pathways is considered routine maintenance. Seal Coated Sept. 2013.		\$11,000					\$11,000		\$11,000
208	Recreation	Roofing - Athletic Field Concession/Restroom Building	3	25	Recreation Fund	Replacement of shingles on Concession/Restroom Building.						\$15,000	\$15,000		\$15,000
208	Recreation	Outdoor Basketball Courts	4	20+	Recreation Fund	This project will encompass a new full size outdoor basketball court on the south side of the Athletic Field. This will include excavating & leveling, base, blacktop courts, (2) hoops, nets and striping court lines.				\$25,000			\$25,000		\$25,000
208	Recreation	Dug-Outs, Diamond #3 & #4	3	25	Recreation Fund	Dug-outs for diamonds #3 & #4 can provide additional safety and protection to players while separating from spectators which is desired for tournament/league play. This will add a professional element to the facility and may help to expand programming/rentals. POSTPONE PROJECT FROM FY 16 & FY 17 TO FY 19 & FY 20					\$15,000		\$15,000		\$15,000
208	Recreation	RECROWN , DIAMONDS #1, #2, #3, #4	2	5	Recreation Fund	LASER RECROWN, NEW BATTERS BOX, NEW PITCHING MOUNDS ON ALL FOUR DIAMONDS. CONSIDERED A VITAL PRESERVATION MEASURE FOR DIAMONDS TO ENSURE A PROFESSIONAL SURFACE, WHICH IS EXPECTED BY PLAYERS. RECOMMEND RE-CROWN EVERY 4-5 YRS. LAST RECROWN AUG. 2010		\$10,000					\$10,000		\$10,000
208	Recreation	PURCHASE PLAY EQUIPMENT	4	20	Recreation Fund	INSTALL PLAY EQUIPMENT AT THE ATHLETIC FIELD ALONG 3RD BASE SIDE OF DIAMOND #1.			\$15,000	\$15,000			\$30,000		\$30,000
						<b>TOTAL</b>	<b>\$21,400</b>	<b>\$21,000</b>	<b>\$15,000</b>	<b>\$40,000</b>	<b>\$15,000</b>	<b>\$15,000</b>	<b>\$127,400</b>	<b>\$0</b>	<b>\$127,400</b>
202/203	Streets	Montgomery - Cedar to Maple	1	25	Act 51	Pulverize in place and reshape/pave. Estimate includes 1000' of sidewalk on North side of Montgomery adjacent to Kid's Kingdom.	\$110,000						\$110,000		\$110,000
202/203	Streets	Montgomery - Maple to S. Marshall - Sidewalk only	1	25	Act 51	5' wide sidewalk from the restroom building to S. Marshall Ave. In-kind for Ketchum Park	\$40,000						\$40,000		\$40,000
202/203	Streets	Eagle St - Green to Hanover	1	25	Act 51	Full depth mill and resurface			\$65,000				\$65,000		\$65,000
202/203	Streets	Eagle St - Green to Mansion	1	25	Act 51	Full depth mill and resurface			\$110,000				\$110,000		\$110,000
202/203	Streets	Elk - Arms to Michigan Ave	1	25	Act 51	2" mill and overlay					\$26,000		\$26,000		\$26,000
202/203	Streets	Green St - Kalamazoo to Sycamore	1	25	Act 51	2" mill and overlay	\$51,000						\$51,000		\$51,000
202/203	Streets	Green St - Cherry to Linden	1	25	Act 51	2" mill and overlay	\$56,000						\$56,000		\$56,000



FUND	Department (sort with filter)	Project Title	Priority Ranking	Estimated Useful Life	Source of Funding	Project Narrative/Purpose	2017-2018 Expenditure	2018-2019 Expenditure	2019-2020 Expenditure	2020-2021 Expenditure	2021-2022 Expenditure	2022-2023 Expenditure	City Expenditure	Other Funds or Grant Share	Total Expenditure
590	Wastewater	I & I Study (Inflow and Infiltration)	2	15	Wastewater Fund	An I & I Study will determine where the infiltration and inflow areas are in the City's Sewer System. This will allow us to budget in the future the repairs of the City's sewers.			\$65,000				\$65,000		\$65,000
590	Wastewater	Water Meter Upgrade	3	30	Wastewater Fund	Change out and upgrade all water meters in the city. New meter will be read automatically.		\$130,000	\$150,000	\$150,000			\$430,000		\$430,000
590	Wastewater	Partello Road Lift Station Replacement	1	25	Wastewater Fund	Due to the age (20 yrs) and on-going maintenance to the lift station replacement is recommended. Electric will be upgraded to 480V 3-phase for efficiency and equipment life	\$200,000						\$200,000		\$200,000
590	Wastewater	New Raw Sewage Pump VFDs	1	10	Wastewater Fund	Current VFDs need to be replaced due to age. Adding a third VFD to our third pump will allow us to rotate the pumps and increase the useful life of all three raw sewage pumps.		\$25,000					\$25,000		\$25,000
590	Wastewater	Channel Monster Cartridge Replacement	2	5	Wastewater Fund	It is recommended by the manufacturer to replace the cutter cartridge in the Channel Monster every five years.				\$35,000			\$35,000		\$35,000
590	Wastewater	Muffin Monster cartridge replacement	2	5	Wastewater Fund	It is recommended by the manufacturer to replace the cutter cartridge in the in-line Muffin Monster every five years. We have three of these units.	\$25,000					\$25,000	\$50,000		\$50,000
590	Wastewater	Sewer Condition Assessment	1	10	Wastewater Fund	Televise and evaluate the entire sanitary sewer collection system to assess and prioritize repairs. Software with assessment data will be integrated into our current GIS.	\$94,000	\$94,000	\$7,500	\$7,500	\$7,500	\$7,500	\$218,000		\$218,000
	Wastewater	Sewer Lining	1	30	Wastewater Fund	Project will line sewers which have experienced failure and root penetration. FY18 TBD FY20 TBD	\$60,000		\$60,000				\$120,000		\$120,000
	Wastewater	New Sludge Thickening/De-watering Process	3	20	Wastewater Fund	The current equipment will be 20 years old and the polymer agent used in the process is no longer produced. A suitable replacement is not expected. We have enough polymer to last about 4 years. With a new system, Class A biosolids may be				\$500,000			\$500,000		\$500,000
590	Wastewater	Clarifier Rehabilitation	3	25	Wastewater Fund - Possible Bonds	Rehabilitate concrete and steel structures in each of 4 clarifiers do to age and corrosion. Rehad/Replace clarifier drive mechanisms due to age and wear. Coat all concrete surfaces with marine grade coating.			\$325,000	\$325,000			\$650,000		\$650,000
						<b>TOTAL</b>	<b>\$379,000</b>	<b>\$249,000</b>	<b>\$607,500</b>	<b>\$1,017,500</b>	<b>\$7,500</b>	<b>\$32,500</b>	<b>\$2,293,000</b>	<b>\$0</b>	<b>\$2,293,000</b>
591	Water	Replace Water Main on S. Marshall	1	30	Water Fund - Bond	Replacement of 4' water main from Hughes St. to Powerhouse on S. Marshall	\$11,200						\$11,200		\$11,200
591	Water	Water Main S. Marshall St.	3	30	Water Fund	Replace existing 4' cast iron with 8' pipe on S. Marshall between Green St. and Raymond.						\$456,000	\$456,000		\$456,000
591	Water	New 600k Water Tower	2	50	Water Fund -Bond	Install new 600,000 gallon water tower at the MRLEC site.	\$2,500,000						\$2,500,000		\$2,500,000
591	Water	Water Treatment Plant Piping and Filter Inspection	2	15	Water Fund	Remove piping insulation and inspect condition of water mains and iron removal filters for defects.			\$20,000				\$20,000		\$20,000

FUND	Department (sort with filter)	Project Title	Priority Ranking	Estimated Useful Life	Source of Funding	Project Narrative/Purpose	2017-2018 Expenditure	2018-2019 Expenditure	2019-2020 Expenditure	2020-2021 Expenditure	2021-2022 Expenditure	2022-2023 Expenditure	City Expenditure	Other Funds or Grant Share	Total Expenditure
591	Water	Upgrade SCADA at WTP	1	20	Water Fund	SCADA was partially installed in 2012. The PLC's that run the programming at the WTP are outdated	\$90,000						\$90,000		\$90,000
591	Water	New Office at WTP	2	20	Water Fund	In 2006 the Water Dept. was moved back to the WTP without sufficient storage or office space	\$40,000						\$40,000		\$40,000
591	Water	Siding on Well Houses 1-3	3	20	Water Fund	Side and insulate Well Houses 1-3	\$15,000						\$15,000		\$15,000
591	Water	Build New Treatment Plant at Well #5 Site. S. Kalamazoo behind Moonraker	4	50	Water Fund - Bond	Install water main and build water treatment plant at #5 well site. This would add a backup in case of contamination to other four wells on Green St.						\$1,000,000	\$1,000,000		\$1,000,000
591	Water	Water Main replacement Jefferson St	1	30	Water Fund	Replace 2 sections of 4' cast iron on Jefferson St between Mansion and Michigan - also between Hanover and Green				\$150,000			\$150,000		\$150,000
591	Water	Water Main installation Kalamazoo and Brewer	1	30	Water Fund	Replace 4' cast iron with 8' pipe.	\$40,000								
591	Water	Water Main installation Eagle St.	1	30	Water Fund	Replace existing 4' cast iron with 8' pipe. Eagle St. between Hanover and Michigan.			\$150,000				\$150,000		\$150,000
591	Water	Replace aging 6" water main on W. Prospect	1	30	Water Fund - Bond	Replace aging 6' water main on W. Prospect between Kalamazoo and Mulberry and from between Linden and Verona.						\$360,000	\$360,000		\$360,000
591	Water	Water meter change out	3	30	Water Fund-Bonding -DWRP	Phase 1 would be to change out meter larger than 1 1/2 '. Phase 2 & 3 would be to change out meters smaller than 1'		\$130,000	\$150,000	\$150,000			\$430,000		\$430,000
591	Water	Replace Filter Media	2	15	Water Fund	Media has projected life of 12-15 Years					\$80,000		\$80,000		\$80,000
591	Water	Install 16" EZ Valve at Water Plant	1	30	Water Fund	Install 16" EZ Valve outside Water Plant as suggested by DEQ	\$34,000						\$34,000		\$34,000
591	Water	Replace Roof and Paint WTP	1	25	Water Fund	Roof, Insulation, and paint on the outside of the WTP is in need of repair	\$32,000	\$0	\$0	\$0			\$32,000		\$32,000
						<b>TOTAL</b>	<b>\$2,762,200</b>	<b>\$130,000</b>	<b>\$320,000</b>	<b>\$300,000</b>	<b>\$80,000</b>	<b>\$1,816,000</b>	<b>\$5,368,200</b>	<b>\$0</b>	<b>\$5,368,200</b>
						<b>GENERAL FUND TOTALS</b>	<b>\$98,950</b>	<b>\$196,900</b>	<b>\$191,000</b>	<b>\$82,000</b>	<b>\$65,000</b>	<b>\$0</b>	<b>\$668,450</b>	<b>\$2,969,300</b>	<b>\$3,637,750</b>



**CALL TO ORDER**

IN REGULAR SESSION Monday, November 21, 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, and Schurig.

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: Council Members: Williams.

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

**INVOCATION/PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF THE AGENDA**

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

**PUBLIC COMMENT ON AGENDA ITEMS**

Randy Davis spoke regarding the Hughes Street parcel. Mr. Davis sits on various community boards and feels that economic development is key.

Scott Fleming, MAEDA CEO, spoke in support of the Hughes Street lot sale. He feels that we need to attract families and Marshall has a housing shortage. Urged Council to take action.

Richard Lindsey urged the Council to take a positive action on the sale of the Hughes Street parcel and expressed the need for housing in Marshall.

**CONSENT AGENDA**

**Moved** Metzger, supported Gerten, to approve the Consent Agenda:

- A. Scheduled a public hearing for Monday, December 5, 2016 to hear public comment on the proposed changes to §150.120 - §150.124: Demolition of Building or Structures;
- B. Scheduled a public hearing for Monday, December 5, 2016 to hear public

- comment on the proposed amendment to Chapter §53: RATES;
- C. Minutes of the City Council Work Session and Regular Session held on Monday, November 7, 2016 and Work Session held on Monday, November 14, 2016;
  - D. Approve city bills in the amount of \$ 788,225.31.

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

### **PRESENTATIONS AND RECOGNITION**

#### **A. Pallister-Killian Syndrome Awareness Day Proclamation:**

Mayor Reed presented the Pallister-Killian Syndrome Awareness Day Proclamation to Gretchen Peters.

### **CITY OF MARSHALL, MICHIGAN PROCLAMATION**

#### **PALLISTER-KILLIAN SYNDROME AWARENESS DAY**

**WHEREAS,** Pallister-Killian Syndrome (PKS) is a rare genetic disorder resulting from the duplication of the short arm of chromosome 12, occurring at conception with no known cause. Children with this syndrome suffer low muscle tone, seizures, global developmental delays, and hearing and vision loss; and

**WHEREAS,** Fewer than 300 cases of PKS have been diagnosed in the world; however, many doctors believe that the incidence of PKS is much higher and could be as many as 2,000 cases in the United States alone. Improper testing methods and lack of awareness of this condition are the main causes of these undiagnosed cases; and

**WHEREAS,** Research, education, and raising awareness within the medical community of PKS will aid in early diagnosis of children, and benefit the families and caregivers of children affected by the disease.

**NOW, THEREFORE,** I, Jack Reed, Mayor of the City of Marshall, do hereby proclaim December 4, 2016 to be:

#### **PALLISTER-KILLIAN SYNDROME AWARENESS DAY**

In the City of Marshall.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of the City of Marshall to be affixed this 21<sup>st</sup> day of November of the year of our Lord two thousand and sixteen.

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Jack Reed  
Mayor

**INFORMATIONAL ITEMS**

None.

**PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**

None.

**OLD BUSINESS**

None.

**REPORTS AND RECOMMENDATIONS**

**A. METRO ACT Application – CTS Telecom Inc.:**

**Moved** Metzger, supported Schurig, to approve the METRO ACT Unilateral Permit for Climax Telephone Company/CTS Telecom Inc. for a term of 5 years. On a voice vote – **MOTION CARRIED.**

**B. Sale of Hughes Street parcel:**

**Moved** Miller, supported Gerten, to accept the proposal from Kelly Williams for the Hughes Street parcel and direct the City Attorney to develop the sale documents and authorize the City Clerk to sign the documents. On a voice vote – **MOTION CARRIED.**

**C. Agreement to Discontinue Joint Operations with Calhoun County of the Community Compost Center:**

**Moved** Gerten, supported McNeil, to authorize the City Manager and staff to enter into an agreement with Calhoun County to close the Community Compost Center immediately and proceed with closure operations over a period not to exceed 3 years and share the costs equally between the City and County for the closure. On a roll call vote – ayes: Metzger, Miller, Mayor Reed, Schurig, Gerten, and McNeil; nays: none. **MOTION CARRIED.**

**D. Fair Labor Standards Act – 2016 Overtime Rule:**

**Moved** McNeil, supported Schurig, to approve the recommendation to set the salary of the City Clerk at \$47,500, the Human Resources Coordinator at \$49,443, and the Dial-A-Ride Manager to be \$47,500 contingent upon the ruling of the Federal Court which is expected to place an injunction on the change to the 2016 Overtime Rule. On a roll call vote – ayes: Miller, Mayor Reed, Schurig, Gerten, McNeil, and Miller;

nays: none. **MOTION CARRIED.**

### **APPOINTMENTS/ELECTIONS**

**A. Calhoun County Consolidated Dispatch Authority Board Appointment:**  
**Moved** Miller, supported Schurig, to approve the appointment of Brent Williams as the Council representative to the Calhoun County Consolidated Dispatch Authority Board for a term of January 1, 2017 to December 31, 2018. On a voice vote – **MOTION CARRIED.**

**B. Planning Commission Appointments:**

**Moved** McNeil, supported Metzger, to approve the reappointment of Jim Zuck and Lisa McNiff to the Planning Commission with terms expiring November 1, 2019. On a voice vote – **MOTION CARRIED.**

### **PUBLIC COMMENT ON NON-AGENDA ITEMS**

Richard Lindsey expressed his excitement regarding all the good things happening in and around Marshall and expressed thanks.

### **COUNCIL AND MANAGER COMMUNICATIONS**

### **ADJOURNMENT**

The meeting was adjourned at 7:47 p.m.

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Jack Reed, Mayor

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Trisha Nelson, City Clerk

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
SLS 10052103	ALEXANDER CHEMICAL CO	CHLORINE, SULFUR DIOXIDE	2017.030	1,287.00
1650	ALL RELIABLE SERVICES	2016 LINE CLEARANCE- TREE TRIMMING CONT	2017.089	4,021.20
1643	ALL RELIABLE SERVICES	2016 LINE CLEARANCE- TREE TRIMMING CONT	2017.089	3,187.60
14-846232	ARROW UNIFORM	CUST #010198-06		31.23
14-846233	ARROW UNIFORM	CUST #010198-05		30.02
14-846226	ARROW UNIFORM	CUST #010198-01		27.47
14-846230	ARROW UNIFORM	CUST #010198-04		55.42
14-846229	ARROW UNIFORM	CUST #010198-02		54.25
14-846231	ARROW UNIFORM	CUST #010198-03		153.28
14-853645	ARROW UNIFORM	CUST #010198-01		27.47
14-853649	ARROW UNIFORM	CUST #010198-04		55.42
14-853651	ARROW UNIFORM	CUST #010198-06		31.23
14-853652	ARROW UNIFORM	CUST #010198-05		30.02
14-853650	ARROW UNIFORM	CUST #010198-03		153.28
14-853648	ARROW UNIFORM	CUST #010198-02		54.25
388-202277	AUSTIN-BATTERIES PLUS	12V LEAD		19.95
388-202224	AUSTIN-BATTERIES PLUS	12V LEAD		19.95
388-106772-01	AUSTIN-BATTERIES PLUS	150W HPS BULBS		144.95
388-106772-02	AUSTIN-BATTERIES PLUS	150W HPS BULBS		376.87
388-106788-01	AUSTIN-BATTERIES PLUS	BATTERIES		156.49
225-403509	AUTO VALUE MARSHALL	FUEL HOSE, CARB CLEAN		5.48
111716	BAKER TOOL RENTAL & S	MINI EXCAVATOR		225.00
BLU-7778	BLU FISH CONSULTING,	PROFESSIONAL SERVICES- CONSULTING FOR P	2017.043	700.00
86497	BOSHEARS FORD SALES I	2008 CHEVY G3500		32.68
82312216	BOUND TREE MEDICAL LL	MEDICAL SUPPLIES		324.96
700003456-1116	BRONSON HEALTHCARE GR	ACCT #700003456		265.00
119466	BUD'S WRECKER SERVICE	FORD F150 #115		45.00
110516	COLLINS PROFESSIONAL	STUMP REMOVAL FROM LINE CLEARANCE FOR N	2017.167	175.00
102516	COLLINS PROFESSIONAL	STUMP REMOVAL FROM LINE CLEARANCE FOR N	2017.167	650.00
102516-16320	COLLINS PROFESSIONAL	STUMP REMOVAL FROM LINE CLEARANCE FOR N	2017.167	800.00
110116	COLLINS PROFESSIONAL	STUMP REMOVAL FROM LINE CLEARANCE FOR N	2017.167	175.00
INV0050809	CONSUMERS CONCRETE PR	CATCH BASIN		340.00
138360	D & D MAINTENANCE SUP	JANITORIAL SUPPLIES		228.90
138197	D & D MAINTENANCE SUP	JANITORIAL SUPPLIES		43.08
89084	DADOW POWER EQUIPMENT	RUNNERS		39.36
496940	DARLING ACE HARDWARE	FOGGER, PAINT SUPPLIES		55.94
496931	DARLING ACE HARDWARE	PHILLP P SH M SC		8.98
495308	DARLING ACE HARDWARE	FLAP WHL		11.98
496644	DARLING ACE HARDWARE	ACE HD CONST ADHESIVE		16.14
496856	DARLING ACE HARDWARE	NUT DRIVER, HX WSHR SDR		10.48
496877	DARLING ACE HARDWARE	MAXFLEX HOSE, PUSHBROOM		59.98
496866	DARLING ACE HARDWARE	TERMOSTAT		19.99
496454	DARLING ACE HARDWARE	NUTS, BOLTS, LEVEL		17.49
496555	DARLING ACE HARDWARE	ROD GRND GALV, GROUNDING ROD, CONN WTRT		17.76
496579	DARLING ACE HARDWARE	BREAKER VACUUM BRASS		6.49
496037	DARLING ACE HARDWARE	DOOR SEAL		31.98
495379	DARLING ACE HARDWARE	WEATHERSTRIP DOOR, FOAM CL CELL		18.98
496146	DARLING ACE HARDWARE	STEEL ANGLE		(6.01)
496111	DARLING ACE HARDWARE	KEY		1.99
4551372 QUOTE	DLT SOLUTIONS LLC	AUTODESK AUTOCAD LT 2017 GOVERNMENT MAI		513.06
INV30280	DORNBOSS SIGN INC	SIGN		119.87
2655977	EASTERN AVIATION FUEL	6500 GALLONS OF 100LL AVIATION FUEL AT	2017.160	20,630.45
3189659	EDWARDS INDUSTRIAL SA	NITRILE PETRO SUCTION 2-1/2 IN		46.32
3187142	EDWARDS INDUSTRIAL SA	RDT PUMP		738.67
3396774	ERADICO PEST SERVCS,	PEST SERVICES		216.00
S102026819.001	ETNA SUPPLY	BALL VALVE		326.33
MIBAT237544	FASTENAL COMPANY	MARSHALL & HUGHES PROJECT		104.84
MIBAT237612	FASTENAL COMPANY	MARSHALL & HUGHES PROJECT		106.48
MIBAT237666	FASTENAL COMPANY	MARSHALL & HUGHES PROJECT		14.63
18840	FIRE LINE EQUIPMENT	5% SELLING COMMISSION FOR 1999 SPARTAN	2017.164	4,000.00
1016308	FIRST ADVANTAGE	HACKWORTH, LLOYD, NAWROCKI, SHAVER, FRY		82.50
113016	FIVE STAR UNDERGROUND	SOFTBALL FIELD SPRINKLER WINTERIZING		70.00
113016-A	FIVE STAR UNDERGROUND	CARVER PARK SPRINKLER WINTERIZING		70.00
113016-B	FIVE STAR UNDERGROUND	W MICHIGAN AVE SPRINKLER WINTERIZING		70.00
113016-C	FIVE STAR UNDERGROUND	BROOKS FOUNTAIN SPRINKLER WINTERIZING		70.00
111016030	FOI LABORATORIES; FUE	FUEL OIL SAMPLES TESTING		500.00
S105276260.001	GALLOUP COMPANY	MARSHALL & HUGHES PROJECT		444.98
S105281247.001	GALLOUP COMPANY	MARSHALL & HUGHES PROJECT		33.35
S105269214.001	GALLOUP COMPANY	MARSHALL & HUGHES PROJECT		679.01
S105317236.001	GALLOUP COMPANY	4 PVC SCH 80 SOC 45 ELBOW		55.26
GT214-43	GAWNE TRUCKING INC	SLUDGE HAULING	2017.034	19,822.00
3434	GOODWIN'S PLUMBING, L	WAX RING, BOLTS, SERVICE CALL		94.24
9276149243	GRAINGER	DEWALT TOOL BATTERIES		198.00
9266219527	GRAINGER	TELESCOPING WAND		305.00
1427260	GRIFFIN PEST SOLUTION	1201 ARMS		42.00
20160650	GRP ENGINEERING INC	CONSTRUCTION MANAGEMENT SERVICES FOR BRE	2017.073	1,405.19
4944	HARVESTER FLOWER SHOP	NORMAN ALWOOD		56.00
INV65283	HASSELBRING CLARK	TOSHIBA ESTUDIO 407CS WITH ADVANCED SCA	2017.131	4,177.00
75059	HERMANS MARSHALL HARD	BUNGEE STRAPS, LOCKS, CHAIN, KEYS, PADL		44.83

