

The Crosswell City Council met in Regular Session August 16, 2010, at the William Aitkin Memorial Library, 111 N. Howard Ave., Crosswell, MI. Mayor McMillan called the meeting to order at 7:30 P.M.

Present: M. McMillan, M. Willis, J. Geiger, L. Krawczyk, R. Butler
Administration: Interim City Administrator & City Clerk Suzanne Dobson
Guests: Unknown Father and Son, John Espinoza

- I. **PLEDGE OF ALLEGIANCE:**
- II. **APPROVAL OF MINUTES** from the Regular Council Meeting of August 2, 2010
Geiger moved to approve the minutes of August 2, 2010 as presented, second by Butler.
Motion Carried.
- III. **PUBLIC COMMENTS:**
None
- IV. **APPROVAL OF AGENDA:**
Willis moved to approve the agenda as presented, second by Krawczyk. Motion Carried.
- V. **CORRESPONDENCE:**
None
- VI. **ADMINISTRATOR'S REPORT:**
 - 14 Center St.
 - Wells St. building demolition
 - Sludge Removal – in process of being removed
 - Water Tower – should be completed by 8/20
 - Culvert Installation – begins this week
 - Swinging Bridge Festival
 - Vicious Animals – Police Chief say no changes needed, vicious animals are covered in the current ordinance
 - Recycling Bins – cost is \$10.00 each
 - N. Howard hole in front of H & R Block – will be repaired
- VII. **COUNCIL MEMBER REPORT:**
 - A. McMillan: Congratulations to Festival committee job well done; beer tent need more security.
 - B. Willis: Parks & Recreation vacancy – Ans: Have the resident come to the next Park & Rec meeting.
 - C. Geiger: Gazebo & parks need to be checked daily for debris; Plan for replacing trees on city streets.
 - D. Krawczyk: No report

E. Butler: No report

VIII. **UNFINISHED BUSINESS:**

- a. Assessor Appraisal Agreement: Proposal submitted by the Assessor Barb Cutcher for appraisal of the city. \$10.00 per parcel includes measuring of buildings, updating cards and entering on the computer. City has 1,163 residential; 124 commercial and 26 industrial parcels. Residential will be broke down into 2 years and then the commercial and industrial in the 3rd year. Payment of \$13,130 to be divided over the next 3 years.

Butler moved to approve the cost of \$13,130 for the Assessor to perform new appraisals for the City of Croswell over a 3 year period, second by Willis.

Roll Call Vote: Butler, yes; Willis, yes; Geiger, yes; Krawczyk, yes; McMillan, yes. 5 yeas, 0 nays. Motion Carried.

- b. Charter Amendments – Resolution:

Butler moved to approve Resolution #08-16-2010 #1 City Charter amendments, second by Willis.

Roll Call Vote: Butler, yes; Willis, yes; Geiger, yes; Krawczyk, yes; McMillan, yes; 5 yeas, 0 nays. Motion Carried.

**CITY OF CROSWELL, MICHIGAN
RESOLUTION #08-16-2010 #1**

WHEREAS, the City Council of the City of Croswell determines that it is in the best interest of the City to amend the City Charter to comply with changes to State law and to promote good and efficient government and to place those proposed amendments to the City Charter on the ballot for the election to be held on Tuesday, November 2, 2010.

NOW, THEREFORE BE IT RESOLVED that pursuant to MCL 117.21(2) the text of the ballot statements shall be submitted to the attorney general and pursuant to MCL 117.22 every amendment shall be submitted to the Governor of the State of Michigan for review and approval:

NOW, THEREFORE BE IT RESOLVED by a three-fifths vote of its members of the Council of the City of Croswell that the following ten amendments with proposed ballot language attached as Exhibit A are approved.

I. The following proposals for amendments to the City Charter are approved to be placed on the election ballot as provided in this resolution:

CITY OF CROSWELL CHARTER AMENDMENT PROPOSAL 1.

A. Purpose of proposed charter amendment: The City of Croswell Charter Committee has proposed to amend the existing Charter language CHAPTER II SECTIONS 2.2, 2.3 and 2.9 to eliminate the primary election and only hold one non-partisan election in November of the odd numbered years.

B. Wording of Proposed Amendment: The proposed Sections 2.2, 2.3, and 2.9 Charter language

provides:

SECTION 2.2 REGULAR ELECTIONS.

A non-partisan regular City election shall be held on the first Tuesday following the first Monday of November of the odd numbered years.

SECTION 2.3 PRIMARY ELECTION.

(Removed from Charter by Charter Amendment).

SECTION 2.9 NOMINATING PETITIONS.

Persons desiring to qualify as candidates for any elective office under this charter shall file with the City Clerk a petition therefor signed by not less than twenty (20) no more than forty (40) registered electors of the City not later than 4:00 p.m. on the twelfth Tuesday before the odd year general election or special City election. Blank petitions in substantially the same form as required by state law for state and county officers, except for references to party, shall be prepared and furnished by the Clerk. At least one week before, and not more than three weeks before, the last day for filing nominating petitions, the Clerk shall publish notice to that effect.

C. Statement of current wording of Section

SECTION 2.2 REGULAR ELECTIONS.

A regular city election shall be held on the first Tuesday following the first Monday in November of each odd year beginning with 1985.

SECTION 2.3 PRIMARY ELECTION.

