

AGENDA

Regular Meeting of the Parchment City Commission

Monday - April 5, 2010 - 7:00 P.M.

Robert B. Heasley, Mayor

Robert Britigan III, Vice-Mayor
Wendy Fleckenstein, Commissioner
Terry Hageman, Commissioner
Dennis G. Durham, City Manager
Curtis Flowers, Clerk

Thomas Balmer, Commissioner
Donald Banner, Commissioner
Brian Sell, Commissioner
John Frakes, Treasurer
Robert Soltis, Attorney

During citizen comment periods, each person wishing to address the Commission will be allowed five minutes. Please state your name and address for the record.

1. Call to Order
2. Roll Call
3. Approval of Minutes: 03-15-2010 regular meeting
4. Additions or Changes to the Agenda
5. Citizens Comments not related to the Agenda
(comments on agenda items will be received at the time of discussion)
6. Consent Agenda - Motion to Receive and/or Approve as Indicated:
 - A. Warrant No. 1150 - receive
 - B. Ground Breaking Invitation - receive
 - C. Road Commission Update - receive
 - D. Public Media Network Memo - receive

7. Unfinished Business

A.

B.

C.

D.

8. New Business

A. Water Tank Design Committee Appointments

B. 2010-2011 Fiscal Year Budget Presentation

C.

D.

9. Mayor and Commissioner Comments

10. City Manager's Comments

11. Adjournment

MINUTES OF THE REGULAR MEETING OF THE PARCHMENT CITY COMMISSION HELD ON MONDAY MARCH 15, 2010 AT 7:00 P.M.

1. **Call to Order**

The meeting was called to order by Mayor Heasley at 7:00 p.m. He led those present in the "Pledge of Allegiance".

2. **Roll Call**

Present: Commissioners Balmer, Banner, Fleckenstein, Hageman, Heasley, and Sell. Dennis Durham, City Manager; Curt Flowers, City Clerk; Robert Soltis, City Attorney; Jack Mekemson, Dale Hein, Kalamazoo County Transportation Authority; Dave Person, Kalamazoo Gazette.

Absent: Vice-Mayor Britigan

Moved by Fleckenstein and supported by Hageman to excuse Vice-Mayor Britigan who was attending a family function. Carried

3. **Minutes**

Moved by Banner and supported by Balmer to approve as presented the minutes of the March 1, 2010 regular meeting. Carried

4. **Additions or Changes to the Agenda**

Manager Durham added items 8-D and 8-E New Business to the agenda.

5. **Citizen Comments**

None

6. **Consent Agenda**

Moved by Banner and supported by Sell to receive and/or approve as indicated the following consent agenda items:

- A. Warrant No. 1149 - receive
- B. Police Report for February - receive

Motion Carried

7. **Unfinished Business**

None

8. **New Business**

A. Jack Mekemson, Board Secretary and Dale Hein, Project Manager presented the fiscal year 2009 annual report for the Kalamazoo County Transportation Authority.

B. Moved by Sell and supported by Balmer to approve payment to River Reach Partners LLC in the amount of \$50,000.00 as per the amended redevelopment and purchase agreement dated December 2, 2008. Manager Durham stated he has received word from the Michigan Department of Natural Resources and Environment (MDNRE) confirming the removal of abandoned containers from the mill site.

The roll call vote was as follows:

Ayes: Balmer, Banner, Fleckenstein, Hageman, Heasley, Sell
Nays: None
Absent: Britigan
Abstain: None

Motion Carried

C.Moved by Banner and supported by Fleckenstein to approve an agreement with Prein & Newhof in an amount not to exceed \$8,500.00 for Traffic Study Services related to the River Reach Development Project. Manager Durham noted River Reach Partners LLC will reimburse the City for this activity.

The roll call vote was as follows:

Ayes: Balmer, Banner, Fleckenstein, Hageman, Heasley, Sell
Nays: None
Absent: Britigan
Abstain: None

Motion Carried

D.Moved by Sell and supported by Hageman to approve a "Water Distribution Lines Easement Agreement" between the City of Parchment and River Reach Partners LLC. Said agreement would allow City crews or their contractors the right to operate, construct, maintain, improve, repair or replace water lines on the property depicted in Exhibit A and attached to this Easement.

The roll call vote was as follows:

Ayes: Balmer, Banner, Fleckenstein, Hageman, Heasley, Sell
Nays: None
Absent: Britigan
Abstain: None

Motion Carried

E.Moved by Sell and supported by Fleckenstein to approve an "Agreement for Relocation of Water Distribution Lines" between the City of Parchment and the Georgia Pacific Corporation. Said agreement will allow Georgia Pacific to move City water distribution lines presently in the easement area pursuant to the work plan approved by the City and the MDNRE at the sole expense of the Georgia Pacific Corporation.

The roll call vote was as follows:

Ayes: Balmer, Banner, Fleckenstein, Hageman, Heasley, Sell
Nays: None
Absent: Britigan
Abstain: None

Motion Carried

9. **Mayor and Commissioner Comments**

Commissioner Balmer inquired about a collection of 55 gallon drums behind the Parchment Party Store.

Mayor Heasley stated the Kindleberger Arts Commission has hired two new directors one for the adult musical and one for the children's play. He stated the adult musical this year will be "Seussical: The Musical"

10. **City Manager Comments**

Manager Durham reminded the Commission there needed to be a meeting of the Rate Committee for the Water/Sewer Utilities.