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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
75064	HERMANS MARSHALL HARD	HALOGEN BULB		8.99
75043	HERMANS MARSHALL HARD	AA BATTERIES		17.98
75039	HERMANS MARSHALL HARD	BLEACH		3.29
75061	HERMANS MARSHALL HARD	MARKING PAINT, COUPLING		8.98
75047	HERMANS MARSHALL HARD	RED SPRAY PAINT		13.98
75038	HERMANS MARSHALL HARD	BOLTS		18.88
539821	HUSKIE TOOLS LLC	SERVICE REPAIR		1,117.24
MN0000007260	INTERACT PUBLIC SAFET	RMS SUBSCRIPTION - JANUARY 2017		1,200.00
103116-FM	JIMMY'S JOHNS	FARMER'S MARKET SERVICES - OCTOBER		215.00
1068052	JOHNSON, ROSATI, SCHU	OCTOBER SERVICES		1,110.00
614780	KAR LABORATORIES INC	NPDES SAMPLE TESTING		1,175.00
121858	KNIGHT WATCH	MH ALARM MONITORING SERVICES		224.85
121957	KNIGHT WATCH	FIRE ALAM SYSTEM UPGRADE	2016.255	534.86
200026.30-2161005	LAWSON-FISHER ASSOCIA	2016 WATER QUALITY MONITORING - REQUIRE	2017.050	1,805.37
15640	LOU'S GLOVES INC	GLOVES		86.00
9	M.C. SMITH ASSOCIATES	ELEVATOR MODERNIZATION	2016.200	600.00
33008	MAIL MANAGEMENT INC	INK CARTRIDGE		219.00
376007	MARSHALL ANIMAL CARE	MAL-OTIC/TRI-OTIC DROPPER		23.00
200287	MARSHALL LANES	BOWLING, PIZZA & SOFT DRINKS FOR LOCK-I		275.00
4059C11831	MARSHALL MEDICAL ASSO	DIETZEL, ERARD, LANGMAN, TEETERS		395.00
86451183	MCMASTER-CARR	3303 LOCKS		160.83
263695	MICHIGAN INDUSTRIAL G	OXYGEN		27.49
14483	MICHIGAN MUNICIPAL LE	CDL CONSORTIUM DRIVER FEE	2017.162	2,450.00
500	MUNFAKH & ASSOCIATES,	PROFESSIONAL SERVICES FOR DAM REHABILIT	2017.158	1,605.00
E17856	MWEA	2017 WWADCON - ALEC EGNATUK		495.00
6783592X	NFPA	NFPA #2053923 GREG MCCOMB MEMBERSHIP		175.00
84642	NICE RINK	ICE RINK LINER AND BRACKETS- PER QUOTE	2017.154	1,738.79
740926	OFFICE 360	MONITOR STAND, CHAIRMAT, CARBON PAPER		74.72
747263	OFFICE 360	RUBBERBANDS, LABELS, BOND PAPER		58.34
740174	OFFICE 360	COFFEE, CALENDARS, HARD HAT		193.36
740684	OFFICE 360	COPY PAPER		131.60
737147	OFFICE 360	CALENDARS		79.45
747572	OFFICE 360	LABELS, THERMAL POUCH		29.98
111221-96344	PARAGON LABORATORIES	WHOLE EFFLUENT TOXICITY		1,200.00
60160	POLLARDWATER.COM	HYDRANT FLAGS		123.82
56091268	POWER LINE SUPPLY	BUSHING STAND OFF		602.03
56092010	POWER LINE SUPPLY	TRANSFORMER CURRENT		389.13
56091704	POWER LINE SUPPLY	FOCUS ELECTRIC METERS	2017.157	560.26
56089383	POWER LINE SUPPLY	FOCUS ELECTRIC METERS	2017.157	2,116.40
56088929	POWER LINE SUPPLY	FOCUS ELECTRIC METERS	2017.157	634.92
56088997	POWER LINE SUPPLY	FLOODSEAL		324.75
56089000	POWER LINE SUPPLY	ELBOW ELASTIMOLD		534.58
56089002	POWER LINE SUPPLY	1/0 PIGTAIL		80.79
56088996	POWER LINE SUPPLY	15KV PIN INSULATOR		434.69
56089001	POWER LINE SUPPLY	30 AMP FUSE LINK		107.81
56088999	POWER LINE SUPPLY	CONNECTOR		184.92
56091489	POWER LINE SUPPLY	RETURN MAT'L FROM SUBSTATION JOB		(1,414.48)
98820	PRINTING SYSTEMS, INC	TAX FORMS		340.34
215893	PVS TECHNOLOGIES, INC	FERRIC CHLORIDE	2017.033	4,385.75
920	QUALITY LAWN CARE	LAWN CARE AT AIRPORT		1,890.00
10057	R-S TRUCK & DIESEL, I	04 C7500 SERVICE		882.88
11288	RADIO COMMUNICATIONS	REMOVE MHF RADIO & TRUNK MOUNT		622.00
132044	RIVERSIDE INTEGRATED	PSB SERVICE CALL		622.50
71841061	SAFETY-KLEEN	PARTS WASHER SOLVENT		194.92
111335	SHAFER REDI-MIX INC	LIMESTONE		608.00
8121181649	SHRED-IT USA LLC	SHREDDING SERVICES FOR POLICE DEPT		381.63
20667	STANDARD PRINTING & O	BUSINESS CARDS - COSTINE & PARKS		181.39
8041857031	STAPLES ADVANTAGE	ROOM SPRAY		40.68
8041764499	STAPLES ADVANTAGE	CHAIRMAT		67.98
8041661194	STAPLES ADVANTAGE	CABINET FOR METER STORAGE, DESK PADS, T		465.13
102649	TRI AIR TESTING INC	TESTING		172.00
80242	TROUP ELECTRONICS INC	CHARGER, BATTERIES		388.00
57752019	TRUGREEN	CITY HALL SERVICES		250.00
111116	WILSON'S TANNENBAUM F	GREENS FOR THE FLOWER POTS		364.00
110716	WILSON'S TANNENBAUM F	PINE TREE REPLACEMENT AT RESIDENCE ON O	2017.156	3,920.00
102916	WILSON'S TANNENBAUM F	PINE TREE REPLACEMENT AT RESIDENCE ON O	2017.156	3,640.00
GRAND TOTAL:				110,843.79

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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
269781444711-16	A T & T	269 781-4447 749 4		248.16
269781907011-16	A T & T	269 781-9070 573 1		69.53
269781981511-16	A T & T	269 781-9815 267 0		3,304.10
269789901111-16	A T & T	269 789-9011 599 1		83.01
110816-2	ADAMS, ADALINE	ELECTION INSPECTOR		37.50
110816-2	ALBRECHT, TAMARA	ELECTION INSPECTOR		37.50
287238047810X11111	AT&T MOBILITY	ACCT #287238047810		41.32
110816-2	BEGG, CHERYL	ELECTION INSPECTOR		32.50
11/18/2016	BENTLEY, TRISHA	UB refund for account: 2900680037		84.88
2300330003	CITY OF MARSHALL	ENERGY DRAFT SHORTAGE		107.15
111416	CRAPO, JOHN	ENERGY OPTIMIZATION - A/C		150.00
110816-2	DAY, SUSAN	ELECTION INSPECTOR		45.00
110816-2	GORSLINE, CHRISTINE	ELECTION INSPECTOR		32.50
1405599, 1417470	GRIFFIN PEST SOLUTION	900 S MARSHALL		92.00
1417469	GRIFFIN PEST SOLUTION	323 W MICHIGAN AVE		33.00
110816-2	HAGERTY, PHILLIP	ELECTION INSPECTOR		37.50
110816-2	KARNS, SHARON	ELECTION INSPECTOR		32.50
111716	LEACH, APRIL	PARTIAL REFUND OF FORFEITURE		50.00
2900640025	LEUCK, BRIAN	UB refund for account: 2900640025		64.73
11-14-16	LEWIS, MARY	ENERGY OPTIMIZATION - LED BULBS		10.00
4562-1116	MARSHALL COMMUNITY CU	4562 - DEAN		19.00
3002770026	MILLER, JESSICA	UB refund for account: 3002770026		186.86
790004405582930711	NEOFUNDS BY NEOPOST	ACCT #7900 0440 5582 9307		3,000.00
110816-2	SIZEMORE, DARLYNE	ELECTION INSPECTOR		37.50
RENEWAL	STATE OF MICHIGAN	JULIE CAIN-DEROUIN RENEWAL ASSESSOR CER		175.00
8948000000161108	TELNET WORLDWIDE	ACCT # CORP-008948		1,597.41
9774636213	VERIZON WIRELESS	ACCT #987146080-00001		709.23
11/14/16	VOSS, PHILIP	ENERGY OPTIMIZATION - LED BULBS		20.97
111616	VOSS, PHILIP	ENERGY OPTIMIZATION - LED BULBS		65.97
110816-2	WALBECK, DEBORAH L	ELECTION INSPECTOR		39.00
110816-2	WILLIAMS, KASEY	ELECTION INSPECTOR		37.50
110816-2	WORKS, SHIRLEY	ELECTION INSPECTOR		32.50
GRAND TOTAL:				10,513.82

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
249224	ASPEN WIRELESS	CONSULTING FOR FIBER TO PREMISE PROJECT	2017.163	41,816.60
111716	DARK HORSE BREWING CO	MARSHALL AREA CONSERVATION COMMITTEE GR		223.63
111816	DE ST. AUBIN, JOSH	FACEBOOK ADVERTISEMENT		26.00
111816	FUG	ENERGY OPTIMIZATION - LED LIGHTING		639.10
755164513	GORDON FOOD SERVICE I	KRAZY FOR THE KZOO EXPENSES		353.05
103116	K-MART	OCTOBER CHARGES		169.51
111816	LARSON ENTERPRISES LL	ENERGY OPTIMIZATION - LED LIGHTING		381.26
112216	LUIB, EARL	WORK GLOVES		26.48
80	MAGIC MAIDS	CLEAN #403		100.00
79	MAGIC MAIDS	NOVEMBER SERVICES		1,400.00
3431-1116	MARSHALL COMMUNITY CU	3431 - CITY OF MARSHALL		991.14
7681-1116	MARSHALL COMMUNITY CU	7681 - TARKIEWICZ		166.01
1004-1116	MARSHALL COMMUNITY CU	1004 - SCHWARTZ		125.38
3507-1116	MARSHALL COMMUNITY CU	3507 - MCDONALD		476.52
S4053604.001	MEDLER ELECTRIC COMPA	DUCT SEAL COMPOUND, CODING TAPE		65.14
S4058859.002	MEDLER ELECTRIC COMPA	SUPER 88 ELECT TAPE		456.41
S4058859.001	MEDLER ELECTRIC COMPA	ORANGE TAPE, ELECTRIC TAPE		98.25
S4055713.001	MEDLER ELECTRIC COMPA	BULBS FOR EXTERIOR CITY HALL LIGHTS		89.54
8509	MICHIGAN ASSESSORS AS	JULIE CAIN-DEROUIN MEMBERSHIP RENEWAL		75.00
TS0342	MICHIGAN ASSESSORS AS	THOMAS SCOTT MEMBERSHIP RENEWAL		75.00
111716	RAMEY, CHRISTY	PARKIING AT MPPOA CONFERENCE		16.00
111816	SMITH, PEGGY	REFUND DEPOSIT		95.00
111816	STURDEVANT, DARRYL &	INVISIBLE FENCE REIMBURSEMENT		117.15
11/21/2016	TRAVELERS HAVEN LLC	UB refund for account: 3005840032		74.03
10040764-1116	WOW! INTERNET-CABLE-P	ACCT #010040764		1,359.83
GRAND TOTAL:				49,416.03





**ADMINISTRATIVE REPORT**  
**December 5, 2016 - CITY COUNCIL MEETING**

**REPORT TO:** Honorable Mayor and City Council Members

**FROM:** Natalie Dean, Assistant City Manager/Director  
Tom Tarkiewicz, City Manager

**SUBJECT:** Public hearing for changes to §150.120 -§150.124:  
Demolition of Building or Structures

**BACKGROUND:** While reviewing the demolition ordinance, it was discovered that a couple of updates to the language would be in the community's best interest. The sections for proposed change include:

- §150.121: addition of the language "performance bond, or such other assurances,"
- §150.122 (A)(2): change "commission" to "department"
- §150.120 (D): addition of the language "any concrete floor and footings shall be removed in accordance with plans submitted to city staff"

Essentially, the proposed additions will clarify that the city would accept a performance bond or other assurances in addition to a formal "letter of credit" for a project. Also, the city clarifies that it is not acceptable to leave a concrete floor, even if it is broken up, in the event of a demolition. Finally, the correct terminology now is "Calhoun County Road Department".

**RECOMMENDATION:** After comments have been received at the public hearing, it is recommended that Council approve the proposed changes for §150.120 - §150.124: Demolition of Building or Structures.

**FISCAL EFFECTS:** None at this time.

**CITY GOAL CLASSIFICATION:**

**GOAL AREA 2. QUALITY OF LIFE**

**Goal Statement:** To achieve and sustain a concentrated effort to promote a vibrant community atmosphere in the Marshall area.

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

Natalie Dean  
Assistant City Manager  
Director of Community Services

Tom Tarkiewicz  
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

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**CITY OF MARSHALL  
ORDINANCE #2016-**

AN ORDINANCE TO AMEND CITY OF MARSHALL CODE, CHAPTER AND SECTIONS 150.121 and 150.122 of DEMOLITION OF BUILDING STRUCTURES.

THE CITY OF MARSHALL ORDAINS:

**Section 1.** That section **§150.121** of the Marshall City Code, is hereby modified to add the language in bold:

The city shall require a letter of credit, **performance bond, or such other assurances**, in an amount determined by city staff to cover the cost of restoring the lot to its preconstruction state as well as any other required work needed to protect the health, safety, and welfare of the citizens of the City of Marshall including those items listed in § 150.122 STANDARDS.

**Section 1a.** That section **§150.122 (A) (2) and (D)** of the Marshall City Code, are hereby modified to read:

(A)(2) Soil sedimentation and erosion permit if applicable-contact Calhoun County Road Department.

(D) Any concrete floor and footings shall be removed in accordance with plans submitted to city staff.

**Section 2.** This Ordinance [or a summary thereof as permitted by MCL 125.3401] 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. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk.

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

Adopted and signed this 5<sup>th</sup> day of December, 2016.

\_\_\_\_\_  
Jack Reed, MAYOR

\_\_\_\_\_  
Trisha Nelson, CITY CLERK

I, Trisha Nelson, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on December 5, 2016, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.

\_\_\_\_\_  
Trisha Nelson, CITY CLERK



**ADMINISTRATIVE REPORT**  
**December 5, 2016 - CITY COUNCIL MEETING**

**REPORT TO:** Honorable Mayor and City Council

**FROM:** Kristin Bauer, Director of Public Services  
Tom Tarkiewicz, City Manager

**SUBJECT:** Public Hearing to hear comments on amendments to City Ordinance, Chapter § 53, RATES

**BACKGROUND:** In August and October 2016, with the assistance of Mr. Mike Engels of the Michigan Rural Water Association (MRWA), we began development of new water/sewer rates. The development of new rates is based on the revenue required to maintain the water and sewer services in a "sustainable" condition. Meaning the systems will serve the present needs and will continue to meet future needs. Components considered when developing these rates include the following:

- Daily Operation and Maintenance (O&M) Expenses
- Replacement expenses of operating equipment
- Capital improvement costs
- Administrative expenses
- Debt Service expenses

As a result of this rate analysis, the attached amendment to the ordinance is recommended. This amendment will allow for future changes to rates to be completed without a revision to the ordinance as the rates will be published, as Council recommends, in the Utility Rules and Regulations.

**RECOMMENDATION:** After hearing comments at the public hearing, it is recommended that the City Council adopt the amendments to the City of Marshall Ordinance Chapter § 53, RATES.

**FISCAL EFFECTS:** None at this time.

**CITY GOAL CLASSIFICATION:**

**GOAL AREA 4. INFRASTRUCTURE**

**Goal Statement:** Preserve, rehabilitate, maintain and expand city infrastructure and assets.

**ALTERNATIVES:** As suggested by the Council.

Respectfully submitted,

Kristin Bauer  
Director of Public Services

Tom Tarkiewicz  
City Manager

**CITY OF MARSHALL**  
**ORDINANCE #2016-xx 2013-14**

AN ORDINANCE TO AMEND CITY OF MARSHALL CODE §53 RATES OF THE MARSHALL CITY CODE OF ORDINANCES.

THE CITY OF MARSHALL ORDAINS:

**Section 1.** That the Marshall City Code §53 be amended as follows:

**CHAPTER 53: RATES**

**§ 53.01 WATER RATES.**

(A) All metered water shall be charged to a two-part rate consisting of a readiness to serve charge plus a commodity charge.

(B) Water Readiness to Serve Charge shall be billed by meter size. The effective rates ~~are included in the table below:~~ shall be as established by resolution and published in the Utility Rules and Regulations.

Meter Size	Readiness to Serve Charge As of: January 1, 2014	Readiness to Serve Charge As of: January 1, 2015	Readiness to Serve Charge As of: January 1, 2016
1" or smaller	\$ 18.12	\$ 18.27	\$ 18.68
1.5"	\$ 48.00	\$ 48.00	\$ 48.00
2"	\$ 86.50	\$ 86.50	\$ 86.50
3"	\$ 195.00	\$ 195.00	\$ 195.00
4"	\$ 365.00	\$ 365.00	\$ 365.00
6"	\$ 785.00	\$ 785.00	\$ 785.00

(1) The Readiness to Serve Charge outside the corporate limits of the City of Marshall shall be 200% of the rate as established for use within the corporate limits of the City of Marshall, Michigan.

(2) When a battery of more than one meter is used in the place of a large single meter, then the readiness to serve charge shall be the charge of the single sized meter times the number of meters composing the battery.

(3) The "Readiness to Serve Charge" covers the cost necessary to keep the Water Works in good operating condition, and other fixed costs as designated by Council and is the amount of the minimum bill.



(C) Water Commodity Charges shall be based on actual consumption. The effective rates ~~are included in the table below:~~ shall be as established by resolution and published in the Utility Rules and Regulations.

Cubic Foot		Commodity Charges As of: January 1, 2014	Commodity Charges As of: January 1, 2015	Commodity Charges As of: January 1, 2016
		(per 100cft)	(per 100cft)	(per 100cft)
Up to	3,000	\$ 2.2200	<del>\$ 2.3000</del>	\$ 2.4200
Next	12,000	\$ 1.7800	\$ 1.8400	<del>\$ 1.9400</del>
Beyond	15,000	\$ 1.3300	\$ 1.3800	<del>\$ 1.4500</del>

(1) Commodity Charge outside the corporate limits of the City of Marshall shall be: 200% of the rate as established for use within the corporate limits of the City of Marshall, Michigan.