A non-partisan city primary election shall be held on the first Tuesday following the first Monday in August of each off year, beginning in 1985 provided if the date prescribed by state law for the holding of general fall primary elections shall be changed, the city primary shall be held on the day prescribed by state law for the holding of the fall primary. If, upon the expiration of the time for filing nomination petitions for any elective city office, petitions have been filed for no more than twice the number of candidates for such office to be elected at the next city election, then no primary election shall be held in respect such office and the Clerk shall publish notice of such fact. The candidates for nomination for each office to be filled the next city election, in number equal to twice the number of persons to be elected to each such city office, receiving the highest number of votes at any such city primary election shall be declared the nominee for the election to the respective offices, and their names, together with the names of persons for whom petitions have been filed for offices with respect to which no primary election was held, shall be certified to the election commission to be placed upon the ballot for the next subsequent regular city election.

SECTION 2.9 NOMINATING PETITIONS.

Persons desiring to qualify as candidates for any elective office under this charter shall file with the City Clerk a petition therefor signed by not less than twenty (20) no more than forty (40) registered electors of the City not later than the closing time of the City offices on the seventh Tuesday prior to the date of the primary and/or special city election. Blank petitions in substantially the same form as required by state law for state and county officers, except for references to party, shall be prepared and furnished by the

Clerk. At least one week before, and not more than three weeks before, the last day for filing nominating petitions, the Clerk shall publish notice to that effect.

D. Proposed Ballot Language attached as Exhibit A.

CITY OF CROSWELL CHARTER AMENDMENT PROPOSAL 2.

A. Purpose of proposed charter amendment: The City of Croswell Charter Committee has proposed to amend CHAPTER II, SECTION 2.12 to remove the City Attorney from the Election Commission and to replace with the City Treasurer.

B. Wording of Proposed Amendment: The proposed Section 2.12 Charter language provides:

SECTION 2.12 ELECTION COMMISSION.

An election commission is hereby created, consisting of the City Clerk, the City Treasurer and the Mayor. The City Clerk shall be chairperson. The Commission shall have charge of all other activities and duties relating to the conduct of elections in the City as required by state law. The compensation of election personnel shall be determined in advance by the commission, and shall be a fixed amount for each election; provided, such compensation shall not exceed the amount appropriated for elections in the budget, unless such increase shall first have been approved by the City Council as are other increases in appropriations for any department or function. The commission shall perform all of the duties required of city election commissions by state law and this charter. In the event of a conflict in election procedure as between the general election laws of the state and the provisions of this charter, or in any case where election procedure is in doubt, the election commission shall prescribe the procedure to be followed. When a city election is held on the same day as a national, state or county election or primary, the same election officials shall act in both the city election and the national, state or county election or primary.

C. Statement of current wording of Section:

SECTION 2.12 ELECTION COMMISSION

An election commission is hereby created, consisting of the City Clerk, the city Attorney and the Mayor. The city Clerk shall be chairperson. The commission shall have charge of all other activities and duties relating to the conduct of elections in the City as required by state law. The compensation of election personnel shall be determined in advance by the commission, and shall be a fixed amount for each election; provided, such compensation shall not exceed the amount appropriated for elections in the budget, unless such increase shall first have been approved by the City Council as are other increases in appropriations for any department or function. The commission shall perform all of the duties required of city election commissions by state law and this charter. In the event of a conflict in election procedure as between the general election laws of the state and the provisions of this charter, or in any case where election procedure is in doubt, the election commission shall prescribe the procedure to be followed. When a city election is held on the same day as a national, state or county election or primary, the same election officials shall act in both the city election and the national, state or county election or primary.

D. Proposed Ballot Language attached as Exhibit A.

CITY OF CROSWELL CHARTER AMENDMENT PROPOSAL 3.

A. Purpose of proposed charter amendment: The City of Croswell Charter Committee has proposed to delete the existing Charter language CHAPTER V, SECTION 5.7 to allow standing

committees.

B. Wording of Proposed Amendment: The proposed Section 5.7 Charter language provides:

SECTION 5.7 NO STANDING COMMITTEE

(Removed from Charter by Charter Amendment).

C. Statement of current wording of Section

SECTION 5.7 NO STANDING COMMITTEE

There shall be no standing committees of the Council.

D. Proposed Ballot Language attached as Exhibit A.

CITY OF CROSWELL CHARTER AMENDMENT PROPOSAL 4.

A. Purpose of proposed charter amendment: The City of Croswell Charter Committee has proposed to amend CHAPTER XIII, by adding SECTION 13.9 to add a definition of “default.”

B. Wording of Proposed Amendment: The proposed Section 13.9 Charter language provides:

SECTION 13.9 DEFAULT.

As used in this Charter, “default” means delinquent in payment of property taxes, assessments, a debt owed to the City, or the failure to fulfill a contractual obligation, whether monetary or conditional. If the person has not been provided at least thirty (30) days notice of the obligation, they shall be given a thirty (30) day period to rectify the obligation. The person shall be considered to be in default if one of the following applies:

- (1) Property taxes remain unpaid after the last day of February in the year following the year in which they are levied, unless the taxes are the subject of an appeal.
- (2) Another debt owed to the City, including unpaid utility bills or special assessments, remains unpaid thirty (30) days after the due date, unless the debt is the subject of an administrative appeal or a contested court case.
- (3) The failure to fulfill a contractual obligation remains uncorrected for a period of thirty (30) days, unless the failure to fulfill a contractual obligation is the subject of an administrative appeal or a contested court case.

C. Statement of current wording of Section:

Not applicable.

D. Proposed Ballot Language attached as Exhibit A.

CITY OF CROSWELL CHARTER AMENDMENT PROPOSAL 5.

A. Purpose of proposed charter amendment: The City of Croswell Charter Committee has

proposed to amend CHAPTER III, SECTION 3.7 to comply with Public Act 212 of 1999 removing the residency requirement from the City Administrator appointment.

B. Wording of Proposed Amendment: The proposed Section 3.7 Charter language provides:

SECTION 3.7 CITY ADMINISTRATOR: APPOINTMENT.

The Council shall, as soon as possible with all due diligence after any vacancy exists in the position of City Administrator, appoint a City Administrator for an indefinite period and shall fix his/her compensation. The City Administrator shall be the Chief Administrative office of the City government. He/she shall have a college baccalaureate degree or its equivalent in a field pertinent to City administration, or he/she shall have had at least four (4) years experience in such public administrative work as would qualify him/her for the position of administrator, and said appointment shall be made without regard to his/her political or religious preferences. No member of the Council shall be eligible for the position of City Administrator within two (2) years of the expiration of his/her last term on the Council.

C. Statement of current wording of Section:

SECTION 3.7 CITY ADMINISTRATOR: APPOINTMENT.

The Council shall, as soon as possible with all due diligence after any vacancy exists in the position of City Administrator, appoint a City Administrator for an indefinite period and shall fix his/her compensation. The City Administrator shall be the Chief Administrative office of the city government. He/she shall have a college baccalaureate degree or its equivalent in a field pertinent to city administration, or he/she shall have had at least four (4) years experience in such public administrative work as would qualify him/her for the position of administrator, and said appointment shall be made without regard to his/her political or religious preferences. The City Administrator need not be a resident of the City at the time of his/her appointment but shall become a resident thereof within one year after his/her appointment, and shall remain throughout his/her tenure in office. No member of the Council shall be eligible for the position of City Administrator within two (2) years of the expiration of his/her last term on the Council.

D. Proposed Ballot Language attached as Exhibit A.

CITY OF CROSWELL CHARTER AMENDMENT PROPOPAL 6.

A. Purpose of proposed charter amendment: The City of Croswell Charter Committee has proposed to amend CHAPTER III, SECTION 3.18 so the City is not required, but may, have other administrative officers.

B. Wording of Proposed Amendment: The proposed Section 3.18 Charter language provides:

SECTION 3.18 OTHER ADMINISTRATIVE OFFICERS: APPOINTMENT AND COMPENSATION.

The other administrative officers may include but may not be limited to the Police Chief, D.P.W. Superintendent, Superintendent of the City Water Filtration Plant, Superintendent of the City Light and Power Department, Wastewater Treatment Plant Superintendent, Cemetery Sexton, and Ambulance Director. To the extent appointed, all such officers shall be appointed by the City Council upon the recommendation of the City Administrator. The City Council shall fix the rate of compensation for all

appointed administrative officers of the City within the limits of budget appropriations.

C. Statement of current wording of Section:

SECTION 3.18 OTHER ADMINISTRATIVE OFFICERS: APPOINTMENT AND COMPENSATION.

The other administrative officers shall include but may not be limited to the Police Chief, D.P.W. Superintendent, Superintendent of the City Water Filtration Plant, Superintendent of the City Light and Power Department, Wastewater Treatment Plant Superintendent, Cemetery Sexton, and Ambulance Director all such officers shall be appointed by the City Council upon the recommendation of the City Administrator. The City Council shall fix the rate of compensation for all administrative officers of the City within the limits of budget appropriations.

D. Proposed Ballot Language attached as Exhibit A.

CITY OF CROSWELL CHARTER AMENDMENT PROPOSAL 7.

A. Purpose of proposed charter amendment: The City of Croswell Charter Committee has proposed to amend CHAPTER VIII, SECTION 8.9 to remove the bid amount of \$1,500 and allow the City Council to set the minimum competitive bid amount in May of each year by resolution.

B. Wording of Proposed Amendment: The proposed Section 8.9 Charter language provides:

SECTION 8.9 PURCHASING PROCEDURE.

The City Administrator shall be responsible for City purchasing. Competitive prices for all purchases and public improvements shall be obtained, and the purchase made from, or the contract awarded to the lowest competent bidder deemed to be in the best interest of the City. On the recommendation of the City Administrator or Department Head and four-fifths Council approval, the bid requirement may be waived for the following reasons: 1) emergency purchases, 2) purchase of used equipment, 3) one-of-a-kind equipment or merchandise, 4) specialty services. However, formal sealed bids shall be obtained in all other transactions involving the expenditure of more than the amount as set by City Council in Resolution form by the second meeting in May of each year and the transaction evidenced by written contract submitted to and approved by the Council; provided that in cases where the Council indicates by formal resolution upon the written recommendation of the City Administrator or Department Head that it is clearly to the advantage of the City to contract without competitive bidding, it may so authorize. Such purchasing without competitive bids should, however, be limited to the above exceptions and shall be established by ordinance. The Council may also authorize the making of public improvements or the performing of any other City work by any City department or agency without competitive bidding. No contract shall be made with any person, firm or corporation in default to the City.