(D) Automatic sprinkler services or hose connections for fire protection services only ~~will~~ shall be charged per year the rates as established by resolution and published in the Utility Rules and Regulations. ~~the following rates:~~

Connection Size	Charge per Annum
<del>6" or smaller</del>	<del>\$120</del>
8"	\$220
10"	\$340
12"	\$500

(E) The City may provide a fire hydrant connection for Circuses, Tent Shows, Carnivals, Exhibitions, and for Construction purposes. Fees and charges shall be established by resolution. The Meter Security Deposit will be returned when the hydrant meter is returned without damage. Any loss or damage to the reducing connection, valve, hydrant, meter or operating wrench will be charged to the person making application for the use of the hydrant. On large construction projects, the Water Department may require the setting of an appropriate meter and to charge for water and service as for regular service supply.

(F) All service taps to water mains shall be made by the Water Department except when approved by the Water Superintendent. Additional information is available in the City's Utility Rules and Regulations. The charge for the water main tapping shall be paid by the customer and shall include, but not be limited to, -all materials, equipment, and contracted costs incurred by the City.

(G) The City may provide meter testing. The meter testing fees shall be established by resolution. If, after testing, the meter is found to be in error above allowable percent, which is two percent (2%) plus or minus, then the amount deposited will be refunded, but if the water meter is found to be registering within the test limits, then the amount deposited will be retained to cover the cost of the testing.

(H) A turn-on fee for the restoration of service during business hours or after business hours will be charged to a customer in order to reconnect his service if service has been interrupted. A turn-on fee shall be established by resolution.



(I) Anyone seeking to make a connection to any public water main within the City of Marshall shall first obtain a permit to make such connection from the offices of the City of Marshall. Prior to the issuance of said permit, the applicant must pay to the City a Water Connection Fee representing the cost of construction of that portion of the City-wide water system attributable to the proportionate benefit to be received by the applicant's property.

(1) The Water Connection Fee shall be based on a unit factor system wherein each single-family residence shall be classified as one unit. Other occupational uses shall be charged on multiples of units as may be determined by resolution of the City Council from time to time. Said units and multiples thereof will be established and computed on the same basis as for the Sanitary Sewer Connection Fee contained further in this Section and the number of units charged to a premise shall be the same for both water and sanitary sewer. The Water Connection Fee shall be established by resolution. The fee for premises connected from outside the corporate limits of the City of Marshall shall be 150% ~~1.5~~ times the in-city rate.

(J) Designated irrigation meters will only be billed between the months of May to September.

(K) The Charges for water services set forth in this ordinance and furnished to any premises are a lien on the premises to which this service is provided and those charges which are delinquent for six (6) months or more shall be certified by the City Treasurer to the City Assessor who shall enter the charges on the next tax roll against the premises to which the services have been rendered. Said charges shall be a lien as of the date services are provided and shall be enforced in the same manner as provided for by the collection of the taxes assessed upon the tax roll and the enforcement of the lien for taxes. The City Treasurer may certify all charges delinquent for six (6) months or more at any time prior to the date on which the City tax roll is approved.

**§ 53.02 SEWER RATES.**

(A) Monthly Rates for sewer service inside the corporate limits of the City of Marshall shall be as established by resolution and published in the Utility Rules and Regulations:

Water Meter Size	Service Charge As of January 1, 2014	Service Charge As of January 1, 2015	Service Charge As of January 1, 2016
1" or smaller	<del>\$ 14.48</del>	<del>\$ 14.54</del>	<del>\$ 14.72</del>
1 1/2"	\$ 28.96	\$ 29.08	\$ 29.44
2"	\$ 34.75	\$ 37.80	\$ 41.22
3"	\$ 39.10	\$ 52.34	\$ 66.24
4"	\$ 69.50	\$ 104.69	\$ 141.31
6"	\$ 104.26	\$ 157.03	\$ 211.97

(B) Monthly Rates for sewer service outside the corporate limits of the City of Marshall shall be as established by resolution and published in the Utility Rules and Regulations:



Water Meter Size	Service Charge As of January 1, 2014	Service Charge As of January 1, 2015	Service Charge As of January 1, 2016
1" or smaller	\$ 15.98	\$ 16.04	\$ 16.22
1 1/2"	\$ 30.46	\$ 30.58	\$ 30.94
2"	\$ 36.25	\$ 39.30	\$ 42.72
3"	\$ 40.60	\$ 53.84	\$ 67.74

(C) The Sewer commodity charge shall be as established by resolution and published in the Utility Rules and Regulations:

	Commodity Charge per 100 cft As of January 1, 2014	Commodity Charge per 100 cft As of January 1, 2015	Commodity Charge per 100 cft As of January 1, 2016
Within the City of Marshall	\$ 3.11	\$ 3.16	\$ 3.18
Outside the City of Marshall	\$ 4.67	\$ 4.74	4.77

(D) Flat rate customer shall pay the rates as established by resolution and published in the Utility Rules and Regulations, the following rates in addition to appropriate service charge:

Flat Rate As of January 1, 2014	Flat Rate As of January 1, 2015	Flat Rate As of January 1, 2016
\$ 34.70	\$ 35.08	35.39

(E) The sewer commodity may be reduced for residential customers because of lawn sprinkling. The procedure and policy for the sewer discount will be part of the Rules and Regulations.

(F) Anyone seeking to make a connection to any sanitary sewer system within the City of Marshall shall first obtain a permit to make such connection from the offices of the City of Marshall. Prior to the issuance of said permit, the applicant must pay to the City a Sanitary Sewer Connection Fee representing the cost of construction of that portion of the City-wide sewer system attributable to the proportionate benefit to be received by the applicant's property.

(1) The Sanitary Sewer Connection Fee shall be based on a unit factor system wherein each single-family residence shall be classified as one unit. Other occupational uses shall be charged on multiples of units as may be determined by resolution of the City Council from time to time. The Sanitary Sewer Connection Fee shall be established by resolution. The fee for

premises connected from outside the corporate limits of the City of Marshall shall be 1.5 times the in-city rate.

(G) The Charges for waste water services set forth in this ordinance and furnished to any premises are a lien on the premises to which this service is provided and those charges which are delinquent for six (6) months or more shall be certified by the City Treasurer to the City Assessor who shall enter the charges on the next tax roll against the premises to which the services have been rendered. Said charges shall be a lien as of the date services are provided and shall be enforced in the same manner as provided for by the collection of the taxes assessed upon the tax roll and the enforcement of the lien for taxes. The City Treasurer may certify all charges delinquent for six (6) months or more at any time prior to the date on which the City tax roll is approved.

**Section 2.** This Ordinance [or a summary thereof as permitted by MCL 125.3401] 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. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk.

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

Adopted and signed this ~~5<sup>th</sup>~~<sup>3<sup>rd</sup></sup> day of December, 201~~63~~.

~~James Dyer~~Jack Reed, MAYOR  
Clerk

\_\_\_\_\_  
Trisha Nelson, City



**CITY OF MARSHALL  
ORDINANCE #2016-xx**

AN ORDINANCE TO AMEND CITY OF MARSHALL CODE §53 RATES OF THE MARSHALL CITY CODE OF ORDINANCES.

THE CITY OF MARSHALL ORDAINS:

**Section 1.** That the Marshall City Code §53 be amended as follows:

**CHAPTER 53: RATES**

**§ 53.01 WATER RATES.**

(A) All metered water shall be charged to a two-part rate consisting of a readiness to serve charge plus a commodity charge.

(B) Water Readiness to Serve Charge shall be billed by meter size. The effective rates shall be as established by resolution and published in the Utility Rules and Regulations.

(1) The Readiness to Serve Charge outside the corporate limits of the City of Marshall shall be 200% of the rate as established for use within the corporate limits of the City of Marshall, Michigan.

(2) When a battery of more than one meter is used in the place of a large single meter, then the readiness to serve charge shall be the charge of the single sized meter times the number of meters composing the battery.

(3) The "Readiness to Serve Charge" covers the cost necessary to keep the Water Works in good operating condition, and other fixed costs as designated by Council and is the amount of the minimum bill.

(C) Water Commodity Charges shall be based on actual consumption. The effective rates shall be as established by resolution and published in the Utility Rules and Regulations.

(1) Commodity Charge outside the corporate limits of the City of Marshall shall be: 200% of the rate as established for use within the corporate limits of the City of Marshall, Michigan.

(D) Automatic sprinkler services or hose connections for fire protection services only shall be charged per year the rates as established by resolution and published in the Utility Rules and Regulations.

(E) The City may provide a fire hydrant connection for Circuses, Tent Shows, Carnivals, Exhibitions, and for Construction purposes. Fees and charges shall be established by resolution. The Meter Security Deposit will be returned when the hydrant meter is returned without damage.

Any loss or damage to the reducing connection, valve, hydrant, meter or operating wrench will be charged to the person making application for the use of the hydrant. On large construction projects, the Water Department may require the setting of an appropriate meter and to charge for water and service as for regular service supply.

(F) All service taps to water mains shall be made by the Water Department except when approved by the Water Superintendent. Additional information is available in the City's Utility Rules and Regulations. The charge for the water main tapping shall be paid by the customer and shall include, but not be limited to, all materials, equipment, and contracted costs incurred by the City.

(G) The City may provide meter testing. The meter testing fees shall be established by resolution. If, after testing, the meter is found to be in error above allowable percent, which is two percent (2%) plus or minus, then the amount deposited will be refunded, but if the water meter is found to be registering within the test limits, then the amount deposited will be retained to cover the cost of the testing.

(H) A turn-on fee for the restoration of service during business hours or after business hours will be charged to a customer in order to reconnect his service if service has been interrupted. A turn-on fee shall be established by resolution.

(I) Anyone seeking to make a connection to any public water main within the City of Marshall shall first obtain a permit to make such connection from the offices of the City of Marshall. Prior to the issuance of said permit, the applicant must pay to the City a Water Connection Fee representing the cost of construction of that portion of the City-wide water system attributable to the proportionate benefit to be received by the applicant's property.

(1) The Water Connection Fee shall be based on a unit factor system wherein each single-family residence shall be classified as one unit. Other occupational uses shall be charged on multiples of units as may be determined by resolution of the City Council from time to time. Said units and multiples thereof will be established and computed on the same basis as for the Sanitary Sewer Connection Fee contained further in this Section and the number of units charged to a premise shall be the same for both water and sanitary sewer. The Water Connection Fee shall be established by resolution. The fee for premises connected from outside the corporate limits of the City of Marshall shall be 150% times the in-city rate.

(J) Designated irrigation meters will only be billed between the months of May to September.

(K) The Charges for water services set forth in this ordinance and furnished to any premises are a lien on the premises to which this service is provided and those charges which are delinquent for six (6) months or more shall be certified by the City Treasurer to the City Assessor who shall enter the charges on the next tax roll against the premises to which the services have been rendered. Said charges shall be a lien as of the date services are provided and shall be enforced in the same manner as provided for by the collection of the taxes assessed upon the tax roll and the enforcement of the lien for taxes. The City Treasurer may certify all charges delinquent for six (6) months or more at any time prior to the date on which the City tax roll is approved.

### **§ 53.02 SEWER RATES.**

(A) Monthly Rates for sewer service inside the corporate limits of the City of Marshall shall be as established by resolution and published in the Utility Rules and Regulations:

(B) Monthly Rates for sewer service outside the corporate limits of the City of Marshall shall be as established by resolution and published in the Utility Rules and Regulations:

(C) The Sewer commodity charge shall be as established by resolution and published in the Utility Rules and Regulations:

(D) Flat rate customer shall pay the rates as established by resolution and published in the Utility Rules and Regulations. :

(E) The sewer commodity may be reduced for residential customers because of lawn sprinkling. The procedure and policy for the sewer discount will be part of the Rules and Regulations.

(F) Anyone seeking to make a connection to any sanitary sewer system within the City of Marshall shall first obtain a permit to make such connection from the offices of the City of Marshall. Prior to the issuance of said permit, the applicant must pay to the City a Sanitary Sewer Connection Fee representing the cost of construction of that portion of the City-wide sewer system attributable to the proportionate benefit to be received by the applicant's property.

(1) The Sanitary Sewer Connection Fee shall be based on a unit factor system wherein each single-family residence shall be classified as one unit. Other occupational uses shall be charged on multiples of units as may be determined by resolution of the City Council from time to time. The Sanitary Sewer Connection Fee shall be established by resolution. The fee for premises connected from outside the corporate limits of the City of Marshall shall be 1.5 times the in-city rate.

(G) The Charges for waste water services set forth in this ordinance and furnished to any premises are a lien on the premises to which this service is provided and those charges which are delinquent for six (6) months or more shall be certified by the City Treasurer to the City Assessor who shall enter the charges on the next tax roll against the premises to which the services have been rendered. Said charges shall be a lien as of the date services are provided and shall be enforced in the same manner as provided for by the collection of the taxes assessed upon the tax roll and the enforcement of the lien for taxes. The City Treasurer may certify all charges delinquent for six (6) months or more at any time prior to the date on which the City tax roll is approved.

**Section 2.** This Ordinance [or a summary thereof as permitted by MCL 125.3401] 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. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk.

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

| Adopted and signed this 5<sup>th</sup> day of December, 2016.

| Jack Reed, MAYOR

Trisha Nelson, City Clerk



**ADMINISTRATIVE REPORT**  
**December 5, 2016 - CITY COUNCIL MEETING**

**REPORT TO:** Honorable Mayor and City Council

**FROM:** Theresa Sears, Administrator, Marshall House Apartments  
Tom Tarkiewicz, City Manager

**SUBJECT:** Marshall House Elevator Modernization

**BACKGROUND:** Since the closing of the previous Elevator Modernization Project RFP on January 14, 2016 due to a sole nonresponsive bidder, Marshall House (MH) and MC Smith Associates and Architectural Group (MCSAAG) have been eagerly working on reissuing a new project bid packet for the modernization and replacement of both elevators at Marshall House. The elevator equipment and mechanics are well past their lifespan and the project has been a major concern for administration, staff and our tenants.

On November 10, 2016, the City received two bids for the above referenced project:

McNally Elevator	Kalamazoo	\$423,795
D & K Engineered Construction	Grand Rapids	\$610,890

Both bids were reviewed by Mr. William Skallos of MCSAAG. It was recommended that the contract for the project be awarded to McNally Elevator on the basis of their lowest and complete base bid for a total contract amount of \$441,295.00 which includes a \$17,500.00 contingency. Completion of the project is 277 calendar days. It was stated in the bid document that the first half of the project timeline, will be construction of the cars offsite. The remainder of the days will be on site, half which will be used working in one elevator shaft, the remainder used for the second elevator shaft. Elevator shutdowns, in which both cars will be disabled will be conducted during overnight periods as deemed reasonable and appropriate by the Marshall Area Firefighters Ambulance Authority and the Marshall Fire Department. Both departments have agreed to work together during these periods when the equipment is out of commission.

**RECOMMENDATION:** It is recommended that Council approve and award the contract for the Elevator Modernization Project, at Marshall House Apartments to McNally Elevator of Kalamazoo. It is also recommended that Council authorize the City Clerk to sign the agreement only in the event HUD has released the funds from the Marshall House Replacement Reserve Account.

**FISCAL EFFECTS:** On March 17, 2016, Marshall House received a grant of \$10,000 from the Marshall Community Foundation to defray the costs for this project. Marshall House has also been awarded a grant of up to \$150,000 from the Cronin Foundation for the elevator project. There is currently \$336,194 (\$436,194 - \$100,000 minimum reserve) possibly available, with HUD's approval, in the Marshall House HUD Replacement Reserve Account for this project. If

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

Council should approve the contract, the Finance Department in coordination with the Marshall House Administrator shall immediately request a release of these funds. Based on this information, there are sufficient funds available for this project should HUD authorize the release of funds

**CITY GOAL CLASSIFICATION: GOAL AREA 4. INFRASTRUCTURE**

**Goal Statement:** Preserve, rehabilitate, maintain and expand city infrastructure and assets.

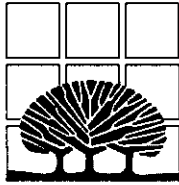
**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,



Theresa A. Sears  
Administrator  
Marshall House Apartments

Tom Tarkiewicz  
City Manager



**M.C. SMITH  
ASSOCIATES AND  
ARCHITECTURAL GROUP**

Landscape Architecture  
Park & Recreation Planning  
Architecture • Urban Design  
Sports Facility Planning

November 22, 2016

Ms. Theresa Sears  
Marshall House Apartments  
200 E. Spruce Street  
Marshall, MI 49068

VIA E-Mail (*Hard Copy To Follow*)

RE: 2016 Elevator Modernization  
Marshall House Apartments  
City of Marshall  
Marshall, Michigan

Ms. Sears:

Two (2) bids were received for the above-referenced project on November 10, 2016; from D & K Engineered Construction and McNally Elevator Company, Inc.

We are pleased to recommend the low bidder, McNally Elevator Company, as the general contractor for this project. Their base bid and contract amount is \$441,295.00 which includes the \$17,500.00 contingency.

We will forward to your office a draft copy of the Contract for your review.

Sincerely,

M. C. Smith Associates and Architectural Group, Inc.

William Skallos, R.A.

Bidders Name: McNally Elevator Company Inc.

**BID SUBMITTAL REQUIREMENT ACKNOWLEDGEMENTS**

		(Check box)	(Initial Completed)
A. This Bid Form (Fully completed & company name on each page)	Attached	<input checked="" type="checkbox"/>	Initials: <u>RCM</u>
B. Bid Bond – (5% of bid)	Attached	<input checked="" type="checkbox"/>	Initials: <u>RCM</u>
C. Non-Collusive Affidavit	Attached	<input checked="" type="checkbox"/>	Initials: <u>RCM</u>
D. HUD Form 5369A (Rep. Cert. Statement of Bidders)	Attached	<input checked="" type="checkbox"/>	Initials: <u>RCM</u>
E. HUD Form 2530 (Previous Participation Certification) Refer to enclosed form.	Attached	<input checked="" type="checkbox"/>	Initials: <u>RCM</u>
F. Minority, Women Disabled Enterprise Proposal Supplement	Attached	<input checked="" type="checkbox"/>	Initials: <u>RCM</u>
G. Acknowledgement of Addenda			
Addendum No. 1	Attached	<input checked="" type="checkbox"/>	Initials: <u>RCM</u>
Addendum No. 2	Attached	<input type="checkbox"/>	Initials: _____
Addendum No. 3	Attached	<input type="checkbox"/>	Initials: _____



Bidders Name: McNally Elevator Company Inc.

**SECTION 00310 - FORM OF BID TO BE USED**

**BID FOR CONSTRUCTION**

**PROJECT: Marshall House Apartments 2016 Elevator Modernization**

**Submit Bid To:**

Marshall City Hall  
City Council Chambers  
323 W. Michigan Avenue  
Marshall, Michigan 49068

**Bidders:**

1. The undersigned, have familiarized (themselves) with the local conditions affecting the cost of the work, and with the Specifications (including Invitation for Bids, Instructions to Bidders, this bid, Previous Participation Certificate, the form of Bid Bond, the form on Non-Collusive Affidavit, the Form of Contract, and the form of Performance and Payment Bond or Bonds, the General Conditions, the Technical Specifications, and the Drawings and Addenda, if any thereto, as prepared by M. C. Smith Associates and Architectural Group, Inc., 529 Greenwood Avenue S.E., East Grand Rapids, Michigan 49506, hereby proposes to furnish all labor, materials, equipment and services required to provide complete construction of the project, all in accordance therewith, for the sum of:

Base Bid Amount	\$	<u>\$423,795.00</u>
Contingency Allowance	\$	<u>\$17,500.00</u>

<b>TOTAL BID</b>	\$	<u>\$441,295.00</u>
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Four Hundred Forty One Thousand Two Hundred Ninety Five Dollars

(\$ 441,295.00 )

The Contract will be awarded to the lowest Responsive and Responsible Bidder. A fully-completed Bid Form is required for consideration.

3. CALENDAR DAYS:

The Undersigned proposes to complete this construction project in: 277 calendar days.

4. In submitting this bid, it is understood that the right is reserved by Marshall House Apartments to reject any and all bids. If written notice of the acceptance of the bid is mailed, telegraphed or delivered to the undersigned within 90 days after the opening thereof, or at any time thereafter before this bid is withdrawn, the undersigned agrees to execute and deliver a contract in the prescribed form and furnish the required bid within ten (10) days after the contract is presented to him for signature.

5. Surety: Accompanying this proposal is a Certified Check or Bidder's Bond in the amount of 5% of the construction cost payable to the Owner, which it is agreed shall be retained

as liquidated damages, by the Owner, if the Undersigned fails to execute the Contract in conformity with the Form of Contract incorporated in the Contract Documents, and furnish Payment and Performance Bonds as specified within ten (10) days after notification of the award of the Contract to the Undersigned.

6. Attached hereto is an affidavit in proof that the undersigned has not entered into any collusion with any person in respect to this proposal or any other proposal or the submitting of proposals for the contract for which his proposal is submitted.
7. The bidder represents that he (  ) has, (  ) has not, participated in a previous contract or subcontract subject to the equal opportunity clause prescribed by Executive Order 10925, 11114, or 11246 or the Secretary of Labor; that he (  ) has, (  ) has not, filed all required compliance reports, signed by proposed subcontractors. Reports must be obtained prior to subcontract awards. The above representation need not be submitted in connection with contracts or subcontracts which are exempt from the clause.
8. Certification of Non-Segregated Facilities. By signing this bid, the bidder certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The bidder agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion or national origin because of habit, local custom, or other wise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors prior to award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause; that he will retain such certifications in his files; and that he will forward a notice to his proposed subcontractors as provided in the instruction to bidders.
9. Note: The penalty for making false statements in officers is prescribed in 18 U.S.C. 1001.
10. Please be advised that effective August 1, 1994, all individuals, businesses, contractors, vendors and others doing business with Marshall House Apartments through contracts are required to adhere to government (U.S. Department of Housing Development – HUD) regulations pertaining to employment of low-income individuals and wage rates established by the U.S. Department of Labor.
  - A. Section 3 Housing Act, 1968. All contractors doing business with Marshall House Apartments shall make a demonstrative attempt to hire and/or train 1.) Public housing residents and 2.) Low-income residents of the City of Marshall.