C. Statement of current wording of Section:

SECTION 8.9 PURCHASING PROCEDURE.

The City Administrator shall be responsible for city purchasing. Competitive prices for all purchases and public improvements shall be obtained, and the purchase made from, or the contract awarded to the lowest competent bidder deemed to be in the best interest of the City. On the recommendation of the City Administrator or department head and four-fifths Council approval, the bid requirement may be waived for the following reasons: 1) emergency purchases, 2) purchase of used equipment, 3) one-of-a-kind

equipment or merchandise, 4) specialty services. However, formal sealed bids shall be obtained in all other transactions involving the expenditure of more than One Thousand Five Hundred and 00/100 Dollars (\$1,500.00) and the transaction evidenced by written contract submitted to and approved by the Council; provided that in cases where the Council indicates by formal resolution upon the written recommendation of the City Administrator or department head that it is clearly to the advantage of the City to contract without competitive bidding, it may so authorize. Such purchasing without competitive bids should, however, be limited to the above exceptions and shall be established by ordinance. The Council may also authorize the making of public improvements or the performing of any other city work by any city department or agency without competitive bidding. No contract shall be made with any person, firm or corporation in default to the City.

D. Proposed Ballot Language attached as Exhibit A.

CITY OF CROSWELL CHARTER AMENDMENT PROPOSALS 8, 9 and 10.

A. Purpose of proposed charter amendments: The City of Croswell Charter Committee has proposed to amend CHAPTER IX, SECTIONS 9.14 and 9.15 of the City Charter to change the tax due dates from August 31 to September 14 as the deadline for payment of general city taxes without penalty and to increase the one-time penalty for late payment from 3.75% to 4.00% and to increase the monthly penalty thereafter from .75% to 1%.

B. Wording of Proposed Amendment: The proposed Section 9.14 language provides:

SECTION 9.14 TAXES DUE - NOTIFICATION THEREOF.

City taxes shall be due on the first day of July of each year. The treasurer shall not be required to call upon the persons named in the City tax roll, nor to make personal demand for the payment of taxes, but he/she shall give notice to the taxpayers of the City, at least ten (10) days prior to the due date of such taxes of each year, of the time when said taxes will be due for collection by publication, at least once, in one or more of the newspapers published or circulated in the City, or shall give such notice by first class mail addressed to the owners of the property upon which taxes are assessed according to the names of such owners and their addresses as indicated on the tax roll, which notice shall be deemed sufficient for the payment of all taxes on said tax roll. Such notice shall also state that payments of taxes may be made to him/her at any time up to and including the 14th day of September without penalty and that an addition of four (4%) percent shall be made on the 15th day of September and one percent (1%) on the first day of each month thereafter that the tax remains unpaid until returned to the county treasurer by the City treasurer. Failure on the part of the treasurer to give said notice shall not invalidate the taxes on said tax roll nor release the person or property assessed from the penalty provided in this chapter in case of non-payment of the same.

The proposed Section 9.15 language provides:

SECTION 9.15 ADMINISTRATION FEES AND INTEREST.

The taxes assessed in the general City tax roll, for each fiscal year, shall be due and payable on the first day of July of each year, and may be paid at any time on or before the 14th day of September of the same year, with an administration fee of one percent (1%). An additional charge of four (4%) percent shall be added to all unpaid general City taxes on the 15th day of September of the same year, and thereafter an additional charge of one (1%) percent shall be made and added to all such unpaid taxes on the first day of each month during which such taxes shall remain unpaid, until return thereof, together with such accrued penalties or charges, shall be made to the county treasurer. And the said county treasurer, or auditor

general of the State, as the case may be, shall account to the City for all such accrued penalties of charges.

C. Statement of current wording of Section:

SECTION 9.14 TAXES DUE-NOTIFICATION THEREOF.

City taxes shall be due on the first day of July of each year. The treasurer shall not be required to call upon the persons named in the city tax roll, nor to make personal demand for the payment of taxes, but he/she shall give notice to the taxpayers of the city, at least ten (10) days prior to the due date of such taxes of each year, of the time when said taxes will be due for collection by publication, at least once, in one or more of the newspapers published or circulated in the City, or shall give such notice by first class mail addressed to the owners of the property upon which taxes are assessed according to the names of such owners and their addresses as indicated on the tax roll, which notice shall be deemed sufficient for the payment of all taxes on said tax roll. Such notice shall also state that payments of taxes may be made to him/her at any time up to and including the 31st day of August without penalty and that an addition of three and three fourths (3.75%) percent shall be made on the first day of September and three-fourths percent (.75%) on the first day of each month thereafter that the tax remains unpaid until returned to the county treasurer by the city treasurer. Failure on the part of the treasurer to give said notice shall not invalidate the taxes on said tax roll nor release the person or property assessed from the penalty provided in this chapter in case of non-payment of the same.

SECTION 9.15 ADMINISTRATION FEES AND INTEREST.