Bidders Name: McNally Elevator Company Inc.

The undersigned acknowledges the right of the Owner to accept or reject any proposal or part of any proposal submitted.

Dated this 10th day of November, 2016.

By: Signature of Bidder *Ryan C. McNally*

Printed Name of Bidder Ryan C. McNally

Name of Business McNally Elevator Company Inc.

Business Address of Bidder 223 W. Ransom  
Kalamazoo, Mi. 49007

Business Telephone of Bidder 269-381-1860

Business Fax Number of Bidder 269-381-1719

Email Address of Bidder ryan@mcnallyelevator.com

Incorporated under the laws of the State of Michigan

President Tom McNally

Secretary Anne McNally

Treasurer Anne McNally

If Non-incorporated:

Names and Addresses of Members of the Firm:

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BID BOND FORM

**SECTION 00320 - BID BOND**

McNally Elevator Company (Name of Principal) \_\_\_\_\_  
as PRINCIPAL, and Employers Mutual Casualty Company (Name of Surety) \_\_\_\_\_  
as SURETY are held and firmly bound unto the City of Marshall Acting  
by and through the \_\_\_\_\_ Housing Commission, hereinafter called the "PHA",  
in the penal sum of 5% of bid amount Dollars lawful money of the United States,  
for the payment which sum well and truly to be made, we bind ourselves, our heirs, executors,  
administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the Principal has submitted  
the accompanying bid, dated November 9, 2016 for \_\_\_\_\_  
complete replacement of two (2) hydraulic elevators and componets and modernization of cabs

NOW, THEREFORE, if the Principal shall not withdraw said bid within the period specified  
therein after the opening of same, or, if no period be specified, within one hundred twenty (120)  
days after the said opening and shall within the period specified therefore, or, if no period  
specified within ten (10) days after the prescribed form are presented to him for signature, enter  
into a written contract with the PHA in accordance with the bid as accepted, and give bond with  
good and sufficient surety or sureties, as may be required for the faithful performance and proper  
fulfillment of such contract; of in the event of the withdrawal of said bid within the period  
specified, or the failure to enter into such contract and give such bond within the time specified,  
if the Principal shall pay the PHA the difference between the amount specified in said bid and the  
amount for which the PHA may procure the required work or supplies or both, if the latter  
amount be in excess of the former, then the above obligation shall be void and of no effect,  
otherwise to remain in full force and virtue.

BID BOND FORM

IN WITNESS WHEREOF, the above-bounden parties have executed this instrument under their several seals this 9th day of November, 2016, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

In presence of:

\_\_\_\_\_  
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\_\_\_\_\_

(Individual Principal) (SEAL)

(Business Address)

(Individual Principal) (SEAL)

(Business Address)

Attest:

Ryan C. McNally

\_\_\_\_\_  
(Corporate Principal) McNally Elevator Company Inc.  
223 W. Ransom, Kalamazoo, Mi. 49007  
\_\_\_\_\_  
(Business Address)

By Ryan C. McNally Affix  
Corporate Seal

EMC Mutual Casualty Company

Attest:

Ali Norberg

x (Corporate Surety) Ali Norberg  
Ali Norberg

By \_\_\_\_\_ Affix  
Corporate Seal

(Power of Attorney for person signing for surety company must be attached to bond.)

CERTIFICATE AS TO CORPORATE PRINCIPAL

I, Anne McNally, certify that I am the current  
Secretary of the corporation named as Principal of the within bond; that Ryan McNally, who signed the said bond on behalf of the Principal was then Vice President of said corporation; that I know his signature, and his signature thereto is genuine; and that said bond was duly signed, sealed, and attested to for and in behalf of said corporation by authority of its governing body.

Anne McNally Corporate Seal



THE FACE AND REVERSE OF THIS DOCUMENT HAVE A COLORED FLAG ON WHITE PAPER

P.O. Box 712 - Des Moines, IA 50306-0712

No. B68913

**CERTIFICATE OF AUTHORITY INDIVIDUAL ATTORNEY-IN-FACT**

KNOW ALL MEN BY THESE PRESENTS, that:

- 1. Employers Mutual Casualty Company, an Iowa Corporation
- 2. EMCASCO Insurance Company, an Iowa Corporation
- 3. Union Insurance Company of Providence, an Iowa Corporation
- 4. Illinois EMCASCO Insurance Company, an Iowa Corporation
- 5. Dakota Fire Insurance Company, a North Dakota Corporation
- 6. EMC Property & Casualty Company, an Iowa Corporation
- 7. Hamilton Mutual Insurance Company, an Iowa Corporation

hereinafter referred to severally as "Company" and collectively as "Companies", each does, by these presents, make, constitute and appoint: **ROB M KOETS, JONATHAN KOETS, GEOFF LANSKY, ALI NORBERG**

its true and lawful attorney-in-fact, with full power and authority conferred to sign, seal, and execute its lawful bonds, undertakings, and other obligatory instruments of a similar nature as follows:

In an amount not exceeding Two Million Dollars.....\$2,000,000.00

and to bind each Company thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of each such Company, and all of the acts of said attorney pursuant to the authority hereby given are hereby ratified and confirmed.

The authority hereby granted shall expire APRIL 1, 2019 unless sooner revoked.

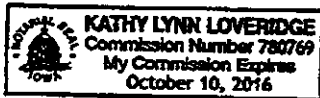
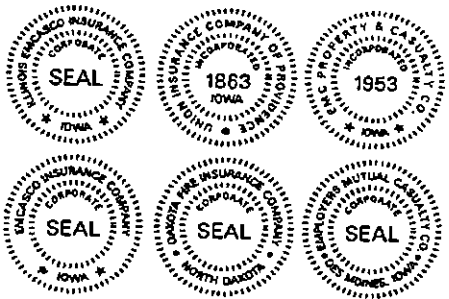
**AUTHORITY FOR POWER OF ATTORNEY**

This Power-of-Attorney is made and executed pursuant to and by the authority of the following resolution of the Boards of Directors of each of the Companies at a regularly scheduled meeting of each company duly called and held in 1999:

**RESOLVED:** The President and Chief Executive Officer, any Vice President, the Treasurer and the Secretary of Employers Mutual Casualty Company shall have power and authority to (1) appoint attorneys-in-fact and authorize them to execute on behalf of each Company and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof; and (2) to remove any such attorney-in-fact at any time and revoke the power and authority given to him or her. Attorneys-in-fact shall have power and authority, subject to the terms and limitations of the power-of-attorney issued to them, to execute and deliver on behalf of the Company, and to attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and any such instrument executed by any such attorney-in-fact shall be fully and in all respects binding upon the Company. Certification as to the validity of any power-of-attorney authorized herein made by an officer of Employers Mutual Casualty Company shall be fully and in all respects binding upon this Company. The facsimile or mechanically reproduced signature of such officer, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power-of-attorney of the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

**IN WITNESS THEREOF**, the Companies have caused these presents to be signed for each by their officers as shown, and the Corporate seals to be hereto affixed this 13th day of SEPTEMBER, 2016.

Seals



Bruce G. Kelley  
Bruce G. Kelley, Chairman  
of Companies 2, 3, 4, 5 & 6; President  
of Company 1; Vice Chairman and  
CEO of Company 7

Michael Freel  
Michael Freel  
Assistant Vice President

On this 13th day of SEPTEMBER AD 2016 before me a Notary Public in and for the State of Iowa, personally appeared Bruce G. Kelley and Michael Freel, who, being by me duly sworn, did say that they are, and are known to me to be the Chairman, President, Vice Chairman and CEO, and/or Assistant Vice President/Assistant Secretary, respectively, of each of The Companies above; that the seals affixed to this instrument are the seals of said corporations; that said instrument was signed and sealed on behalf of each of the Companies by authority of their respective Boards of Directors; and that the said Bruce G. Kelley and Michael Freel, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of each of the Companies.  
My Commission Expires October 10, 2016.

Kathy Lynn Loveridge  
Notary Public in and for the State of Iowa

**CERTIFICATE**

I, James D. Clough, Vice President of the Companies, do hereby certify that the foregoing resolution of the Boards of Directors by each of the Companies, and this Power of Attorney issued pursuant thereto on SEPTEMBER 13, 2016 on behalf of: ROB M KOETS, JONATHAN KOETS, GEOFF LANSKY, ALI NORBERG

are true and correct and are still in full force and effect.  
In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 9th day of November, 2016.

J D Clough Vice President



ELEVATOR COMPANY

223 WEST RANSOM ST, KALAMAZOO, MICHIGAN 49007 (269) 381-1860 FX (269) 381-1719 TF 1-800-MCNALLY

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Non-Collusive Affidavit

State of Michigan  
County of Kalamazoo

Ryan C. McNally, being first duly sworn, deposes and says:

That he is Vice President of McNally Elevator Company Inc. The party making the foregoing proposal or bid, that such proposal or bid is genuine and not collusive or sham; that said bidder has not colluded, conspired, connived or agreed, directly or indirectly, with any bidder or person, to put in a sham bid or to refrain from bidding, and has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference, with any person, to fix the bid price or affiant or of any other bidder, or to fix any overhead, profit or cost element of said price, or that of any other bidder, or to secure any advantage against the Housing Commission or any person interested in the proposed contract; and that all statements in said proposal or bid are true.

Signature of: Ryan C. McNally

Title: Vice President

Subscribed and sworn to before me this 10<sup>th</sup> day of Nov, 2016

R McNally, My Commission expires July 26, 2019

# Representations, Certifications, and Other Statements of Bidders

## Public and Indian Housing Programs

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### 1. Certificate of Independent Price Determination

(a) The bidder certifies that--

(1) The prices in this bid have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other bidder or competitor relating to (i) those prices, (ii) the intention to submit a bid, or (iii) the methods or factors used to calculate the prices offered;

(2) The prices in this bid have not been and will not be knowingly disclosed by the bidder, directly or indirectly, to any other bidder or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a competitive proposal solicitation) unless otherwise required by law; and

(3) No attempt has been made or will be made by the bidder to induce any other concern to submit or not to submit a bid for the purpose of restricting competition.

(b) Each signature on the bid is considered to be a certification by the signatory that the signatory--

(1) Is the person in the bidder's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above; or

(2) (i) Has been authorized, in writing, to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above.

Ryan C. McNally \_\_\_\_\_ [insert full name of person(s) in the bidder's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the bidder's organization];

(ii) As an authorized agent, does certify that the principals named in subdivision (b)(2)(i) above have not participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above; and

(iii) As an agent, has not personally participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above.

(c) If the bidder deletes or modifies subparagraph (a)2 above, the bidder must furnish with its bid a signed statement setting forth in detail the circumstances of the disclosure.

[Contracting Officer check if following paragraph is applicable]

(d) Non-collusive affidavit. (applicable to contracts for construction and equipment exceeding \$50,000)

(1) Each bidder shall execute, in the form provided by the PHA/IHA, an affidavit to the effect that he/she has not colluded with any other person, firm or corporation in regard to any bid submitted in response to this solicitation. If the successful bidder did not submit the affidavit with his/her bid, he/she must submit it within three (3) working days of bid opening. Failure to submit the affidavit by that date may render the bid nonresponsive. No contract award will be made without a properly executed affidavit.

(2) A fully executed "Non-collusive Affidavit"  is,  is not included with the bid.

### 2. Contingent Fee Representation and Agreement

(a) Definitions. As used in this provision:

"Bona fide employee" means a person, employed by a bidder and subject to the bidder's supervision and control as to time, place, and manner of performance, who neither exerts, nor proposes to exert improper influence to solicit or obtain contracts nor holds out as being able to obtain any contract(s) through improper influence.

"Improper influence" means any influence that induces or tends to induce a PHA/IHA employee or officer to give consideration or to act regarding a PHA/IHA contract on any basis other than the merits of the matter.

(b) The bidder represents and certifies as part of its bid that, except for full-time bona fide employees working solely for the bidder, the bidder:

(1)  has,  has not employed or retained any person or company to solicit or obtain this contract; and

(2)  has,  has not paid or agreed to pay to any person or company employed or retained to solicit or obtain this contract any commission, percentage, brokerage, or other fee contingent upon or resulting from the award of this contract.

(c) If the answer to either (a)(1) or (a)(2) above is affirmative, the bidder shall make an immediate and full written disclosure to the PHA/IHA Contracting Officer.

(d) Any misrepresentation by the bidder shall give the PHA/IHA the right to (1) terminate the contract; (2) at its discretion, deduct from contract payments the amount of any commission, percentage, brokerage, or other contingent fee; or (3) take other remedy pursuant to the contract.

### 3. Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (applicable to contracts exceeding \$100,000)

(a) The definitions and prohibitions contained in Section 1352 of title 31, United States Code, are hereby incorporated by reference in paragraph (b) of this certification.



(b) The bidder, by signing its bid, hereby certifies to the best of his or her knowledge and belief as of December 23, 1989 that:

(1) No Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with the awarding of a contract resulting from this solicitation;

(2) If any funds other than Federal appropriated funds (including profit or fee received under a covered Federal transaction) have been paid, or will be paid, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with this solicitation, the bidder shall complete and submit, with its bid, OMB standard form LLL, "Disclosure of Lobbying Activities;" and

(3) He or she will include the language of this certification in all subcontracts at any tier and require that all recipients of subcontract awards in excess of \$100,000 shall certify and disclose accordingly.

(c) Submission of this certification and disclosure is a prerequisite for making or entering into this contract imposed by section 1352, title 31, United States Code. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure form to be filed or amended by this provision, shall be subject to a civil penalty of not less than \$10,000, and not more than \$100,000, for each such failure.

(d) Indian tribes (except those chartered by States) and Indian organizations as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450B) are exempt from the requirements of this provision.

#### 4. Organizational Conflicts of Interest Certification

The bidder certifies that to the best of its knowledge and belief and except as otherwise disclosed, he or she does not have any organizational conflict of interest which is defined as a situation in which the nature of work to be performed under this proposed contract and the bidder's organizational, financial, contractual, or other interests may, without some restriction on future activities:

- (a) Result in an unfair competitive advantage to the bidder; or,
- (b) Impair the bidder's objectivity in performing the contract work.

In the absence of any actual or apparent conflict, I hereby certify that to the best of my knowledge and belief, no actual or apparent conflict of interest exists with regard to my possible performance of this procurement.

#### 5. Bidder's Certification of Eligibility

(a) By the submission of this bid, the bidder certifies that to the best of its knowledge and belief, neither it, nor any person or firm which has an interest in the bidder's firm, nor any of the bidder's subcontractors, is ineligible to:

(1) Be awarded contracts by any agency of the United States Government, HUD, or the State in which this contract is to be performed; or,

(2) Participate in HUD programs pursuant to 24 CFR Part 24.

(b) The certification in paragraph (a) above is a material representation of fact upon which reliance was placed when making award. If it is later determined that the bidder knowingly rendered an erroneous certification, the contract may be terminated for default, and the bidder may be debarred or suspended from participation in HUD programs and other Federal contract programs.

#### 6. Minimum Bid Acceptance Period

(a) "Acceptance period," as used in this provision, means the number of calendar days available to the PHA/IHA for awarding a contract from the date specified in this solicitation for receipt of bids.

(b) This provision supersedes any language pertaining to the acceptance period that may appear elsewhere in this solicitation.

(c) The PHA/IHA requires a minimum acceptance period of [Contracting Officer insert time period] calendar days.

(d) In the space provided immediately below, bidders may specify a longer acceptance period than the PHA's/IHA's minimum requirement. The bidder allows the following acceptance period: calendar days.

(e) A bid allowing less than the PHA's/IHA's minimum acceptance period will be rejected.

(f) The bidder agrees to execute all that it has undertaken to do, in compliance with its bid, if that bid is accepted in writing within (1) the acceptance period stated in paragraph (c) above or (2) any longer acceptance period stated in paragraph (d) above.

#### 7. Small, Minority, Women-Owned Business Concern Representation

The bidder represents and certifies as part of its bid/ offer that it --

(a)  is,  is not a small business concern. "Small business concern," as used in this provision, means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding, and qualified as a small business under the criteria and size standards in 13 CFR 121.

(b)  is,  is not a women-owned business enterprise. "Women-owned business enterprise," as used in this provision, means a business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.

(c)  is,  is not a minority business enterprise. "Minority business enterprise," as used in this provision, means a business which is at least 51 percent owned or controlled by one or more minority group members or, in the case of a publicly owned business, at least 51 percent of its voting stock is owned by one or more minority group members, and whose management and daily operations are controlled by one or more such individuals. For the purpose of this definition, minority group members are:

(Check the block applicable to you)

- |   |   |
|---|---|
| <input type="checkbox"/> Black Americans    | <input type="checkbox"/> Asian Pacific Americans  |
| <input type="checkbox"/> Hispanic Americans | <input type="checkbox"/> Asian Indian Americans   |
| <input type="checkbox"/> Native Americans   | <input type="checkbox"/> Hasidic Jewish Americans |

#### 8. Indian-Owned Economic Enterprise and Indian Organization Representation (applicable only if this solicitation is for a contract to be performed on a project for an Indian Housing Authority)

The bidder represents and certifies that it:

(a)  is,  is not an Indian-owned economic enterprise. "Economic enterprise," as used in this provision, means any commercial, industrial, or business activity established or organized for the purpose of profit, which is at least 51 percent Indian owned. "Indian," as used in this provision, means any person who is a member of any tribe, band, group, pueblo, or community which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs and any "Native" as defined in the Alaska Native Claims Settlement Act.

(b)  is,  is not an Indian organization. "Indian organization," as used in this provision, means the governing body of any Indian tribe or entity established or recognized by such governing body. Indian "tribe" means any Indian tribe, band, group, pueblo, or

community including Native villages and Native groups (including corporations organized by Kenai, Juneau, Sitka, and Kodiak) as defined in the Alaska Native Claims Settlement Act, which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs.

**9. Certification of Eligibility Under the Davis-Bacon Act (applicable to construction contracts exceeding \$2,000)**

(a) By the submission of this bid, the bidder certifies that neither it nor any person or firm who has an interest in the bidder's firm is a person or firm ineligible to be awarded contracts by the United States Government by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(b) No part of the contract resulting from this solicitation shall be subcontracted to any person or firm ineligible to be awarded contracts by the United States Government by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(c) The penalty for making false statements is prescribed in the U. S. Criminal Code, 18 U.S.C. 1001.

**10. Certification of Nonsegregated Facilities (applicable to contracts exceeding \$10,000)**

(a) The bidder's attention is called to the clause entitled **Equal Employment Opportunity** of the General Conditions of the Contract for Construction.

(b) "Segregated facilities," as used in this provision, means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees, that are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin because of habit, local custom, or otherwise.

(c) By the submission of this bid, the bidder certifies that it does not and will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not and will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The bidder agrees that a breach of this certification is a violation of the Equal Employment Opportunity clause in the contract.

(d) The bidder further agrees that (except where it has obtained identical certifications from proposed subcontractors for specific time periods) prior to entering into subcontracts which exceed \$10,000 and are not exempt from the requirements of the Equal Employment Opportunity clause, it will:

- (1) Obtain identical certifications from the proposed subcontractors;
- (2) Retain the certifications in its files; and
- (3) Forward the following notice to the proposed subcontractors (except if the proposed subcontractors have submitted identical certifications for specific time periods):

**Notice to Prospective Subcontractors of Requirement for Certifications of Nonsegregated Facilities**

A Certification of Nonsegregated Facilities must be submitted before the award of a subcontract exceeding \$10,000 which is not exempt from the provisions of the Equal Employment Opportunity clause of the prime contract. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

**Note:** The penalty for making false statements in bids is prescribed in 18 U.S.C. 1001.

**11. Clean Air and Water Certification (applicable to contracts exceeding \$100,000)**

The bidder certifies that:

(a) Any facility to be used in the performance of this contract [ ] is, [X] is not listed on the Environmental Protection Agency List of Violating Facilities:

(b) The bidder will immediately notify the PHA/IHA Contracting Officer, before award, of the receipt of any communication from the Administrator, or a designee, of the Environmental Protection Agency, indicating that any facility that the bidder proposes to use for the performance of the contract is under consideration to be listed on the EPA List of Violating Facilities; and,

(c) The bidder will include a certification substantially the same as this certification, including this paragraph (c), in every nonexempt subcontract.

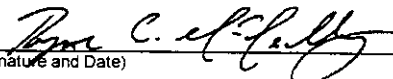
**12. Previous Participation Certificate (applicable to construction and equipment contracts exceeding \$50,000)**

(a) The bidder shall complete and submit with his/her bid the Form HUD-2530, "Previous Participation Certificate." If the successful bidder does not submit the certificate with his/her bid, he/she must submit it within three (3) working days of bid opening. Failure to submit the certificate by that date may render the bid nonresponsive. No contract award will be made without a properly executed certificate.

(b) A fully executed "Previous Participation Certificate" [X] is, [ ] is not included with the bid.

**13. Bidder's Signature**

The bidder hereby certifies that the information contained in these certifications and representations is accurate, complete, and current.