The taxes assessed in the general city tax roll, for each fiscal year, shall be due and payable on the first day of July of each year, and may be paid at any time on or before the last day of August of the same year, with an administration fee of one percent (1%). An additional charge of three and three-fourths (3.75%) percent shall be added to all unpaid general city taxes on the first day of September of the same year, and thereafter an additional charge of three-fourths of one percent (.75%) shall be made and added to all such unpaid taxes on the first day of each month during which such taxes shall remain unpaid, until return thereof, together with such accrued penalties or charges, shall be made to the county treasurer. And the said county treasurer, or auditor general of the State, as the case may be, shall account to the City for all such accrued penalties of charges.

D. Proposed Ballot Language attached as Exhibit A.

II. The City Clerk shall forthwith transmit a copy of the proposed amendments to the Governor of the State of Michigan for approval to the extent required by law and transmit a copy of the foregoing statement of purpose of such proposed amendment to the Attorney General of the State of Michigan for approval, to the extent required by law.

III. The proposed charter amendments shall be, and the same is hereby ordered to be, submitted to the qualified electors at the General Election to be held in the City of Croswell, the 2nd day of November, 2010, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit such charter amendment to the vote of the electors as required by law.

IV. The proposed amendments shall be published in full together with the existing charter provisions altered or abrogated thereby as part of the notice of election.

V. The canvass and determination of the votes of said question shall be made in accordance with the laws of the State of Michigan and the Charter of the City of Croswell.

CERTIFICATION

I, Suzanne Dobson, City Clerk of Croswell, do hereby certify that Resolution #08-16-2010 #1 was adopted by the City of Croswell at a Regular meeting of the City of Croswell Council held at the Wm. Aitkin Memorial Library on the on the 16th day of August, 2010.

Vote on this Resolution, 5 members being present was as follows:

AYES: Butler, Willis, Geiger, Krawczyk, McMillan

NAYS: _____

Suzanne Dobson, CMC
Croswell City Clerk

Michael McMillan, Mayor

EXHIBIT A
PROPOSED BALLOT LANGUAGE
CITY OF CROSWELL CHARTER AMENDMENT PROPOSAL 1

The City Council proposes that Chapter II, Sections 2.2, 2.3 and 2.9 of the City of Croswell City Charter be amended to eliminate primary elections and to provide instead for the nominating of candidates for City Elective Office by nominating petition and a regular City election in November of odd-number years.

Shall this proposal be adopted?

() YES

() NO

PROPOSED BALLOT LANGUAGE
CITY OF CROSWELL CHARTER AMENDMENT PROPOSAL 2

The current City Charter section 2.12 requires the City Attorney to be a member of the Election Commission.

The City Council proposes that Chapter II, Section 2.12 of the City of Croswell City Charter be amended to provide that the City Treasurer shall be a member of the Election Commission rather than the City Attorney.

Shall this proposal be adopted?

() YES

() NO

PROPOSED BALLOT LANGUAGE
CITY OF CROSWELL CHARTER AMENDMENT PROPOSAL 3

The current City Charter section 5.7 provides there shall be no Standing Committees of the Council.

The City Council proposes that Chapter V, Section 5.7 of the City of Croswell City Charter be removed to allow City Council to create Standing Committees.

Shall this proposal be adopted?

- () YES
() NO

PROPOSED BALLOT LANGUAGE
CITY OF CROSWELL CHARTER AMENDMENT PROPOSAL 4

The Charter does not allow the City to enter contracts with any person, firm, or corporation in default to the City. The Charter does not have a definition of “default”.

The City Council proposes that Section 13.9 be added to Chapter XIII of the Charter to define “default” to include unpaid property taxes that remain unpaid after February, and any debts to the City, including unpaid utility bills, special assessments, or contractual obligations that remain unpaid for thirty (30) days, unless the debt is the subject of an appeal or a court case.

Shall this proposal be adopted?

- () YES
() NO

PROPOSED BALLOT LANGUAGE
CITY OF CROSWELL CHARTER AMENDMENT PROPOSAL 5

The current City Charter Section 3.7 requires the City Administrator to become a resident of the City within one-year from appointment. Public Act 212 of 1999 of the State of Michigan makes this City Charter provision unenforceable.

The City Council proposes that Chapter III, Section 3.7 of the City of Croswell City Charter be amended to delete this residency requirement for the City Administrator that is no longer enforceable due to changes in State Law.

Shall this proposal be adopted?

- () YES

() NO

PROPOSED BALLOT LANGUAGE
CITY OF CROSWELL CHARTER AMENDMENT PROPOSAL 6

Historically, the City has not had a need to fill all the Administrative positions required by the City Charter.

The City Council proposes that Chapter III, Section 3.18 of the City of Croswell City Charter be amended to replace the term “shall” to “may” so the City is not required, but may, have may have other Administrative Officers including the Police Chief, D.P.W. Superintendent, Superintendent of the City Water Filtration Plant, Superintendent of the City Light and Power Department, Wastewater Treatment Plant Superintendent, Cemetery Sexton, and Ambulance Director.

Shall this proposal be adopted?

() YES
() NO

PROPOSED BALLOT LANGUAGE
CITY OF CROSWELL CHARTER AMENDMENT PROPOSAL 7

Chapter VIII, Section 8.9 of the City of Croswell City Charter requires City purchases over \$1,500.00 to be bid by formal sealed competitive bids evidenced by a written contract to be submitted to and approved by the Council.

The City Council proposes that Chapter VIII, Section 8.9 of the City Charter be amended to allow City Council by resolution in May of each year to set the amount above which competitive bidding is required for City purchases.

Shall this proposal be adopted?