  
(Signature and Date)

Ryan C. McNally  
(Typed or Printed Name)

Vice President  
(Title)

McNally Elevator Company Inc.  
(Company Name)

(Company Address)  
223 W. Ransom  
Kalamazoo, Mi. 49007

Previous Participation Certification

OMB Approval No. 2502-0118  
(Exp. 05/31/2019)

US Department of Housing and Urban Development  
Office of Housing/Federal Housing Commissioner

US Department of Agriculture  
Farmers Home Administration

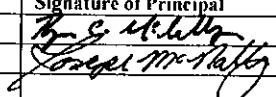
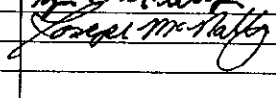
<b>Part I to be completed by Principals of Multifamily Projects (See instructions)</b>		<b>For HUD HQ/FmHA use only</b>	
Reason for submission: <b>Elevator Modernization</b>			
1. Agency name and City where the application is filed <b>Hud Office, Marshall Michigan</b>		2. Project Name, Project Number, City and Zip Code <b>Marshall House Apartments</b>	
3. Loan or Contract amount \$ <b>\$423,795.00</b>	4. Number of Units or Beds	5. Section of Act	6. Type of Project (check one) <input checked="" type="checkbox"/> Existing <input type="checkbox"/> Rehabilitation <input type="checkbox"/> Proposed (New)

**7. List all proposed Principals and attach organization chart for all organizations**

Name and address of Principals and Affiliates (Name: Last, First, Middle Initial) proposing to participate	8 Role of Each Principal in Project	9. SSN or IRS Employer Number
Ryan C. McNally	VP	38-1893613
Joseph T. McNally	CEO	38-1893613

Certifications: The principal(s) listed above hereby apply to HUD or USDA FmHA, as the case maybe, for approval to participate as principal(s) in the role(s) and project listed above. The principal(s) each certify that all the statements made on this form are true, complete and correct to the best of their knowledge and belief and are made in good faith, including any Exhibits attached to this form. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. The principal(s) further certify that to the best of their knowledge and belief:

- Schedule A contains a listing, for the last ten years, of every project assisted or insured by HUD, USDA FmHA and/or State and local government housing finance agencies in which the principal(s) have participated or are now participating.
- For the period beginning 10 years prior to the date of this certification, and except as shown on the certification:
  - No mortgage on a project listed has ever been in default, assigned to the Government or foreclosed, nor has it received mortgage relief from the mortgagee;
  - The principals have no defaults or noncompliance under any Conventional Contract or Turnkey Contract of Sale in connection with a public housing project;
  - There are no known unresolved findings as a result of HUD audits, management reviews or other Governmental investigations concerning the principals or their projects;
  - There has not been a suspension or termination of payments under any HUD assistance contract due to the principal's fault or negligence;
  - The principals have not been convicted of a felony and are not presently the subject of a complaint or indictment charging a felony. (A felony is defined as any offense punishable by imprisonment for a term exceeding one year, but does not include any offense classified as a misdemeanor under the laws of a State and punishable by imprisonment of two years or less);
  - The principals have not been suspended, debarred or otherwise restricted by any Department or Agency of the Federal Government or of a State Government from doing business with such Department or Agency;
  - The principals have not defaulted on an obligation covered by a surety or performance bond and have not been the subject of a claim under an employee fidelity bond;
- All the names of the principals who propose to participate in this project are listed above.
- None of the principals is a HUD/FmHA employee or a member of a HUD/FmHA employee's immediate household as defined in Standards of Ethical Conduct for Employees of the Executive Branch in 5 C.F.R. Part 2635 (57 FR 35006) and HUD's Standard of Conduct in 24 C.F.R. Part 0 and USDA's Standard of Conduct in 7 C.F.R. Part 0 Subpart B.
- None of the principals is a participant in an assisted or insured project as of this date on which construction has stopped for a period in excess of 20 days or which has been substantially completed for more than 90 days and documents for closing, including final cost certification, have not been filed with HUD or FmHA.
- None of the principals have been found by HUD or FmHA to be in noncompliance with any applicable fair housing and civil rights requirements in 24 CFR 5.105(a). (If any principals or affiliates have been found to be in noncompliance with any requirements, attach a signed statement explaining the relevant facts, circumstances, and resolution, if any)
- None of the principals is a Member of Congress or a Resident Commissioner nor otherwise prohibited or limited by law from contracting with the Government of the United States of America.
- Statements above (if any) to which the principal(s) cannot certify have been deleted by striking through the words with a pen, and the relevant principal(s) have initialed each deletion (if any) and have attached a true and accurate signed statement (if applicable) to explain the facts and circumstances.

Name of Principal	Signature of Principal	Certification Date(mm/dd/yyyy)	Area Code and Tel. No.
Ryan C. McNally			269-381-1860
Joseph T. McNally			269-381-1860
This form prepared by (print name) Ryan McNally		Area Code and Tel. No. 269-381-1860	

Previous Participation Certification

OMB Approval No. 2502-0118  
(Exp. 05/31/2019)

**Schedule A: List of Previous Projects and Section 8 Contracts.** Below is a complete list of the principals' previous participation projects and participation history in multifamily Housing programs of HUD/FmHA, State and local Housing Finance Agencies. **Note:** Read and follow the instruction sheet carefully. Make full disclosure. Add extra sheets if you need more space. Double check for accuracy. If no previous projects, write by your name, "No previous participation, First Experience".

1. Principals Name (Last, First)	2. List of previous projects (Project name, project ID and, Govt. agency involved )	3. List Principals' Role(s) (indicate dates participated, and if fee or identity of interest participant)	4. Status of loan (current, defaulted, assigned, foreclosed)	5. Was the Project ever in default during your participation		6. Last MOR rating and Physical Insp. Score and date
				Yes	No	If yes, explain
McNally, Ryan McNally, Joseph McNally, Joseph	Cherry Hill Apartments Chestnut Towers Tri City Village	VP CEO CEO		X	X	X

**Part II- For HUD Internal Processing Only**

Received and checked by me for accuracy and completeness, recommend approval or refer to Headquarters after checking appropriate box.

Date (mm/dd/yyyy)	Tel No. and area code	<input type="checkbox"/> A. No adverse information; form HUD-2530 approval recommended. <input type="checkbox"/> C. Disclosure or Certification problem <input type="checkbox"/> B. Name match in system <input type="checkbox"/> D. Other (attach memorandum)		
Staff	Processing and Control			
Supervisor		Director of Housing/Director, Multifamily Division	Approved <input type="checkbox"/> Yes <input type="checkbox"/> No	Date (mm/dd/yyyy)

**MINORITY/WOMEN'S/DISABLED ENTERPRISE  
PROPOSAL SUPPLEMENT**

Please provide the name(s) of all MBE/WBE/DBE subcontractors from whom you solicited bids for this project and additional information requested below:

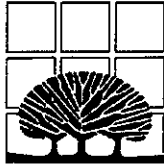
	MBE/WBE/DBE	SUBCONTRACTOR	CONTACT PERSON	CONTACT METHOD	DATE OF CONTRACT
1.	None				
2.					
3.					
4.					
5.					
6.					

Of the MBE/WBE/DBE subcontractor(s) listed above, (a) please identify those who submitted quotes, (b) the amount of the quotes, (c) those who will be used on this project and (d) those who were not used and the reason for not using them.

	MBE WBE DBE	SUBCONTRACTOR	QUOTE RECEIVED	WILL SUBCONTRACTOR BE USED		IF THE SUBCONTRACTOR IS <u>NOT</u> BEING USED, YOU MUST LIST REASON(S)
				YES	NO	
1.			\$			
2.			\$			
3.			\$			
4.			\$			
5.			\$			

MBE's Used: Dollar Amount \$ \_\_\_\_\_ MBE Percentage of Total Contract \_\_\_\_\_ %  
 WBE's Used: Dollar Amount \$ \_\_\_\_\_ WBE Percentage of Total Contract \_\_\_\_\_ %  
 DBE's Used: Dollar Amount \$ \_\_\_\_\_ WBE Percentage of Total Contract \_\_\_\_\_ %

If Additional space is needed, please attached separate sheet(s).



**M.C. SMITH  
ASSOCIATES AND  
ARCHITECTURAL GROUP**

Landscape Architecture  
Park & Recreation Planning  
Architecture • Urban Design  
Sports Facility Planning

**ADDENDUM NO. 1**

for

**MARSHALL HOUSE APARTMENTS  
2016 Elevator Modernization**

**Marshall, Michigan**

**Architect's Project No. A-1121**

**October 24, 2016**

---

**TO: ALL BIDDERS OF RECORD**

This Addendum forms a part of the contract documents and modifies the original specification and bid proposal (Project Manual) as noted below. Acknowledge receipt of this Addendum by attaching a copy to the Bid Proposal Form. Failure to do so may subject bidder to disqualification. This Addendum consists of four (4) pages.

**A. General Items:**

1. The Bid due date remains unchanged. Questions deadline remains November 1, 2016.
2. Attached is the Pre-bid Sign-in sheet for the pre-bid meeting held on October 20, 2016.

**B. Bidder's Questions:**

1. The existing elevators are serviced by the Schindler Elevator Corporation.

**C. Specifications:**

**1. INVITATION TO BID**

Add Item 11 as follows:

- A. The Owner desires construction to start as soon as possible. The Construction Start Date will be negotiated and stated in the Contract. Bidders are to state the construction duration on the bid form, which will determine the Completion Date.



**M.C. SMITH  
ASSOCIATES AND  
ARCHITECTURAL GROUP**

Landscape Architecture  
Park & Recreation Planning  
Architecture • Urban Design  
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2. Section 0110000 – SUMMARY

Revise 1.4 WORK COVERED BY CONTRACT DOCUMENTS

B. The Work of Project is defined by the Contract Documents and consists of the following:

Complete replacement of two (2) hydraulic elevators and components, including: Removal of existing elevator cars, rails, pistons, motors, controls, and electrical connections.

Draining and proper, legal disposal of all hydraulic fluid, including spilled fluid in elevator pit.

Draining and capping of existing in ground piston casings.

Removal and/or modification of existing steel supports, and installation of new steel supports for new elevator rails.

Installation of two (2) new elevators, rails, power units, and controls.

Removal of existing ladder and installation of new ladder.

Removal of existing elevator smoke detectors and connections.

Connection of elevator controls to fire alarm system.

Connection of electrical power to elevator power units.

Cladding of existing hoistway doors and frames with stainless steel.

Repair of any finishes or items damaged during construction.

Regrade and reseed lawn area used for outdoor storage and staging.

Revise 1.5 ACCESS TO SITE

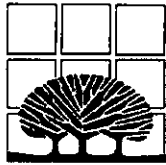
C. Use of Site: Limit use of Project site to work areas. Do not disturb portions of Project site beyond areas necessary to perform the Work.

1. Owner will designate a lawn area near the garage at the south end of the parking lot for Contractor parking, field offices, temporary toilets, storage and waste disposal. Contractor can fence this area. At the end of construction the Contractor will remove all fence, equipment, material and debris. Contractor will grade smooth, add topsoil, and seed the area.

3. Section 142200 – HYDRAULIC ELEVATOR REPLACEMENT

Revise 1.05 WORK IN OTHER SECTIONS: The following items are described under other sections of the specifications.

- A. Section 055000 “Metal fabrications” for the pit ladder for each elevator of non-combustible material, constructed and installed in accordance with code, and extending from pit floor to 48" above sill of lowest hoistway door.



**M.C. SMITH  
ASSOCIATES AND  
ARCHITECTURAL GROUP**

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- B. Section 260500 “Electrical basic means and methods” for a fused disconnect switch for each elevator, of ample capacity, with wiring to the elevator motor starter control. Disconnecting means shall disconnect the normal power supply as well as emergency supply, when provided.
- C. Section 260500 “Electrical basic means and methods” for suitable 110V service connected to terminals in elevator controller for car light service.
- D. Section 283100 “Fire alarm system” for the heat and product of combustion sensors located in each elevator lobby with necessary wiring to elevator control panel, when fire service is specified.
- E. Telephone instrument in elevator car, and wiring from building source to elevator control panel will be by Owner.
- F. Furnishing of any special intercom, paging, or television systems, including wiring from building source to elevator control panel will be by Owner.
- G. Section 093000 “Ceramic Tile” for the floor covering in elevator cab.

Revise 3.02 DEMOLITION: The following items are described under other sections of the specifications.

- A. Paragraph C: In addition to removing all existing hydraulic fluid, also remove all hydraulic oil standing in elevator pit. Legally dispose of all oil.
- B. Paragraph D: Cap existing piston casing with minimum 3/16” steel circular plate. Grind plate and welds to eliminate sharp edges.

D. Drawings: No Items

**END OF ADDENDUM**



**-MCNALLY ELEVATOR COMPANY -****BID QUALIFICATIONS / COMMENTS****November 10, 2016****Project: Marshall House Apartments  
Marshall, Michigan****Scope: Elevator Modernization and Replacement**

We qualify, comment and offer the following clarification for this project as follows:

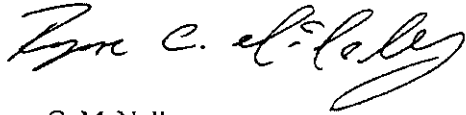
**GENERAL ITEMS**

- 1) During the construction process there will be periods where both elevators will need to be taken out of service to wire and unwire systems. Our firm will advise Marshall House when these outages will take place.
- 2) A storage trailer will be required on site to store material. A suitable area for safe loading and unloading of trailer shall be required in the parking lot.
- 3) From on-site meetings, it is our understanding the laundry room on the second floor, which houses the elevator machine room, will be removed from service. Our firm plans to use the second floor laundry as a storage area for parts and equipment. During the period of construction no unauthorized personnel shall access this work space. Cleaning of the space after construction shall be by others.
- 4) The existing generator and transfer switch shall be retained. Shall these units need to be replaced for any reason the cost would be issued as a change order to the project.
- 5) The existing feeder wires from the main breaker to elevator machine room disconnects shall be retained. Should the feeder wires require replacement the cost would be issued as a change order to the project.
- 6) Elevator base bid includes replacement of elevator hoistway doors in lieu of stainless steel cladding.
- 7) Provision for sump pump(s) or oil water separator are not provided in this bid.
- 8) Scope of elevator modernization calendar days for completion is an estimated time as it is contingent on other firms providing and returning information to our firm. Should any of these parties be delayed for any reason McNally Elevator shall be granted additional time for their delay.
- 9) Any change orders required shall be charged at a rate of \$145.00 per single man hour.
- 10) Any existing fire suppression sprinklers in the machine room or hoistway shall not be altered.
- 11) Required testing of the building fire alarm and emergency power system will be coordinated by McNally.
- 12) Should our firm be awarded the project we would assume control of both elevators at the time of our arrival to the site to begin construction. Any trouble calls on the elevator still in service during construction shall be McNally Elevators responsibility. Any trouble calls or service work required shall be charged at our normal hourly wage. The owner shall provide notice to their incumbent elevator firm to this effect.

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13) Architect to verify reaction loads on existing elevator pit floor. Reaction loads shall be supplied by McNally Elevator to the architect.

Respectfully Submitted,



Ryan C. McNally

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**ADMINISTRATIVE REPORT**  
**December 5, 2016 - CITY COUNCIL MEETING**

**REPORT TO:** Honorable Mayor and City Council

**FROM:** Kristin Bauer, Director of Public Services  
Tom Tarkiewicz, City Manager

**SUBJECT:** Update to the City of Marshall Utilities Rate classifications and Standard Rules and Regulations, Water and Sewer Rates and Fees.

**BACKGROUND:** In August and October 2016, with the assistance of Mr. Mike Engels of the Michigan Rural Water Association (MRWA), we began development of new water/sewer rates. The development of new rates is based on the revenue required to maintain the water and sewer services in a "sustainable" condition. Meaning the systems will serve the present needs and will continue to meet future needs. Components considered when developing these rates include the following:

- Daily Operation and Maintenance (O&M) Expenses
- Replacement expenses of operating equipment
- Capital improvement costs
- Administrative expenses
- Debt Service expenses

As a result of anticipated accepted amendments to Chapter § 53, RATES of the City of Marshall Ordinances, the attached section of the City of Marshall Utilities Rate Classifications and Standard Rules and Regulations, Water and Sewer Rates and Fees has been updated. The updates include the following:

- Establishment of new water and sewer rates for 2017, 2018 and 2019.
- An increase in the fees for Automatic Sprinkler services.
- Inclusion of Hydrant Meter Security Deposit and commodity charges, as previously approved.
- New language regarding time and material charges for upsizing water taps and the thawing of private property service laterals.
- Inclusion of meter testing fees, as previously approved.
- Update of the baseline Water and Sewer Connection fees, as previously approved.

**RECOMMENDATION:** It is recommended that the City Council accept the update to the City of Marshall Utilities Rate Classifications and Standard Rules and Regulations, Water and Sewer Rates and Fees.

**FISCAL EFFECTS:** These rate increases will provide revenue to the Water and Wastewater Enterprise Funds to allow the city to maintain the water and sewer systems in "sustainable" condition meeting the present and future needs.

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**CITY GOAL CLASSIFICATION:**

**GOAL AREA 4. INFRASTRUCTURE**

**Goal Statement:** Preserve, rehabilitate, maintain and expand city infrastructure and assets.

**ALTERNATIVES:** As suggested by the Council.

Respectfully submitted,



Kristin Bauer  
Director of Public Services



Tom Tarkiewicz  
City Manager

# **City of Marshall Utilities**

## **Rate Classifications**

### **Standard Rules and Regulations**

### **General Shutoff Supplemental Rules**

Effective December 5, 2016~~May 1,~~

2014~~(with revisions 12/5/16)~~

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The City of Marshall maintains three separate utilities for financial purposes. This document is an accumulation of all three utility's rates, rate classifications, standard rules and regulations.

City of Marshall Utilities Rate Classifications and Standard Rules and Regulations

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City of Marshall Utilities Rate Classifications and Standard Rules and Regulations

**Residential Service Rate "A"**

**Availability:**

Open to any customer desiring service for domestic and farm use, which includes only those purposes which are usual in individual private family dwellings, or separately metered apartments, and such appurtenant buildings as garages, barns, chicken houses and similar buildings. This rate is not available for commercial, institutional or industrial uses, or for resale purposes. Specifically, it is not applicable to homes or dormitories for groups other than private family units, to apartment buildings, or other multiple dwellings, such as beauty shops, filling stations, laundries, retail stores, dairies, hatcheries, greenhouses, welding shops, frozen storage plants, etc., except under the terms and conditions contained in the City of Marshall Utilities Standard Rules and Regulations.

**Nature of Service:**

Alternating current, 60 hertz, single phase, 120/240 nominal volts, 200 amp maximum service.

**Installation Charge:**

See Standard Rules and Regulations.

**Rate:**

Service Charge: \$7.25 per customer per month plus  
Energy Charge: \$0.1141 per KWH plus Power Supply Cost Adjustment

Rate subject to the Low Income Assistance Factor.

**Minimum Charge:**

The service charge included in the rate.

**Delayed Payment Charge:**

A delayed payment charge of 5% of the total net bill shall be added to any bill which is not paid on or before the due date shown on the bill.

**Special Taxes:**

Bills shall be increased to offset any specific tax or excise imposed by any governmental authority upon the Electric Utility's generation or sale of Electrical energy.

**Term and Form of Contract:**

Written application required.

**Rules and Regulations:**

Service governed by City of Marshall Utilities Standard Rules and Regulations.

Service for single phase motors may be included under this rate provided the individual capacity of such motors does not exceed 3 HP, nor the aggregate capacity exceed 10 HP, without the specific consent of the Electric Department.

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City of Marshall Utilities Rate Classifications and Standard Rules and Regulations

**Residential Rate "A-1"**

**Availability** Open to any customer desiring service for domestic and farm uses, which includes only those purposes which are usual in individual private family dwellings or separately metered apartments, and such appurtenant buildings as garages, barns, chicken houses and similar buildings, provided the customer has permanently installed and uses electric heating equipment as the primary source of space heating. This rate is not available for commercial or industrial service, or for resale purposes. Specifically, it is not applicable to homes or dormitories for groups other than private family units, to apartment buildings, or other multiple dwellings, such as beauty shops, filling stations, laundries, retail stores, dairies, hatcheries, greenhouses, welding shops, frozen storage plants, etc., except under the terms and conditions contained in the City of Marshall Utilities Standard Rules and Regulations.

**Nature of Service:**

Alternating current, 60 cycles, single phase, 120/240 nominal volts.

**Installation Charge:**

See Standard Rules and Regulations.

**Rate:**

Service Charge \$7.25 per customer per month, plus  
Energy Charge:  
Winter \$0.1141 per kWh plus Power Supply Cost Adjustment for the first 600 kWh  
(October 1<sup>st</sup> to April 30th)  
\$0.0741 per kWh plus Power Supply Cost Adjustment for all over 600 kWh per month  
(October 1<sup>st</sup> to April 30th)  
Summer \$0.1141 per kWh plus Power Supply Cost Adjustment for all kWh (May 1<sup>st</sup> to Sept  
30<sup>th</sup>))

Rate subject to the Low Income Assistance Factor.

**Minimum Charge:**

The service charge included in the rate.

**Delayed Payment Charge:**

A delayed payment charge of 5% of the total net bill shall be added to any bill which is not paid on or before the due date shown on the bill.

**Special Taxes:**

Bills shall be increased to offset any specific tax or excise imposed by any governmental authority upon the Electric Utility's generation or sale of Electrical energy.

**Term and Form of Contract:**

Written application required.

**Rules and Regulations:**

Service governed by Utilities Standard Rules and Regulations.

Service for single phase motors may be included under this rate, provided the individual capacity of such motors does not exceed 3 HP, nor the aggregate capacity exceed 10 HP, without the specific consent of the Electric Utility.