() YES
() NO

PROPOSED BALLOT LANGUAGE
CITY OF CROSWELL CHARTER AMENDMENT PROPOSAL 8

Note: Adoption of this proposal number 8 is contingent upon the approval by the voters at this election of proposals number 9 and 10.

The City Council proposes that Chapter IX, Sections 9.14 and 9.15 of the City Charter be amended to change the deadline for payment of property taxes without penalty from August 31 to September 14.

Shall this proposal be adopted?

- () YES
- () NO

PROPOSED BALLOT LANGUAGE
CITY OF CROSWELL CHARTER AMENDMENT PROPOSAL 9

Note: Adoption of this proposal number 9 is contingent upon the approval by the voters at this election of proposals number 8 and 10.

The City Council proposes that Chapter IX, Sections 9.14 and 9.15 of the City Charter be amended to increase the one-time penalty on unpaid general City taxes paid after September 14 of the tax year from 3.75% to 4.00%.

Shall this proposal be adopted?

- () YES
- () NO

PROPOSED BALLOT LANGUAGE
CITY OF CROSWELL CHARTER AMENDMENT PROPOSAL 10

Note: Adoption of this proposal number 10 is contingent upon the approval by the voters at this election of proposals number 8 and 9.

The City Council proposes that Chapter IX, Sections 9.14 and 9.15 of the City Charter be amended to increase the monthly interest penalty on unpaid general City taxes that remain unpaid after September 14 of the tax year from .75% to 1% percent.

Shall this proposal be adopted?

- () YES
- () NO

IX. NEW BUSINESS:

- a. Robert Bradley – 279 N. Howard Ave., Sewer Credit: Request for a sewer credit of 5 units due to a split hose.

McMillan moved to approve the sewer credit of 5 units, second by Willis. 4 yeas 1 nay (Geiger). Motion Carried.

- b. Don Levitt – Speeders on Elizabeth St.: No one present
- c. Boards & Commissions – Council Compensation Committee: Willis moved to

approve the appointment of Doug Bricker to the Council Compensation Committee with a term expiring September 2013, second by Geiger. Motion Carried.

- d. Electric Shut Off Policy: Shut off policy committee of Butler and Willis along with the Treasurer, Electric Supervisor has submitted an updated shut off policy.

Butler moved to approve the Electric Shut-Off Policy effective upon adoption, second by Willis.

Roll Call Vote: Butler, yes; Willis, yes; Krawczyk, yes; Geiger, yes; McMillan, yes. 5 yeas, 0 nays. Motion Carried.

CITY OF CROSWELL SHUT-OFF POLICY

I. Residential Shut off Policy:

A. Croswell Light and Power (CLP) will not use an electric service limiter.

B. The CLP shall refund any late fees, fines, or payments related to a shut off or resumption of service if those late fees, fines, or payments were improperly assessed because of the failure to provide notice as required by this Policy.

C. Notwithstanding other requirements of the Policy, service may be shut off temporarily for reasons of health or safety or in a state of national emergency. When service is shut off for reasons of health or safety, the CLP shall leave a notice at the premises if feasible.

D. The CLP may shut off or terminate service to a residential customer for any of the following reasons:

1. The customer has not paid a delinquent account that occurred within the last six (6) months.
2. The customer has failed to provide a deposit or guarantee as required.
3. The customer has engaged in unauthorized use of the utility's service.
4. The customer has failed to comply with the terms and conditions of a payment plan.
5. 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 the meter.

6. 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.

7. The customer has violated any policies of the CLP so as to adversely affect the safety of the customer or other persons or the integrity of the system.

8. A person living in the customer's residence meets both of the following:

a) Has a delinquent account for service with the CLP within the past three (3) years that remains unpaid.

b) The customer lived in the person's residence when all or part of the debt was incurred. The CLP 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.

9. The customer has not paid for service at a premise occupied by another person in any of the following circumstances and proper notices is given:

a) 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.

b) The customer supplies a written, notarized statement that the premise is unoccupied.

c) The premise is occupied and the occupant agrees, in writing, to the shut off of service.

d) It is feasible to provide service to the occupant as a customer without major revision of existing distribution facilities and the occupant refuses to put the account in their name.

E. The CLP will not shut off service if a customer has not paid for concurrent service received at a separate metering point, residence, or location.

F. The CLP shall supply information regarding the following to customers at least two (2) times a year:

1. The energy assistance telephone line number at the Michigan Department of Human Services.

2. Medical emergency and critical care protections provided in these Policies.

3. Military shut off protections pursuant to MCL 460.9c.
4. Low income protections provide in these Policies.
5. Senior Citizen protections provide in these Policies.

G. The information required under Subsection (f) 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.

H. The CLP shall, at least once per year, attempt to identify senior citizen customers by at least one (1) of the following methods:

1. Conducting customer interviews.
2. Obtaining information from a consumer reporting agency or consumer reporting service.
3. 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.
4. First class mail.
5. A personal visit to the customer.
6. A written notice left at or on the customer's door.
7. On a bill or in a bill insert.

I. Customer is billed for 30 days usage within one (1) week of meter reading date. Bill is due in three (3) weeks.

Customer is sent a reminder/shut-off notice with next billing with a two (2) week extended due date.

Customer is given a hand delivered shut-off notice approximately two (2) weeks later stating that service will be either terminated or limited if past due bill is not paid within 24 hours.