City of Marshall Utilities Rate Classifications and Standard Rules and Regulations

**Residential Service Rate-Life Support “LS”**

**Availability:**

Open to any residential customer desiring service for domestic and life support system use, which includes only those purposes which are usual in individual private family dwellings, or separately metered apartments, and such appurtenant buildings as garages. This rate is not available for commercial, institutional or industrial uses, or for resale purposes. Specifically, it is not applicable to homes or dormitories for groups other than private family units, to apartment buildings, or other multiple dwellings, such as beauty shops, filling stations, laundries, retail stores, dairies, hatcheries, greenhouses, welding shops, frozen storage plants, etc., except under the terms and conditions contained in the City of Marshall Utilities Standard Rules and Regulations.

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A signed certificate must be provided by a licensed physician stating that a member of the household is dependent on electric energy for the operation of a life support device. For application of this rate, life support systems are considered to be such devices as a respirator, iron lung or kidney dialysis machine. This certificate must be renewed every 12 months to continue eligibility for this rate.

**Nature of Service:**

Alternating current, 60 hertz, single phase, 120/240 nominal volts, 200 amp maximum service.

**Installation Charge:**

See Standard Rules and Regulations.

**Rate:**

Service Charge: \$4.25 per customer per month plus,  
Energy Charge: \$0.1041 per kWh plus Power Supply Cost Adjustment

Rate subject to the Low Income Assistance Factor.

**Minimum Charge:**

The service charge included in the rate.

**Delayed Payment Charge:**

A delayed payment charge of 5% of the total net bill shall be added to any bill which is not paid on or before the due date shown on the bill.

**Special Taxes:**

Utility’s generation or sale of Electrical energy.

**Term and Form of Contract:**

Written application required.

**Rules and Regulations:**

Service governed by City of Marshall Utilities Standard Rules and Regulations.

Service for single phase motors may be included under this rate provided the individual capacity of such motors does not exceed 3 HP, nor the aggregate capacity exceed 10 HP, without the specific consent of the Electric Department.

City of Marshall Utilities Rate Classifications and Standard Rules and Regulations

Bills shall be increased to offset any specific tax or excise imposed by any governmental authority upon the Electric

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Utility's generation or sale of Electrical energy

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**Term and Form of Contract:**

Written application required.

**Rules and Regulations:**

Service governed by City of Marshall Utilities Standard Rules and Regulations.

Service for single phase motors may be included under this rate provided the individual capacity of such motors does not exceed 3 HP, nor the aggregate capacity exceed 10 HP, without the specific consent of the Electric Department.

Effective 5/1/2014

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City of Marshall Utilities Rate Classifications and Standard Rules and Regulations

**Commercial/Industrial Secondary Service "B"**

**Availability:**

Open to any customer desiring lighting and/or secondary power service for any usual commercial, institutional or industrial use. It is also available for temporary use and for seasonal use in resort areas under special terms and conditions contained in the Utilities Standard Rules and Regulations. Not available for auxiliary or stand-by service.

**Nature of Service:**

Alternating current, 60 cycles and, at the Electric Department's option either:

- Three phase, 3-wire, 240 or 480 nominal volts, or
- Three phase, 4-wire, 120/240 delta or 240/480 delta or 120/208 wye or 277/480 wye, or
- Single phase, 120/240 nominal volts.

**Installation Charge:**

See Standard Rules and Regulations.

**Rate:**

Service Charge: \$15.50 per customer per month, plus  
Energy Charge: \$0.1124 per kWh plus Power Supply Cost Adjustment for all kWh used per month

Rate subject to the Low Income Assistance Factor.

**Minimum Charge:**

The service charge included in the rate.

**Delayed Payment Charge:**

A delayed payment charge of 5% of the total net bill shall be added to any bill which is not paid on or before the due date shown on the bill.

**Special Taxes:**

Bills shall be increased to offset any specific tax or excise imposed by any governmental authority upon the Electric Utility's generation or sale of Electrical energy.

**Term and Form of Contract:**

Written application required. See Standard Rules and Regulations.

**Rules and Regulations:**

Service governed by City Utilities Standard Rules and Regulations.

Where service is combined on one meter and the supply is single phase, the individual motor capacity shall not exceed 3 HP, or the aggregate capacity exceed 10 HP, without the specific consent of the City Electric Department. If the supply is three phase, 3 wire; incidental lighting may be included, provided the customer furnishes all transformation facilities required for such purpose, and so arranges the lighting circuits as to avoid excessive unbalance of the three phase load, and further provided the connected load in lighting equipment does not exceed 30% of the connected load in power equipment without the specific consent of the City Electric Department.

The City Electric Department, at its option, may require the customer to provide space, suitable to the City Electric Department, for the installation and operation of transformers.

Effective 5/1/2014

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City of Marshall Utilities Rate Classifications and Standard Rules and Regulations

**Commercial/Industrial Secondary Service "C"**

**Availability:**

Open to any customer desiring lighting and/or secondary power service for 5 kW or more. This rate is not available for street lighting service or for resale purposes.

**Nature of Service:**

Alternating current, 60 cycles and, at the Electric Department's option either:  
Three phase, 3-wire, 240 or 480 nominal volts, or  
Three phase, 4-wire, 120/240 delta or 120/208 wye, or  
Single phase, 120/240 nominal volts.

**Installation Charge:**

See Standard Rules and Regulations.

**Rate:**

Service Charge	\$15.50 per meter per month, plus
Capacity Charge:	\$10.87 per kW for all billing demand per month, plus
Energy Charge:	\$0.0706 per kWh plus Power Supply Cost Adjustment

Rate subject to the Low Income Assistance Factor. **Minimum Charge:**

The capacity charge included in the rate.

**Delayed Payment Charge:**

A delayed payment charge of 5% of the total net bill shall be added to any bill which is not paid on or before the due date shown on the bill.

**Special Taxes:**

Bills shall be increased to offset any specific tax or excise imposed by any governmental authority upon the Electric Utility's generation or sale of Electrical energy.

**Determination of Maximum Demand:**

The maximum demand, or rate of use of Electric energy, for each month shall be the greatest average load in kilowatts during any 15-minute period of such month, as registered on suitable instruments installed by the City Electric Department to make such determination.

**Adjustment of Maximum Demand:**

The City Electric Department may measure or test the power factor of the customer's load during periods of maximum energy use, and if the power factor is so found to be less than 85% lagging, the maximum kW demand shall be increased by the ratio that 85% bears to the power factor of the customer's load.

**Determination of Billing Demand:**

Effective 5/1/2014

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## City of Marshall Utilities Rate Classifications and Standard Rules and Regulations

The billing demand shall be the maximum demand for each month (after power factor adjustment and valley hour exclusions, if any), but not less than 60% of the highest billing demand of the preceding 11 months; provided, however, that should resistance type welders, or other equipment which creates high demands of momentary duration be included in the customer's installation. The City Electric Department reserves the right to make such special determination of the billing demand or minimum charge as the circumstances in each case may justify. Billing demand determination, by whatever method used, shall be to the nearest 1/10 kW, up to, and including 10 kW, and to the nearest full kilowatt above 10 kW, but in no case shall the billing demand be less than 5 kW.

### **Term and Form of Contract:**

Written application or contract required. See Standard Rules and Regulations. Customers electing this option rate shall, in the absence of bona fide discontinuance of service, remain thereon for at least twelve (12) months.

### **Rules and Regulations:**

Service governed by the City Utilities Standard Rules and Regulations.

Where service is combined on one meter and the supply is single phase, the individual motor capacity shall not exceed 5 HP, or the aggregate capacity 10 HP, without the specific consent of the City Electric Department. If the supply is three phase, 3-wire, incidental lighting may be included, provided the customer furnishes all transformation facilities required for such purposes, and so arranges the lighting circuits as to avoid excessive unbalance of the three phase load, and further provided the connected load in lighting equipment does not exceed 30% of the connected load in power equipment without the specific consent of the City Electric Department.

Where the total billing demand is 25 kW or more, lighting and power service may be combined without limit as to either class, provided, however, that the customer's wiring shall be so arranged that the service can be measured through a single watt-hour meter, or adjacent watt-hour meters, and a single demand indicator. The City Electric Department may elect to measure the supply for both classes of service on the primary side of the transformers, in which case 3% shall be deducted from the demand and energy measurements thus made.

The City Electric Department, may at its option, require the customer to provide space, suitable to the City Electric Department, for the installation and operation of transformers.

City of Marshall Utilities Rate Classifications and Standard Rules and Regulations

**Commercial/Industrial Secondary Service“B1”**

**Availability:**

Open to any customer desiring electric heating and/or air-conditioning service. To qualify for this rate, the only acceptable load is electric heating or air conditioning and must be separately metered. Furthermore, the service shall be three phase only and the load on each phase shall be balanced as much as possible.

**Nature of Service:**

Alternating current, 60 cycles and, at the Electric Department’s option either:  
- Single phase, 120/240 nominal volts  
- Three phase, 3-wire, 240 or 480 nominal volts, or  
- Three phase, 4-wire, 120/240 delta or 120/208 wye

**Installation Charge:**

See Standard Rules and Regulations.

**Rate:**

Service Charge:	\$15.50 per meter per month, plus
Energy Charge: Winter	\$0.0724 per kWh plus Power Supply Cost Adjustment (October 1 <sup>st</sup> to April 30 <sup>th</sup> )
Summer	\$0.1124 per kWh plus Power Supply Cost Adjustment (May 1 <sup>st</sup> to September 30 <sup>th</sup> )

Rate subject to the Low Income Assistance Factor.

**Minimum Charge:**

The capacity charge included in the rate.

**Delayed Payment Charge:**

A delayed payment charge of 5% of the total net bill shall be added to any bill which is not paid on or before the due date shown on the bill.

**Special Taxes:**

Bills shall be increased to offset any specific tax or excise imposed by any governmental authority upon the Electric Utility’s generation or sale of Electrical energy.

**Term and Form of Contract:**

Written application or contract required. See Standard Rules and Regulations. Customers electing this option rate shall, in the absence of bona fide discontinuance of service, remain thereon for at least twelve (12) months.

**Rules and Regulations:**

Service governed by the City Utilities Standard Rules and Regulations.

The individual motor capacity shall not exceed 30 Amps, or the aggregate capacity 10 HP on a single phase service, without the specific consent of the City Electric Department. If the supply is three phase, the customer is to arrange the circuits as to avoid excessive unbalance of the three phase load without the specific consent of the City Electric Department.

The City Electric Department, may at its option, require the customer to provide space, suitable to the City Electric Department, for the installation and operation of transformers.

City of Marshall Utilities Rate Classifications and Standard Rules and Regulations

**Industrial Primary Service “D”**

**Availability:**

Open to any customer desiring power and incidental lighting service for commercial or industrial use where service is supplied at primary voltages and the billing demand is 25 kW or more. This rate is not available for street lighting or resale purposes.

**Nature of Service:**

Alternating current, 60 cycles, three phase, 2,400 nominal volts or more, the supply voltage in each case to be determined by the Electric Department.

**Installation Charge:**

See Standard Rules and Regulations.

**Rate:**

Service Charge: \$100.00 per meter per month, plus  
Capacity Charge: \$9.15 per kW for all billing demand per month ( Minimum 25 kW ), plus  
Energy Charge: \$0.076 per kWh plus Power Supply Cost Adjustment

Rate subject to the Low Income Assistance Factor.

**Minimum Charge:**

The capacity charge included in the rate.

**Time of Use Rate Provision**

For customers of this rate with a time-differentiated demand meter installed, the measured kW demand will be the greater of the maximum kW demand in the on-peak period or 50% of the maximum kW demand during the off-peak period. The on-peak period is defined as the period 7a.m. and 11 p.m. local standard time on all non-holiday weekdays. All other time is defined as off-peak. Holidays are New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. In the event New Years Day, Independence Day, or Christmas Day fall on a Sunday, the Monday following that Sunday will be considered to be an off-peak day.

**Delayed Payment Charge:**

Any bill which is not paid on or before the due date shown thereon shall have a delayed payment charge of 5% added to its net amount.

**Special Taxes:**

Bills shall be increased to offset any specific tax or excise imposed by any governmental authority upon the Electric Utility's generation or sale of Electrical energy.

**Determination of Maximum Demand:**

The maximum demand, or rate of use of Electric energy, shall be the greatest average load in kilowatts during any 15-minute period during each month, as determined by instruments installed by the Electric Department for that purpose.

City of Marshall Utilities Rate Classifications and Standard Rules and Regulations

**Adjustment of Maximum Demand:**

The City Electric Department may measure or test the power factor of the customer's load during periods of maximum energy use, and if the power factor is so found to be less than 85% lagging, the maximum kW demand shall be increased by the ratio that 85% bears to the power factor of the customer's load.

**Determination of Billing Demand:**

Billing demands shall be determined from maximum demands, after excluding permitted valley hour demands, in accordance with the following methods, as they may apply.

1. The billing demand each month shall be the maximum demand for such month, but not less than 60% of the highest billing demand of the preceding 11 months, and in no case less than 25 kW.
2. When a customer guarantees a billing demand of 2,500 kW or more, the billing demand each month shall be the average of the four maximum weekly demands for such month (the period after the first 21 days of each month being considered to be the fourth week), provided that no billing demand shall be less than 60% of the highest billing demand of the preceding 11 months, and in no case less than 2,500 kW.

**Term and Form of Contract:**

Written application or contract required. See Standard Rules and Regulations. Customers electing this option rate shall, in the absence of bona fide discontinuance of service, remain thereon for at least twelve (12) months.

**Rules and Regulations:**

Service governed by the Utilities Standard Rules and Regulations.

Where service is supplied at a nominal voltage of 12,470 or less, the customer shall furnish and maintain all necessary transforming, controlling and protective equipment.

Where service is supplied at a nominal voltage of more than 12,470, the Electric Department may elect to measure the supply at the supply voltage, in which case 2% will be deducted, for billing purposes, from the demand and energy measurements thus made.

Where the Electric Department elects to measure the service at a nominal voltage of less than 12,470 volts, 3% will be added for billing purposes.



City of Marshall Utilities Rate Classifications and Standard Rules and Regulations

**Industrial Primary Service Rate “D-2”**

**Availability:**

Open to any customer desiring power and incidental lighting service for commercial or industrial use where service is supplied at primary voltages and the billing demand is 1000 kW or more. This rate is not available for street lighting or resale purposes.

**Nature of Service:**

Alternating current, 60 cycles, three phase, 2,400 nominal volts or more, the supply voltage in each case to be determined by the Electric Department.

**Installation Charge:**

See Standard Rules and Regulations.

**Rate:**

Service Charge: \$100.00 per meter per month, plus  
Capacity Charge: \$9.15 per kW for all billing demand per month (Minimum 1000 kW ), plus  
Energy Charge: \$0.076 per kWh plus Power Supply Cost Adjustment

Rate subject to the Low Income Assistance Factor.

**Minimum Charge:**

The capacity charge included in the rate.

**Time of Use Rate Provision**

For customers of this rate with a time-differentiated demand meter installed, the measured kW demand will be the greater of the maximum kW demand in the on-peak period or 50% of the maximum kW demand during the off-peak period. The on-peak period is defined as the period 7a.m. and 11 p.m. local standard time on all non-holiday weekdays. All other time is defined as off-peak. Holidays are New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. In the event New Years Day, Independence Day, or Christmas Day fall on a Sunday, the Monday following that Sunday will be considered to be an off-peak day.

**Delayed Payment Charge:**

Any bill which is not paid on or before the due date shown thereon shall have a delayed payment charge of 5% added to its net amount.

**Special Taxes:**

Bills shall be increased to offset any specific tax or excise imposed by any governmental authority upon the Electric Utility's generation or sale of Electrical energy.

**Determination of Maximum Demand:**

The maximum demand, or rate of use of Electric energy, shall be the greatest average load in kilowatts during any 15-minute period during each month, as determined by instruments installed by the Electric Department for that purpose.

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City of Marshall Utilities Rate Classifications and Standard Rules and Regulations

**Adjustment of Maximum Demand:**

The City Electric Department may measure or test the power factor of the customer's load during periods of maximum energy use, and if the power factor is so found to be less than 85% lagging, the maximum kW demand shall be increased by the ratio that 85% bears to the power factor of the customer's load.

**Determination of Billing Demand:**

Billing demands shall be determined from maximum demands, after excluding permitted valley hour demands, in accordance with the following methods, as they may apply.

1. The billing demand each month shall be the maximum demand for such month, but not less than 60% of the highest billing demand of the preceding 11 months, and in no case less than 1000 kW.
2. When a customer guarantees a billing demand of 2,500 kW or more, the billing demand each month shall be the average of the four maximum weekly demands for such month (the period after the first 21 days of each month being considered to be the fourth week), provided that no billing demand shall be less than 60% of the highest billing demand of the preceding 11 months, and in no case less than 2,500 kW.

**Term and Form of Contract:**

Written application or contract required. See Standard Rules and Regulations. Customers electing this option rate shall, in the absence of bona fide discontinuance of service, remain thereon for at least twelve (12) months.

**Rules and Regulations:**

Service governed by the Utilities Standard Rules and Regulations.

Where service is supplied at a nominal voltage of 12,470 or less, the customer shall furnish and maintain all necessary transforming, controlling and protective equipment.

Where service is supplied at a nominal voltage of more than 12,470, the Electric Department may elect to measure the supply at the supply voltage, in which case 2% will be deducted, for billing purposes, from the demand and energy measurements thus made.

Where the Electric Department elects to measure the service at a nominal voltage of less than 12,470 volts, 3% will be added for billing purposes.

City of Marshall Utilities Rate Classifications and Standard Rules and Regulations

**Economic Development Rate "E"**

**Availability:**

Open to any new full requirements customer or any existing full requirements customer having measurable load growth where service is supplied at primary voltage and the new load is greater than 200 kW. This rate is not available for street lighting or resale purposes.

**Nature of Service:**

Alternating current, 60 cycles, three phase, 2,400 nominal volts or more, the supply voltage in each case to be determined by the Electric Department.

**Installation Charge:**

See Standard Rules and Regulations.

**Rate:**

Rates will be subject to negotiation with the City, taking into consideration the customer's load and energy requirements and usage characteristics, the facilities and investment required to serve the customer and other matters relating to the service. Rate subject to the Low Income Assistance Factor **Minimum Charge:**

To be negotiated with the City.

**Delayed Payment Charge:**

Any bill which is not paid on or before the due date shown thereon shall have a delayed payment charge of 5% added to its net amount.

**Special Taxes:**

Bills shall be increased to offset any specific tax or excise imposed by any governmental authority upon the Electric Utility's generation or sale of Electrical energy.

**Determination of Maximum Demand:**

For new customers, the maximum demand, or rate of use of electric energy shall be the greatest average load in kilowatts during any 15-minute period during each month, as determined by instruments installed by the Electric Department for that purpose.

For existing customers, unless the new load is separately metered, the maximum demand shall be the greatest average load in kilowatts during any 15-minute period during each month, less the average maximum demand for the twelve months prior to establishing service under this rate.

**Adjustment of Maximum Demand:**

The City Electric Department may measure or test the power factor of the customer's load during periods of maximum energy use, and if the power factor is so found to be less than 85% lagging, the maximum kW demand shall be increased by the ratio that 85% bears to the power factor of the customer's load.

**Determination of Billing Demand:**

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City of Marshall Utilities Rate Classifications and Standard Rules and Regulations

The billing demand each month shall be the maximum demand for such month, but not less than 60% of the highest billing demand of the preceding 11 months, and in no case less than 200kW.

**Term and Form of Contract:**

Service shall be provided under a written contract which will include the rates, terms and conditions of service and be subject to City Council approval.

**Rules and Regulations:**

Service governed by the Utilities Standard Rules and Regulations.

City of Marshall Utilities Rate Classifications and Standard Rules and Regulations

**Monthly Security Light Rental Rate**

**Availability:**

Available for outdoor lighting to any City of Marshall Electric customer.

7000 Lumen (175W)	Mercury Vapor Lamp Suburbanair Fixture	\$9.00 per month per fixture
19100 Lumen (400W)	Mercury Vapor Lamp	\$15.00 per month per fixture
47200 Lumen (1000W)	Mercury Vapor Lamp	\$18.00 per month per fixture

**Terms:**

One year minimum with signed agreement.

**General:**

The City of Marshall Electric Department will, at its own cost, install, furnish the current and maintain its standard outdoor lighting equipment. Facilities shall consist of fixture, with photo-Electric switch control and a 4-foot maximum support mounted on an existing pole or building at which 120 or 240 volt service is available. Cost of any additional facilities required shall be paid for by the customer.

The above facilities shall be owned and maintained by the City of Marshall Electric Department.

The City of Marshall Electric Department will replace burned out lamps and otherwise maintain the equipment during regular working hours, as soon as practical, following notification by the customer.

Lamp burning hours shall be from dusk until dawn, aggregating approximately 4000 hours per year. Credit will not be allowed for normal lamp outages.

Customer shall obtain proper approval for lights to be located on public thoroughfares.

Rental charges will be applied to customer's electrical bill and added as a single charge.

City of Marshall Utilities Rate Classifications and Standard Rules and Regulations

**Temporary Electric Service:**

Customer desiring lighting and/or secondary power service for a short time only, such as for construction jobs, which service requires the installation of a temporary service connection, meters or other facilities of a temporary nature, shall pay cost of installing and removing all facilities necessary to supply such service. Service connection charge will be a minimum \$35.00, payment to be made in advance of installation. Temporary service will also be subject to minimum monthly charge for KWh consumed, as determined by General Secondary Rate B, and no case less than \$9.00 as determined by Watt-hour meter installed on the job.

For temporary service connection of more than 100 amps, there will be a charge of \$1.50 per amp.

The customer may be required to make a deposit with the City an amount to cover the estimated cost of installing and removing the necessary facilities plus the estimated cost of service under the terms of the rate set forth above. Meters may be read daily and the deposit modified as the energy used may justify such modification.