Unpaid bills are a lien on the property, collectable on the tax roll in accordance with City Ordinance #128. (Noted on back of utility bill)

Per Ordinance #128 the city shall discontinue **any** public utility service to **any** premises whenever any person shall fail to pay the rates of such public utility within a period of thirty (30) days from billing dates of such rates. At least one week before discontinuance the customer at such premises shall be notified by first class mail on such pending

discontinuance.

J. A notice of shut off shall contain all the following information:

1. The name and address of the customer, and the address at which service is provide, if different.
2. A clear and concise statement of the reason for the proposed shut off of service.
3. The date on or after which service may be shut off unless the customer takes appropriate action.
4. That the customer has the right to enter into a payment plan for an amount that is not in dispute and customer is presently unable to pay in full.
5. The telephone number and address where the customer may make inquiry, enter into a payment plan, or file a complaint.
6. That shut off will be postponed at a residence where a certified medical emergency exists and the customer provides documentation of that medical emergency.
7. That during the heating season, shut off will be postponed if a customer is an eligible low-income customer that enters into a winter protection payment plan with the CLP.

K. Service may be shut off to a customer on the date specified in the notice of the shut off or within a reasonable time 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 8:00 a.m. and 3:00 p.m.

L. Service shall not be shut off on a day, or a day immediately preceding a day, when services cannot be restored.

M. 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. No later than three (3) business days after shutting off service to a eligible senior citizen customer, the CLP 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.

1. The following notification methods may be used to contact the customer:

- 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.
- e) Any other method approved by the governing body of the utility.

2. A communication described in Subsection (M)(1) (c) and (e) made on the day of disconnection meets the requirements of this Policy.

3. 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 the BLP regarding restoration of service.

4. 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.

N. Reasonable efforts shall be made to restore service on the day the customer requests restoration when cause has been cured or a satisfactory credit arrangement has been made. Except for reasons beyond the control of the CLP, the service shall be restored not later than the first working day after the customer's request.

O. A charge may be assessed for notices and restoring service as follows.

- 1. Disconnect Notice Charge per tag: \$5.00
- 2. Disconnect/Reconnect Charges:
 - a) Charge for restoring service which has been disconnected at the meter:
 - (1) During business hours: \$20.00
 - (2) After business hours:
 - (a) Weekday - \$90.00 before 9:00 p.m.; \$135.00 after 9:00 p.m.
 - (b) Saturday - \$100.00 before 9:00 p.m.; \$150.00 after 9:00 p.m.
 - (c) Sunday - \$150.00
 - (d) Holiday - \$168.00
- 3. Homeowner's Request for Disconnect: \$20.00

P. After a notice of delinquency has been mailed, payment must be received at the CLP Administrative Office before the disconnect date. Failure to receive a notice of delinquency will not extend time for payment. A charge may be assessed for restoring service.

COOLING SEASON SHUT OFFS

Q. 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 SHUT OFFS

R. The CLP 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 shut off 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.

S. 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:

1. That the customer has defaulted on a winter protection payment plan or has failed to pay a monthly installment on a preexisting arrearage.
2. The nature of the default.
3. That unless the customer makes the payments that are past due within ten (10) day of the date of mailing, service will be shut off.
4. The date on or after which service will be shut off, unless the customer takes appropriate action.

5. That the customer may dispute the claim in writing before the date of the proposed shut off of service.
6. That the utility will not shut off service pending the resolution of a dispute.
7. The telephone number and address where the customer may make inquiry, enter into a payment plan, or file a complaint.
8. That the shut off will be postponed if a medical emergency exists at the customer's residence.
9. That a deposit and restoration charge may be required if the utility shuts off service for nonpayment of a delinquent account.

SHUT OFF OF CRITICAL CARE CUSTOMERS OR MEDICAL EMERGENCY

T. Shut off 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 specified time period during which the shut off 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 shut off 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 shut off 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, shut off extensions totaling more than 126 days per household will not be given.

U. As used in these Policies:

1. "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 CLP identifying the medical equipment or life-support system and certifying that an interruption of service would be immediately life threatening.
2. "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 CLP when a utility-imposed peak usage limit is exceeded.

3. “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:

- a) Assistance from a state emergency relief program.
- b) Food stamps.
- c) Medicaid

Customer is responsible for providing documentation proving eligibility.

4. “Eligible senior citizen customer” means a customer who is 65 years of age or older and who advises the CLP of his or her eligibility.

5. “Heating season” means November 1 through March 31.

6. “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.

7. “Senior Citizen Customer” means a customer of the CLP who is 65 years of age or older.

V. These Policies shall be part of the terms and conditions of the contract for service between the CLP and the customer.

Adopted by the City of Croswell on August 16, 2010

Effective August 17, 2010

e. Utility Deposits:

Shut off policy submitted a recommendation of changing utility deposits to \$200 fall residential rentals.

Willis moved to approve the Utility Deposits Policy as presented effective September 1, 2010, second by Butler.

Roll Call Vote: Willis, yes; Butler, yes; Geiger, yes; Krawczyk, yes; McMillan, yes; 5 yeas, 0 nays. Motion Carried.

UTILITY DEPOSITS
ADMINISTRATIVE PROCEDURE
POLICY

1. A deposit is required for all new public utility accounts services by the City of Croswell utilities. The deposit must be paid in full before utility service will begin. (Ordinance #128)

2. Leased residential deposits shall be \$200.00, except in such cases where the property owner has contracted with the City for a specific reduction of deposits for leases of the building.

Leased deposits shall not be refunded until the utility account is terminated in good standing. The City may apply any part or all of a posted deposit to the balance due at the time a utility account is terminated.

3. Non-leased residential deposits (owner purchased utilities) shall be fixed at \$50.00. Property owner's deposits shall be refunded if the customer has maintained a history of payment on or before the statement due date. Property owner's deposits alone will be refunded, if the customer's account is current. Property owners whose payments are delinquent shall not receive the deposit refund until their account has been returned to good standing or the account has been terminated. The City may apply any part or all of a posted deposit to the balance due when a utility account is terminated.

Deposits for property owners shall be refunded after a period of nine months if all requirements are met of the above-mentioned paragraph. (Ordinance #128)

4. Commercial or industrial establishment deposits will be determined on an individual basis by the City. (Ordinance #128)

5. Deposits will not be waived for clients of Department of Social Services (policy October 8, 1987)

f. Lawn Mower bids:

Bidder	#2 - Zero Turn Exmark	#5 - Zero Turn Exmark	3-Wheeler Turf Ranger	Hustler
Mark Vincent			835	
Don Adams		855		
Troy Todd				551
John Peck			925	
Doug Watson	1151			
Abend Farms				315
Jennifer Demaray			1259	509
Edwin Pasek	855	855	355	355
Ralph Kettlewell	1150	1250	1150	300
Keith Jamison	1000	1100		

Harley Wright		1200					
Dave Anderson					900		
Jim Kirkpatrick			1027				
Jim Kirkpatrick		1265					
Jeff Dawson		1116	942		877		
Jim Green		1951	1451				

Krawczyk moved to accept the bids and to award the mowers to the highest bidder, if denied award the mower to the next bid amount, second by Geiger. Motion Carried.

g. Fire Whistle bids:

Three bids were received by the Fire Chief for a new Fire Whistle at the fire hall.

V & W Tower, St. Clair, MI - \$8,150

West Shore Services, Inc., Allendale, MI - \$7,330

Braniff Communications, Crestwood, IL - \$7,524

Recommendation from the Fire Chief is to accept the V & W Tower amount. This company currently works on the existing fire whistles and the additional amount is for an added feature on the whistle for tornados.

Geiger moved to accept the bids and to award the fire whistle purchase from V & W Tower for the amount of \$8,150, second by Willis. Motion Carried.

h. Certifying Officer for Environmental Review: Resolution to designate a certifying officer for the environmental review for the Transformer grant.

Geiger moved to adopt Resolution #08-16-2010 #2 Designation Suzanne Dobson, Interim City Administrator the Certifying Officer for the Environmental Review for a Community Development Block Grant, second by Krawczyk.

Roll Call Vote: Geiger, yes; Krawczyk, yes; Butler, yes; Willis, yes; McMillan, yes. 5 yeas, 0 nays. Motion Carried.

**CITY OF CROSWELL
RESOLUTION #08-16-2010 #2**

A RESOLUTION DESIGNATING A CERTIFYING OFFICER FOR THE ENVIRONMENTAL REVIEW FOR A COMMUNITY DEVELOPMENT BLOCK GRANT

WHEREAS, the City of Croswell has been awarded an Infrastructure Capacity Enhancement (ICE) grant in the amount of \$542,572 for electrical system improvements as part of the

Community Development Block Grant (CDBG) and Michigan Strategic Fund programs administered by the Michigan Economic Development Corporation (MEDC); and

WHEREAS, it is necessary to complete an Environmental Review of the project prior to committing or incurring any project costs; and

WHEREAS, the first step in the Environmental Review process is to designate a city official as the Certifying Officer who signs documents for the Environmental Review; and

WHEREAS, City Clerk Suzanne Dobson has been appointed Interim City Administrator and is expected to serve in that capacity until January 2011.

NOW, THEREFORE, BE IT RESOLVED, that the Croswell City Council hereby designates Suzanne Dobson, City Clerk and Interim City Administrator, to serve as the Certifying Officer in matters relating to the Environmental Review for the CDBG ICE grant for the Electric Improvements Project.

CERTIFICATION

I, Suzanne Dobson, City Clerk of Croswell, do hereby certify that Resolution #08-16-2010 #2 was adopted by the City of Croswell at a Regular meeting of the City of Croswell Council held at the Wm. Aitkin Memorial Library on the 16th day of August, 2010.

Vote on this Resolution, 5 members being present was as follows:

AYES: Geiger, Krawczyk, Butler, Willis, McMillan

NAYS: _____

Suzanne M. Dobson, City Clerk

Michael McMillan, Mayor

X. **PUBLIC COMMENTS:**

The gentleman and his son were present at the meeting for observance for a boy scout badge.

XI. **APPROVAL OF ACCOUNTS PAYABLE:**

Willis moved to approve the Accounts Payable for the amount of \$387,094.58 and the bills to be paid, second by Krawczyk. Motion Carried.

XII. **ADJOURNMENT:**

With no further business Mayor McMillan adjourned the meeting.

Meeting adjourned at 8:08 p.m.

Suzanne Dobson, CMC
City Clerk

Michael McMillan, Mayor