For temporary services other than service connections, customer should apply at the City Hall, City of Marshall, 323 W. Michigan Ave., Marshall, MI 49068.

**Power Supply Cost Adjustment Applicable to City Electric Rate Schedules**

**Applicability**

The Power Supply Cost Adjustment set forth herein shall apply to all of City's Electric Rate Schedules, except for the Monthly Security Light Rental Rate. The applicable adjustment shall be applied to the total kWh billed to customers for the meter reading period that City determines as most nearly corresponding to the meter reading period(s) set forth in City's purchased power billings from its supplier(s).

**Base Power Supply Cost**

The rates and charges set forth in City's Electric Rate Schedules are based on the cost of City's power supply requirements as furnished by Michigan South Central Power Agency (MSCPA). The Base Power Supply Cost included as City's Electric Rate Schedules is \$0.065 per kWh.

**Monthly Determination of Power Supply Cost Adjustment**

Each month City's Power Supply Cost Adjustment shall be determined as follows:

- A. The City's Running 6-Month Power Supply Cost per kWh shall be determined to 4 decimal places by dividing (1) the sum of the past 6 months power supply cost, including the most recent months billing, by (2) the sum of the past 6 months net energy delivered to the City, including the most recent months billing.
- B. The Base Power Supply Cost of \$0.065 per kWh shall then be subtracted from the Running 6-Month Power Supply Cost per kWh determined in (a) above.
- C. The Monthly Power Supply Cost Adjustment per kWh shall be determined by multiplying the positive differential derived in (b) by 1.08 to compensate for City's Distribution System Losses. If the differential derived in (b) is negative, the monthly power supply cost adjustment shall be \$0.000 per kWh.

**Low Income Assistance Factor**

**Applicability**

The Low Income Assistance Factor, as required by Public Act 95 of 2013, shall apply to all of City's Electric Rate Schedules, except for the Monthly Security Light Rental Rate.

**Annual Determination of Low Income Assistance Factor**

The Michigan Public Service Commission may, after an opportunity for public comment, annually approve a low-income energy assistance funding factor no later than July 31 of each year for the subsequent fiscal year. The low income assistance funding factor shall be the same across all customer classes and shall not exceed \$1.00. The amount used by the public service commission to calculate a low-income energy assistance funding factor during each fiscal year shall not exceed \$50,000,000 minus both the amount appropriated from the general fund in that fiscal year for home energy assistance and the amount remaining in the fund from the prior fiscal year.

The low income assistance funding factor will be listed as a separate line item on each customer's bill.

**Distribution of Funds**

Funds will be distributed under the guidelines included in the Michigan Energy Assistance Act of 2012 (Public Act 615) by the Department of Human Services (DHS). DHS shall ensure that all money collected for the ~~fund from~~ fund from a geographic area is returned, to the extent possible, to that geographic area.



## WATER AND SEWER RATES AND FEES

### CHAPTER 53: RATES

(revised December 5, 2016)

**§ 53.01 WATER RATES.**

(A) All metered water shall be charged to a two-part rate consisting of a readiness to serve charge plus a commodity charge.

(B) Water Readiness to Serve Charge shall be billed by meter size. The effective rates ~~are included in the table below~~ shall be as follows:

Readiness to Serve Charge (per Meter, per Month)

<u>Meter Size</u>	<u>Monthly Readiness to Serve Charge: January 1, 2017</u>	<u>Monthly Readiness to Serve Charge: January 1, 2018</u>	<u>Monthly Readiness to Serve Charge: January 1, 2019</u>
<u>1" or smaller</u>	<u>\$ 19.77</u>	<u>\$ 19.86</u>	<u>\$ 19.96</u>
<u>1.5"</u>	<u>\$ 50.80</u>	<u>\$ 51.03</u>	<u>\$ 51.29</u>
<u>2"</u>	<u>\$ 91.55</u>	<u>\$ 91.96</u>	<u>\$ 92.43</u>
<u>3"</u>	<u>\$ 206.38</u>	<u>\$ 207.32</u>	<u>\$ 208.36</u>
<u>4"</u>	<u>\$ 386.30</u>	<u>\$ 388.06</u>	<u>\$ 390.01</u>
<u>6"</u>	<u>\$ 830.81</u>	<u>\$ 834.59</u>	<u>\$ 838.79</u>

<u>Meter Size</u>	<u>Readiness to Serve Charge As of: January 1, 2014</u>	<u>Readiness to Serve Charge As of: January 1, 2015</u>	<u>Readiness to Serve Charge As of: January 1, 2016</u>
<u>1" or smaller</u>	<u>\$ 18.12</u>	<u>\$ 18.27</u>	<u>\$ 18.68</u>
<u>1.5"</u>	<u>\$ 48.00</u>	<u>\$ 48.00</u>	<u>\$ 48.00</u>
<u>2"</u>	<u>\$ 86.50</u>	<u>\$ 86.50</u>	<u>\$ 86.50</u>
<u>3"</u>	<u>\$ 195.00</u>	<u>\$ 195.00</u>	<u>\$ 195.00</u>
<u>4"</u>	<u>\$ 365.00</u>	<u>\$ 365.00</u>	<u>\$ 365.00</u>
<u>6"</u>	<u>\$ 785.00</u>	<u>\$ 785.00</u>	<u>\$ 785.00</u>

(1) The Readiness to Serve Charge outside the corporate limits of the City of Marshall shall be 200% of the rate as established for use within the corporate limits of the City of Marshall, Michigan.

(2) When a battery of more than one meter is used in the place of a large single meter, then the readiness to serve charge shall be the charge of the single sized meter times the number of meters composing the battery.

(3) The "Readiness to Serve Charge" covers the cost necessary to keep the Water

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City of Marshall Utilities Rate Classifications and Standard Rules and Regulations  
 Works in good operating condition, and other fixed costs as designated by Council and is the

amount of the minimum bill.

(C) Water Commodity Charges shall be based on actual consumption. The effective rates are included in the table below shall be as follows:

Commodity Charge (per 100 Cubic Foot)

<u>Cubic Foot (cft)</u>		<u>Commodity Charge:</u> <u>January 1, 2017</u>	<u>Commodity Charge:</u> <u>January 1, 2018</u>	<u>Commodity Charge:</u> <u>January 1, 2019</u>
<u>Up to</u>	<u>3,000</u>	<u>\$ 2.81</u>	<u>\$ 2.87</u>	<u>\$ 2.93</u>
<u>Next</u>	<u>12,000</u>	<u>\$ 2.25</u>	<u>\$ 2.30</u>	<u>\$ 2.34</u>
<u>Beyond</u>	<u>15,000</u>	<u>\$ 1.69</u>	<u>\$ 1.72</u>	<u>\$ 1.76</u>

<u>Cubic Foot</u>		<u>Commodity Charges—As of: January 1, 2014—</u> <u>(per 100cft)</u>	<u>Commodity Charges—As of: January 1, 2015—</u> <u>(per 100cft)</u>	<u>Commodity Charges—As of: January 1, 2016—</u> <u>(per 100cft)</u>
<u>Up to</u>	<u>3,000</u>	<u>\$ 2.2200</u>	<u>\$ 2.3000</u>	<u>\$ 2.4200</u>
<u>Next</u>	<u>12,000</u>	<u>\$ 1.7800</u>	<u>\$ 1.8400</u>	<u>\$ 1.9400</u>
<u>Beyond</u>	<u>15,000</u>	<u>\$ 1.3300</u>	<u>\$ 1.3800</u>	<u>\$ 1.4500</u>

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City of Marshall Utilities Rate Classifications and Standard Rules and Regulations

(I) Commodity Charge outside the corporate limits of the City of Marshall shall be: 200% of the rate as established for use within the corporate limits of the City of Marshall, Michigan.

~~(D) Automatic sprinkler services or hose connections for fire protection services only shall be charged, per year, the rates as established by resolution and published in the Utility Rules and Regulations. (D) Automatic sprinkler services or hose connections for fire protection services only will be charge the following rates;~~

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<u>Connection Size</u>	<u>Charge per Annum</u>
<u>6" or smaller</u>	<u>\$ 130</u>
<u>8"</u>	<u>\$ 235</u>
<u>10"</u>	<u>\$ 365</u>
<u>12"</u>	<u>\$ 535</u>

<u>Connection Size</u>	<u>Charge per Annum</u>
<u>6" or smaller</u>	<u>\$120</u>
<u>8"</u>	<u>\$220</u>
<u>10"</u>	<u>\$340</u>
<u>12"</u>	<u>\$500</u>

(E) The City may provide a fire hydrant connection for Circuses, Tent Shows, Carnivals, Exhibitions, and for Construction purposes. Fees and ~~charges-charges are as shown below shall be established by resolution.~~ The Meter Security Deposit will be returned when the hydrant meter is returned without damage. Any loss or damage to the reducing connection, valve, hydrant, meter or operating wrench ~~will~~

~~be~~ will be charged to the person making application for the use of the hydrant. On large construction projects, the Water Department may require the setting of an appropriate meter and to charge for water and service as for regular service supply.

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<u>Hydrant Meter Security Deposit</u>	<u>\$ 500</u>
<u>Hydrant Commodity Charge (inside corporation limits)</u>	<u>\$ .01/gal</u>
<u>Hydrant Commodity Charge (outside corporation limits)</u>	<u>\$ .02/gal</u>

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(F) All service taps to water mains shall be made by the Water Department except when approved by the Water Superintendent. The charge for the water main tapping shall be paid by the customer and shall include but not limited to, the following: all materials, equipment, and contracted costs incurred by the City. All fees will be set by resolution and labor rates shall be in accordance with the current labor rate plus fringe benefits.

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~~(I) The fee for replacing a smaller water tap and service pipe with a larger one, or for the~~

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City of Marshall Utilities Rate Classifications and Standard Rules and Regulations

purpose of relocating the water service, shall be the same as the fee for a new tap and service, plus the cost of removing the tap and service being replaced. No credit will be allowed for any materials which may be recovered from the replaced service. The fee shall be borne by the customer.

(2) The maintenance, including the thawing out of water service laterals, from the property line to the water main is the City's responsibility. The maintenance, including the thawing out of water service laterals, from the property line to the customer's building is the customer's responsibility. The fee for thawing out water lines and water meters inside a customer's building shall be paid on a time and materials basis with a minimum of one (1) hour

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labor charge paid by the customer.

(G) The City may provide meter testing. The meter testing fees shall be established by resolution as shown below. If, after testing, the meter is found to be in error above allowable percent, which is two percent (2%) plus or minus, then the amount deposited will be refunded, but if the water meter is found to be registering within the test limits, then the amount deposited will be retained to cover the cost of the testing.

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<u>5/8" to 1" Meters</u>	<u>\$ 50.00</u>
<u>1-1/2" to 2" Meters</u>	<u>\$ 200.00</u>
<u>3"</u>	<u>\$ 225.00</u>
<u>4"</u>	<u>\$ 250.00</u>
<u>6"</u>	<u>\$ 250.00</u>

(H) A turn-on fee for the restoration of service during business hours or after business hours will be charged to a customer in order to reconnect his service if service has been interrupted. A turn-on fee shall be established by resolution.

(I) Anyone seeking to make a connection to any public water main within the City of Marshall shall first obtain a permit to make such connection from the offices of the City of Marshall. Prior to the issuance of said permit, the applicant must pay to the City a Water Connection Fee representing the cost of construction of that portion of the City-wide water system attributable to the proportionate benefit to be received by the applicant's property.

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(I) —The Water Connection Fee shall be based on a unit factor system wherein each single-family residence shall be classified as one unit (REU). Other occupational uses shall be charged on multiples of units as may be determined by resolution of the City Council from time to time. Said units and multiples thereof will be established and computed on the same basis as for the Sanitary Sewer Connection Fee contained further in this Section and the number of units charged to a premise shall be the same for both water and sanitary sewer. The Water Connection Fee

shall be established by resolution \$600.00/REU. The fee for premises connected from outside the corporate limits of the City of Marshall shall be 1.5 times 150% of the in-city rate.

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(J) Designated irrigation meters will only be billed between the months of May to September.

(K) The Charges for water services set forth in this ordinance and furnished to any premises are a lien on the premises to which this service is provided and those charges which are delinquent for six (6) months or more shall be certified by the City Treasurer to the City Assessor who shall enter the charges on the next tax roll against the premises to which the services have been rendered. Said charges shall be a lien as of the date services are provided

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City of Marshall Utilities Rate Classifications and Standard Rules and Regulations  
and shall be enforced in the same manner as provided for by the collection of the taxes assessed upon the tax roll and the enforcement of the lien for taxes. The City Treasurer may certify all charges delinquent for six (6) months or more at any time prior to the date on which the City tax roll is approved.  
~~in-city rate.~~

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City of Marshall Utilities Rate Classifications and Standard Rules and Regulations

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~~(J) Designated irrigation meters will only be billed between the months of May to September.~~

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~~(K) The Charges for water services set forth in this ordinance and furnished to any premises are a lien on the premises to which this service is provided and those charges which are delinquent for six (6) months or more shall be certified by the City Treasurer to the City Assessor who shall enter the charges on the next tax roll against the premises to which the services have been rendered. Said charges shall be a lien as of the date services are provided and shall be enforced in the same manner as provided for by the collection of the taxes assessed upon the tax roll and the enforcement of the lien for taxes. The City Treasurer may certify all charges delinquent for six (6) months or more at any time prior to the date on which the City tax roll is approved.~~

**§ 53.02 SEWER RATES.**

(A) Monthly Rates for sewer service inside the corporate limits of the City of Marshall shall be as follows:

Readiness to Serve Charge (per Water Meter, per Month)

<u>Water Meter Size</u>	<u>Readiness to Serve Charge: January 1, 2017</u>	<u>Readiness to Serve Charge: January 1, 2018</u>	<u>Readiness to Serve Charge: January 1, 2019</u>
<u>1" or smaller</u>	<u>\$ 16.92</u>	<u>\$ 17.18</u>	<u>\$ 17.44</u>
<u>1.5"</u>	<u>\$ 33.84</u>	<u>\$ 34.36</u>	<u>\$ 34.88</u>
<u>2"</u>	<u>\$ 47.38</u>	<u>\$ 48.11</u>	<u>\$ 48.84</u>
<u>3"</u>	<u>\$ 76.14</u>	<u>\$ 77.31</u>	<u>\$ 78.48</u>
<u>4"</u>	<u>\$ 162.43</u>	<u>\$ 164.93</u>	<u>\$ 167.42</u>
<u>6"</u>	<u>\$ 243.65</u>	<u>\$ 247.39</u>	<u>\$ 251.14</u>

<u>Water Meter Size</u>	<u>Service-Charge As of January 1, 2014</u>	<u>Service-Charge As of January 1, 2015</u>	<u>Service-Charge As of January 1, 2016</u>
<u>1" or smaller</u>	<u>\$ 14.48</u>	<u>\$ 14.54</u>	<u>\$ 14.72</u>
<u>1-1/2"</u>	<u>\$ 28.96</u>	<u>\$ 29.08</u>	<u>\$ 29.44</u>
<u>2"</u>	<u>\$ 34.75</u>	<u>\$ 37.80</u>	<u>\$ 41.22</u>
<u>3"</u>	<u>\$ 39.10</u>	<u>\$ 52.34</u>	<u>\$ 66.24</u>
<u>4"</u>	<u>\$ 69.50</u>	<u>\$ 104.69</u>	<u>\$ 141.31</u>
<u>6"</u>	<u>\$ 104.26</u>	<u>\$ 167.03</u>	<u>\$ 211.97</u>

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

Readiness to Serve Charge (per Water Meter, per Month)

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City of Marshall Utilities Rate Classifications and Standard Rules and Regulations

<u>Water Meter Size</u>	<u>Readiness to Serve Charge: January 1, 2017</u>	<u>Readiness to Serve Charge: January 1, 2018</u>	<u>Readiness to Serve Charge: January 1, 2019</u>
<u>1" or smaller</u>	<u>\$ 18.42</u>	<u>\$ 18.68</u>	<u>\$ 18.94</u>
<u>1.5"</u>	<u>\$ 35.34</u>	<u>\$ 35.86</u>	<u>\$ 36.38</u>
<u>2"</u>	<u>\$ 48.88</u>	<u>\$ 49.61</u>	<u>\$ 50.34</u>
<u>3"</u>	<u>\$ 77.64</u>	<u>\$ 78.81</u>	<u>\$ 79.98</u>
<u>4"</u>	<u>\$ 163.93</u>	<u>\$ 166.43</u>	<u>\$ 168.92</u>
<u>6"</u>	<u>\$ 245.15</u>	<u>\$ 248.89</u>	<u>\$ 252.64</u>

<u>Water Meter Size</u>	<u>Service- Charge As of January 1, 2014</u>	<u>Service- Charge As of January 1, 2015</u>	<u>Service- Charge As of January 1, 2016</u>
<u>1" or smaller</u>	<u>\$ 15.98</u>	<u>\$ 16.04</u>	<u>\$ 16.22</u>
<u>1 1/2"</u>	<u>\$ 30.46</u>	<u>\$ 30.58</u>	<u>\$ 30.94</u>
<u>2"</u>	<u>\$ 36.25</u>	<u>\$ 39.30</u>	<u>\$ 42.72</u>
<u>3"</u>	<u>\$ 40.60</u>	<u>\$ 53.84</u>	<u>\$ 67.74</u>

(C) The Sewer commodity charge shall be as follows:

Commodity Charge (per 100 Cubic Foot)

	<u>Commodity Charge: January 1, 2017</u>	<u>Commodity Charge: January 1, 2018</u>	<u>Commodity Charge: January 1, 2019</u>
<u>within Corporate Limits</u>	<u>\$ 3.96</u>	<u>\$ 4.04</u>	<u>\$ 4.13</u>
<u>outside Corporate Limits</u>	<u>\$ 5.94</u>	<u>\$ 6.06</u>	<u>\$ 6.20</u>

City of Marshall Utilities Rate Classifications and Standard Rules and Regulations

	Commodity Charge per 100 cft As of January 1, 2014	Commodity Charge per 100 cft As of January 1, 2015	Commodity Charge per 100 cft As of January 1, 2016
Within the City of Marshall	\$ 3.11	\$ 3.16	\$ 3.18
Outside the City of Marshall	\$ 4.67	\$ 4.74	4.77

(D) Flat rate customer shall pay the following rates: ~~in addition to appropriate service charge:~~  
Flat Rate Charge (per Month)

<u>Flat Rate Charge:</u> <u>January 1, 2017</u>	<u>Flat Rate Charge:</u> <u>January 1, 2018</u>	<u>Flat Rate Charge:</u> <u>January 1, 2019</u>
\$ 40.68	\$ 41.31	\$ 41.94

<u>Flat Rate As of</u> <u>January 1,</u> <u>2014</u>	<u>Flat Rate As of</u> <u>January 1,</u> <u>2015</u>	<u>Flat Rate As of</u> <u>January 1,</u> <u>2016</u>
\$ 34.70	\$ 35.08	35.39

(E) The sewer commodity may be reduced for residential customers because of lawn sprinkling. The procedure and policy for the sewer discount will be part of the Rules and Regulations.

(F) Anyone seeking to make a connection to any sanitary sewer system within the City of Marshall shall first obtain a permit to make such connection from the offices of the City of Marshall. Prior to the issuance of said permit, the applicant must pay to the City a Sanitary Sewer Connection Fee representing the cost of construction of that portion of the City-wide sewer system attributable to the proportionate benefit to be received by the applicant's property.

(1) The Sanitary Sewer Connection Fee shall be based on a unit factor system wherein each single-family residence shall be classified as one unit (REU). Other occupational uses shall be charged on multiples of units as may be determined by resolution of the City Council from time to time. The Sanitary Sewer Connection Fee shall be: ~~\$1500.00/REU established by resolution.~~ The fee for premises connected from outside the corporate limits of the City of Marshall shall be ~~1.5 times~~ 150% of the in-city rate.

(G) The Charges for waste water services set forth in this ordinance and furnished to any premises are a lien on the premises to which this service is provided and those charges which are delinquent for six (6) months or more shall be certified by the City Treasurer to the City Assessor who shall enter the charges on the next tax roll against the premises to which the services have been rendered. Said charges shall be a lien as of the date services are provided and shall be enforced in the same manner as provided for by the collection of the taxes assessed upon the tax roll and the enforcement of the lien for taxes. The City Treasurer may certify all charges



City of Marshall Utilities Rate Classifications and Standard Rules and Regulations  
delinquent for six (6) months or more at any time prior to the date on which the City tax roll is  
approved.

## 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 shall 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 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 pass to any person as a result of any contribution or deposit made under these rules. No deposits or contributions made by customers shall 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 be under no liability with respect to any such interruption, curtailment or suspension.

### 3. General Provisions of Service

The City shall 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 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

## 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.

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In cases of rental properties, it shall 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 shall 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 shall 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 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.

## City of Marshall Utility Rate Classifications and Standard Rules and Regulations

### 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 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.

### 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 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

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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.

### 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 shall (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 shall 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 shall 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.

#### 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 purchase or lease agreement. Driver's license or other photo ID's, except passports, issued by

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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 at a time when the account is current. 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 shall 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 shall be required to ensure that the applicant is the legal tenant of the property. All tenants on such agreement shall 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 shall 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 shall 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](http://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 shall 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 shall 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 shall 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

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issued. Should a balance forward exist on a customer's account, a **disconnect notice will print on the current billing**. If two billing periods become unpaid and delinquent, the customer's door is tagged with notice of pending shut off and charged \$25. If payment is not received, shut-off may take place within 48 hours, pursuant to Section XI contained herein.

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

XI. Physical Shutoff of Service

A. Time of Shutoff

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

B. Manner of Shutoff

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

C. Medical Emergency Shutoff

1. Shutoff will be postponed for a reasonable time, but no longer than 30 days, if the customer presents a certificate or doctor's notice stating that without the utility the existing medical emergency of the customer or a family member of the customer, living at the residence where the utility is supplied would be aggravated.
2. Postponement can reoccur if a doctor's notice or certificate is presented each time, but shall 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 1 through March 31)

1. Customers will still be responsible for their utility bills in the winter months.
2. A customer will not be turned off when the low temperature of the schedule shut off day is 15 °F or below.

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3. Arrangements during this time can be made at City Hall between 8:00 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 shall 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 shall 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 shall apply to all account balances regardless of status (i.e. delinquent or current).

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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 1<sup>st</sup> may be certified annually to the proper tax assessing officer or agency who shall enter the lien on the next tax roll against the premises to which the services have been rendered, and the charges shall be collected and the lien shall 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 not become a lien against the premises after the date of the notice. In the event of filing of the notice, the City shall 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

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City of Marshall Utility Rate Classifications and Standard Rules and Regulations

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

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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.

## City of Marshall Utility Rate Classifications and Standard Rules and Regulations

### 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.



## City of Marshall Utility Rate Classifications and Standard Rules and Regulations

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.

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

**Program Termination**

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

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

**Customer Owned Generation Interconnect Policy**

Intent:

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

Guidelines:

1. **City of Marshall**
  - a. Will ensure the interconnection is in compliance with Public Utility Regulatory Policies Act (PURPA) and Federal Energy Regulatory Commission (FERC) rules and regulations, as applicable.
  - b. Will inform potential power producers that they have the responsibility to comply with all federal, state, and local regulations.
  - c. Will, upon completion of a satisfactory Interconnection Study, provide interconnection service to any electric consumer installing a less than 30 kW generation unit. Service is evaluated and provided on a case-by-case basis and will require a separate Interconnection and Operating Agreement.
  - d. Will, upon completion of a Satisfactory Interconnection Study, provide interconnection service to any electric consumer installing less than a 30 kW generating unit in which the primary energy source must be solar, biomass, waste, wind, geothermal, or approved renewable energy sources.
  - e. Will own the meters utilized for billing.
2. **The Customer**
  - a. Shall install and own conductors and equipment up to the service point as specified in the City of Marshall Overhead Extension Policy and Underground Service Connections.
  - b. If the City of Marshall determines that an Interconnection Study is needed the study will be conducted at the customer's expense.
  - 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.

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

- 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.

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

Revisions (Effective November 1, 2009)

October 19, 2009	12.III.D	Remove letter color.
October 19, 2009	12.VI	Increase turn on fees from \$20.00 to \$25.00 and \$75.00 to \$115.00.
October 19, 2009	15.C.i, ii, & iv.	Underground installation fee increase from \$4.00 to \$4.50 and \$6.00 to \$6.50 per foot.

Revisions (Effective October 3, 2011)

October 3, 2011	Electric Rates	Updated utility rates to align with adopted ordinance
October 3, 2011	Water Rates	Updated Water rate to align with adopted ordinance
October 3, 2011	Sewer Rates	Updated Sewer rate to align with adopted ordinance
October 3, 2011	Residential Rates A-1	Required written application
October 3, 2011	Residential Rates – Life Support	Required written application
October 3, 2011	Temporary Services	Consolidated temporary service regulations
October 3, 2011	Water rates and fees -Section 12	Designated irrigation services exempt from service charge between May through September.

Standard Rules and Regulations

October 3, 2011	Section 3	Deleted electric extension language that was not in agreement with extension policy.
October 3, 2011	Section 10	Allows billing errors to be corrected for up to 12 months.
October 3, 2011	Section 11. II A	Language added to allow staff to turn unpaid amounts to a third party for collections.
October 3, 2011	Section 11. III	Minimum amount to begin late billing process set at \$25.
October 3, 2011	Section 11. IV A 1	Change shut off days to include Friday.
October 3, 2011	Section 11. IV D 1	Eliminated service restoration due to arrangement.
October 3, 2011	Section 11. IV F 1	Eliminated limiter device tampering and increase fine to \$100 for tampering with city equipment.
October 3, 2011	Section 11. V C & D	Police dispatch will no longer will take utility payments.
October 3, 2011	Section 11. VII E	Allows the utility to accept other payment arrangements at their discretion.
October 3, 2011	Section 11. VII F	Identification for arrangements will be required.
October 3, 2011	Section 11. IX	Added language consistent with Act 94 PA of 1933
October 3, 2011	Section 11. X A	Budget sheet replaces pamphlet.
October 3, 2011	Section 11 XI	Changes payment of returned check to within 7 days
October 3, 2011	Section 16	Allows Utility to require the next three payments be made by cash, cashier check, or money order after returned check.
October 3, 2011	Section 18	Hydrant use will be approved only when proper backflow prevention is furnished.
October 3, 2011	Section 18	Adds Non-emergency turn off and restoration fee of \$20 respectively.
August 20, 2012	Section 13	City will charge the actual cost associated with and electric extension.
August 20, 2012	Section 14	Updated underground extension and conversion policy.
August 20, 2012	Section 19	Added Lawn Sprinkling Sewer Commodity Reduction
August 20, 2012	Section 20	Added net metering policy.

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City of Marshall Utility Rate Classifications and Standard Rules and Regulations

August 20, 2012	Water and Sewer Rates	Replaced approved rate ordinance.
December 17, 2012	Section 7	Added access to rental property shall be the responsibility of the property owner.
December 17, 2012	Billing Policy	Revised for flow and clarification.
December 17, 2012	Section 10.IV	Added "Establishing New Service".
December 17, 2012	Section 10.IV.C	Revised Landlord-Tenant Policy.
December 17, 2012	Section 10.IV.D	Revised deposit requirements.
December 17, 2012	Section 10.V	Added "Customer Payment Responsibilities", however shortened billing-cycle time-frame to 18 days.
December 17, 2012	Section 10.VII	Added auto payment plan requirement to budget-billing.
December 17, 2012	Section 10.VIII	Removed signature requirement for payment plans.
December 17, 2012	Section 10.IX	Removed three-month waiting period to resume accepting personal checks after a check is returned unpaid.
December 17, 2012	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.
December 17, 2012	Section 10.XII	Revised to include after-hours service at the service location.
August 5, 2013	Electric Rates	Added Low Income Assistance Factor
August 5, 2013	Landlord/Tenant Policy	Changed language to allow affidavit to be filed any time after tenant moves in when the account is current.
August 5, 2013	Summer/Winter	Defined Dates for Summer and Winter rates.
December 3, 2013	Water and Sewer rates	Revised water and sewer rates
February 3, 2014	Winter turn off polices	Updated office times and temperature range.
May 1, 2014	Electric Rates	Updated residential and commercial electric rates.
<a href="#">December 5, 2016</a>	<a href="#">Water and Sewer rates</a>	<a href="#">Revised water and sewer rates</a>

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**CITY OF MARSHALL UTILITY RATE CLASSIFICATIONS AND STANDARD RULES  
AND REGULATIONS**

**SUPPLEMENTAL RULE TO SECTION 10 BILLING POLICY**

**GENERAL SHUTOFF RULES**

**EFFECTIVE NOVEMBER 1, 2009**

1. City of Marshall shall not use an electric service limiter
2. City of Marshall shall refund any late fees, fines, or payments related to a shutoff or resumption of service if those late fees, fines, or payments were improperly assessed because of the failure to provide a shutoff notice as required by these Rules.
3. Notwithstanding other requirements of this Rule, service may be shut off temporarily for reasons of health or safety or in a state or national emergency. When service is shut off for reasons of health or safety, a reasonable attempt shall be made to leave a notice at the premises if feasible.
4. City of Marshall may shut off or terminate service to a residential customer for any of the following reasons:
  - A. The customer has not paid a delinquent account that accrued within the last six (6) years.
  - B. The customer has failed to provide a deposit or guarantee as required.
  - C. The customer has engaged in unauthorized use of the utility's service.
  - D. The customer has failed to comply with the terms and conditions of a payment plan.
  - E. The customer has refused to arrange access at reasonable times for the purpose of inspection, meter reading, maintenance, or replacement of equipment that is installed upon the premises or for the removal of a meter.
  - F. The customer misrepresented his or her identity for the purpose of obtaining service or put service in another person's name without permission of the other person.
  - G. The customer has violated any rules of City of Marshall so as to adversely affect the safety of the customer or other persons or the integrity of the system.
  - H. A person living in the customer's residence meets both of the following:
    - (i) Has a delinquent account for service with City of Marshall within the past three (3) years that remains unpaid.
    - (ii) The customer lived in the person's residence when all or part of the debt was incurred. City of Marshall may transfer a prorated amount of the debt to the customer's account, based upon the length of time that the customer resided at the person's residence. This subdivision does not apply if the customer was a minor while living in the person's residence.
  - I. The customer has not paid for service at a premises occupied by another person, and it is not feasible to provide service to the occupant as a customer without a major revision, as determined by the utility, of existing distribution facilities.

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

5. Subject to applicable third-party consent, a customer will be permitted to designate a third party to receive bill notifications, including shutoff notices, on the customer's behalf. Such notices may be provided to both the designated third party and the customer.
6. A. City of Marshall shall supply information regarding the following to customers at least two (2) times a year:
  - (i) The energy assistance telephone line number at the Michigan Department of Human Services or an operable 2-1-1 system telephone number.
  - (ii) Medical emergency and critical care protections provided in these Rules.
  - (iii) Military shutoff protections pursuant to MCL 460.9c.
  - (iv) Low income protections provided in these Rules.
  - (v) Senior citizen protections provided in these Rules.B. The information required under Subsection (A) may be supplied in or on a customer's bill, in a bill insert, in a newsletter issued to customers, a public forum, newspaper announcement, an electronic communication, or in any other manner approved by the governing body of the utility.
7. City of Marshall shall, at least once per year, attempt to identify senior citizen customers by at least one (1) of the following methods:
  - A. Conducting customer interviews.
  - B. Obtaining information from a consumer reporting agency or consumer reporting service. C. A personal or automated telephone call where direct contact is made with a member of the customer's household or a message is recorded on an answering machine or voice mail.
  - D. First class mail.
  - E. A personal visit to the customer.
  - F. A written notice left at or on the customer's door.
  - G. On a bill or in a bill insert.
8. Service shall not be shut off unless a notice is sent to the customer by first class mail or is personally served not less than ten (10) days before the date of the proposed shutoff. A record of the date the notice was sent shall be maintained.
9. A notice of shutoff shall contain all of the following information:
  - A. The name and address of the customer, and the address at which service is provided, if different.
  - B. A clear and concise statement of the reason for the proposed shutoff of service.
  - C. The date on or after which service may be shut off unless the customer takes appropriate action.
  - D. The telephone number and address where the customer may make inquiry or file a complaint.

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

10. For an involuntary shut off, at least one attempt, in addition to the notice provided in Section 8, shall be made one or more days before the shutoff of the service to contact the customer by one (1) or more of the following methods:
  - A. A personal or automated telephone call where direct contact is made with a member of the customer's household or a message is recorded on an answering machine or voice mail.
  - B. First class mail.
  - C. A personal visit to the customer.
  - D. A written notice left at or on the customer's door.
11. All attempts to contact the customer under Section 10 shall be documented.
12. Service may be shut off to a customer on the date specified in the notice of the shutoff or within ten (10) days following that date. If service is not shut off and a subsequent notice is sent, then service shall not be shut off before the date specified in the subsequent notice. Shut off shall occur only between the hours of 8 a.m. and 3 p.m., but not later than 2 hours before the close of business.
13. Service shall not be shut off on a day, or a day immediately preceding a day, when services cannot be restored.
14. Not later than two hours before the close of the utility's business on the day service is shut off, a notice shall be left at the customer's residence stating that service has been shut off and providing the address and telephone number where the customer may arrange to have service restored. Alternatively, a contact by telephone may be made with an adult who identifies himself or herself as a person living at the residence providing the same information within the same time frame.
15. No later than three (3) business days after shutting off service to an eligible senior citizen customer, City of Marshall shall make at least two attempts to contact that customer to advise the customer of the actions that the customer must take to have his or her service restored.
  - A. The following notification methods may be used to contact the customer:
    - (i) A personal or automated telephone call where direct contact is made with a member of the customer's household or a message is recorded on an answering machine or voice mail.
    - (ii) First-class mail.
    - (iii) A personal visit to the customer.
    - (iv) A written notice left at or on the customer's door.
    - (v) Any other method approved by the governing body of the utility.
  - B. A communication described in Subsection (A)(iii) or (iv) made on the day of disconnection meets the requirements of this Rule.
  - C. A message left on an answering machine or voice mail or a written notice left at or on a customer's door must include a toll free or local telephone number indicating that it may be used to contact a representative of City of Marshall regarding restoration of service.



City of Marshall Utility Rate Classifications and Standard Rules and Regulations

D. The notice requirement of this section may be met with regard to a senior citizen customer by, within three (3) business days of shutting off service, making a documented referral of that customer to a social service or government agency.

16. Reasonable efforts shall be made to restore service on the day the customer requests restoration. Except for reasons beyond the control of City of Marshall, the service shall be restored not later than the first working day after the customer's request.
17. A charge may be assessed for restoring service.

**COOLING SEASON SHUTOFFS**

18. Each morning, the temperature forecast in the (local newspaper or another other index) will be reviewed. If the temperature forecast for the current day OR the following day is 95 degrees or greater, eligible senior citizen customers will not be disconnected on the current day. For Fridays, customers will not be disconnected if the forecast is for 95 degrees or greater for Friday, Saturday or Sunday.

**HEATING SEASON SHUTOFFS**

19. City of Marshall shall not shut off service to a customer during the heating season for nonpayment of a delinquent account if the customer is an eligible senior citizen customer or if an eligible low income customer enters into a winter protection payment plan to pay to the utility a monthly amount equal to 7% of the estimated annual bill for the eligible low income customer or the eligible low income customer and the utility mutually agree upon a winter protection payment plan with different terms and the eligible low income customer demonstrates, within 14 days of requesting shutoff protection, that he or she has applied for state or federal heating assistance. If an arrearage exists at the time an eligible low income customer applies for protection from shut off of service during the heating season, the customer should be permitted to pay the arrearage in equal monthly installments between the date of application and the start of the subsequent heating season.
20. If an eligible low income customer fails to comply with the terms and conditions of a winter protection payment plan, or if the customer fails to pay a monthly installment on a preexisting arrearage, service may be shut off after giving the customer a notice, by personal service, or first class mail, that contains all of the following information:
- A. That the customer has defaulted on a winter protection payment plan or has failed to pay a monthly installment on a preexisting arrearage.
  - B. The nature of the default.
  - C. That unless the customer makes the payments that are past due within ten (10) days of the date of mailing, service will be shut off.
  - D. The date on or after which service will be shut off, unless the customer takes appropriate action.
  - E. That the customer may dispute the claim in writing before the date of the proposed shutoff of service.
  - F. That the utility will not shut off service pending the resolution of a dispute.
  - G. The telephone number and address where the customer may make inquiry or file a complaint.
  - H. That the customer should contact a social services agency immediately if the customer believes he or she might be eligible for emergency economic assistance.

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- I. That the shut off will be postponed if a medical emergency exists at the customer's residence.
- J. That a deposit and restoration charge may be required if the utility shuts off service for nonpayment of a delinquent account.

**SHUTOFF OF CRITICAL CARE OR MEDICAL EMERGENCY CUSTOMERS**

- 21. Shutoff shall be postponed for not more than 21 days if the customer or a member of the customer's household is a critical care customer or has a certified medical emergency. The customer's certification shall identify any medical or life-supporting equipment being used, and the specific time period during which the shutoff of service will aggravate the medical emergency. Shut off may be extended for further periods of not more than 21 days, not to exceed a total postponement of shutoff of service of 63 days, only if the customer provides additional certification that the customer or a member of the customer's household remains a critical care customer or has a certified medical emergency. If shutoff of service has occurred without any postponement being obtained, the service shall be restored for not more than 21 days, and shall continue for further periods of not more than 21 days, not to exceed a total of 63 days in any 12-month period per household member. Annually, shutoff extensions totaling more than 126 days per household will not be given.
- 22. As used in these Rules:
  - A. "Critical care customer" means a customer who requires, or has a household member who requires, home medical equipment or a life support system, and who has provided appropriate documentation from a physician or medical facility to the City of Marshall identifying the medical equipment or life-support system and certifying that an interruption of service would be immediately life threatening.
  - B. "Electric Service Limiter: means an electric meter or device used in conjunction with an electric meter that automatically interrupts all electric service to a customer without intervening direction from the City of Marshall when a utility-imposed peak usage limit is exceeded.
  - C. "Eligible low income customer" means a customer whose household income does not exceed 150% of the poverty level, as published by the United States Department of Health and Human Services, or who receives any of the following:
    - (i) Assistance from a state emergency relief program.
    - (ii) Food stamps.
    - (iii) Medicaid.
  - D. "Eligible senior citizen customer" means a customer who is 65 years of age or older and who advises the City of Marshall of his or her eligibility.
  - E. "Heating season" means November 1 through March 31.
  - F. "Medical Emergency" means the existence of a medical condition of the customer or a member of the customer's household, certified by a physician or public health official on official stationery, which will be aggravated by the lack of utility service.
  - G. "Senior Citizen Customer" means a customer of City of Marshall who is 65 years of age or older.

City of Marshall Utility Rate Classifications and Standard Rules and Regulations

23. These Rules shall be part of the terms and conditions of the contract for service between City of Marshall and the customer.
24. These rules apply only to residential customers.



**ADMINISTRATIVE REPORT**  
**December 5, 2016 - CITY COUNCIL MEETING**

**TO:** Honorable Mayor and City Council  
**FROM:** Tom Tarkiewicz, City Manager  
**SUBJECT:** FY 2018 General Fund Budget Parameters

**BACKGROUND:** Over the last several months, City Staff and the Council has been discussing the FY 2018 General Fund projected budget gap. The FY 2018 budget goes into effect on July 1, 2017. To fill the gap, the Council by consensus, based on City Staff presentation, suggested the following parameters be incorporated in the General Fund budget preparation:

- Reduce the General Fund subsidy to the Airport
- Eliminate the General Fund subsidy to the Brooks Nature Area
- Use 50% of the FireKeeper's Local Revenue Sharing Board for Capital Projects and 50% for operations
- Not to fund the Brooks Fountain Reserve Fund
- Reduce the General Fund Travel & Education line items by 50%
- Reduce Police Department shift hours
- Eliminate cell phone stipends
- Eliminate longevity payments
- Increase employee healthcare premium shares from 10% to 12% and 20% to 22%
- Increase employee vision premium shares from 0% to 12% and 0% to 22%
- Eliminate education reimbursements
- Institute a pay freeze unless a merit raise is approved
- Increase building trades permit fees
- Charge sponsors for overtime for events
- Move compost operations from the County site to a City site and reduce hours of operations for City residents only
- Eliminate Town Crier publication
- Eliminate employee reimbursement of unrequired licenses
- Eliminate Sister City funding
- Eliminate Finance office front desk position
- Eliminate DPW Supervisor position
- Eliminate Environmental Coordinator General Fund position
- Eliminate 25% of GIS Coordinator General Fund position
- Eliminate two part-time Police Department positions
- Eliminate one full-time Police Department position
- Eliminate one full-time Fire Department position

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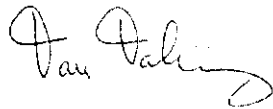
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**RECOMMENDATION:** It is recommended that the City Council approve the above mentioned parameters for the FY 2018 General Fund budget.

**FISCAL EFFECTS:** Administrative Staff, with these parameters, have the guidance to build a balanced and sustainable 5-6 year budget model beginning in FY 2018.

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Tom Tarkiewicz".

Tom Tarkiewicz  
City Manager



**ADMINISTRATIVE REPORT**  
**December 5, 2016 - CITY COUNCIL MEETING**

**REPORT TO:** Honorable Mayor and City Council

**FROM:** Jon B. Bartlett, Finance Director  
Tom Tarkiewicz, City Manager

**SUBJECT:** City Assessor Wage

**BACKGROUND:** From time to time, merit raises are deserved by our employees due to improved performance, increased certification levels, and/or increased responsibility. On November 24, 2014, the Assistant Assessor position was created and filled. The Assessor at that time did not receive any increase even though supervisory responsibilities were added to the job description.

On July 1, 2016, the City Assessor received a 1.25% pay raise, based on the Assessor's annual performance evaluation. This was a smaller portion than the normal 2% as there were some performance issues that needed work. In July 2016, a post evaluation meeting was held to discuss the improvements that were needed and that a review of these improvements would be done in September-October 2016.

Since the post evaluation meeting, the Assessor has performed admirably and corrected all issues that were discussed. The Assessor's current salary is \$55,770, and the recommendation is to increase the salary to \$56,733. The average Assessor salary of similar size cities is \$60,200. It is very difficult to find good Assessors and the City desires to be competitive.

The amount of increase, \$963 per year (approx. \$0.46/hr.), would be effective for the pay period beginning December 12, 2016.

**RECOMMENDATION:** It is the Finance Director's recommendation that Council increase the Assessor's Salary to \$56,733, effective December 12, 2016.

**FISCAL EFFECTS:** The General Fund Assessor's budget (101-209-703.00) has \$5,300 allocated for Part-Time Salaries for FY2017 that will not be used and will be used to absorb the salary increase.

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

Jon B. Bartlett  
Finance Director

Tom Tarkiewicz  
City Manager

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