11. **Adjournment**

There being no more business to come before the Commission, it was moved by Mayor Heasley and supported by all to adjourn the meeting at 7:47 p.m.

Curtis E. Flowers, CMC
City Clerk



Warrant # 1150
March 26, 2010

City of Parchment

Attachment 1 - Check Register Report

Check Register Report

March 26, 2010

Warrant 1150

City of Parchment

Page: 1

Check Number	Check Date	Vendor Name	Check Description	Amount
28554	03/16/2010	RIVER REACH PARTNERS, LLC	Payment per contract	50,000.00
28555	03/17/2010	KALAMAZOO COUNTY TREASURER	Tax Collection Distribution	1,211.36
28556	03/17/2010	KALAMAZOO COUNTY TREASURER	Tax Collection Distribution	1,067.87
28557	03/17/2010	KALAMAZOO VALLEY COM. COLLEGE	Tax Collection Distribution	801.82
28558	03/17/2010	KIRESA	Tax Collection Distribution	1,053.65
28559	03/17/2010	PARCHMENT COMMUNITY LIBRARY	Tax Collection Distribution	338.81
28561	03/17/2010	CITY OF PARCHMENT	Tax Collection Distribution	6,306.00
28562	03/18/2010	KALAMAZOO COUNTY TREASURER	Tax Collection Distribution	1,110.30
28563	03/18/2010	PARCHMENT SCHOOL DISTRICT #40	Tax Collection Distribution	2,483.69
28564	03/18/2010	KALAMAZOO COUNTY TREASURER	Tax Collection Distribution	135.66
28565	03/18/2010	PARCHMENT COMMUNITY LIBRARY	Tax Collection Distribution	165.32
28566	03/19/2010	KALAMAZOO COUNTY TREASURER	Tax Collection Distribution	9,067.31
28567	03/19/2010	KALAMAZOO VALLEY COM. COLLEGE	Tax Collection Distribution	3,539.90
28568	03/19/2010	KIRESA	Tax Collection Distribution	5,011.46
28569	03/19/2010	PARCHMENT COMMUNITY LIBRARY	Tax Collection Distribution	2,504.80
28570	03/19/2010	PARCHMENT SCHOOL DISTRICT #40	Tax Collection Distribution	9,954.89
28571	03/19/2010	CITY OF PARCHMENT	Tax Collection Distribution	20,983.28
28572	03/22/2010	KALAMAZOO COUNTY TREASURER	Dog License Sales	360.00
28573	03/30/2010	AMERICAN TEST CENTER	Testing of Man Lift	385.00
28574	03/30/2010	AWWA MICHIGAN SECTION	04/15/10 Spring Meet.-Bonhomme & Duby	130.00
28575	03/30/2010	CINTAS CORPORATION #725	Uniform Rental & Towels	160.06
28576	03/30/2010	CINTAS FIRST AID & SAFETY #305	Re-stock 1st Aid Cabinet	31.00
28577	03/30/2010	ELHORN ENGINEERING COMPANY	Valve, Seal Ring, Freight	90.98
28578	03/30/2010	FRANCOTYP-POSTALIA, INC.	Rental of Postage Meter	74.85
28579	03/30/2010	KAREN HEASLEY	Dance Decorations	72.14
28580	03/30/2010	SANDRA HOFFBECK	Play Scripts-Youth Play	468.95
28582	03/30/2010	JOHN FRAKES, TREASURER	Replenish Petty Cash	171.08
28583	03/30/2010	KRISTINA JORDAN	3-Mirror Balls - Dance	57.46
28584	03/30/2010	KAL CO HEALTH & COMMUNITY SERV	HHW-1st 1/4 2010	511.00
28585	03/30/2010	KALAMAZOO OIL CO.	Fuel Charges 3/1 thru 3/15/10 - Police	161.50
			Fuel Charges 3/1 thru 3/15/10 - Public Wks	180.62
28586	03/30/2010	TREASURER CITY OF KALAMAZOO	Municipal Sewer-February	6,074.46
28587	03/30/2010	NORM'S ELECTRIC MOTOR REPAIR	Service Generator @ lift Station	88.80
28588	03/30/2010	PRIORITY HEALTH	Employee Health Ins.-April	8,735.91
28590	03/30/2010	RIVERRUN PRESS	650 Kindleberger Programs	339.37
28591	03/30/2010	SUPERIOR BUSINESS SOLUTIONS	1,100 Payroll Checks	229.72
28592	03/30/2010	UNITED HEALTHCARE INSURANCE CO	Dental/Vision Insurance	1,342.57
Grand Total:				135,401.59

***We Are Moving Forward on
the Kalamazoo River Valley
Trail!***

***Join us to kick off construction
on the next trail segment which
will travel from Mosel Avenue
through the Kalamazoo Nature
Center, to D Avenue.***

Questions? 269.383.0515

Groundbreaking Ceremony

Tuesday, April 6, 2010

12:00 pm

***Kalamazoo Nature Center
7000 N. Westnedge Ave
Kalamazoo, MI 49009***

***www.kalamazoorigionalvalleytrail.com
www.kalcounty.com/parks/krvt***



3801 East Kilgore Road • Kalamazoo, Michigan 49001
Telephone: (269) 381-3171 • Fax: (269) 381-1760
<http://www.kalamazooountyroads.com>

March 16, 2010

Dear Neighbor:

The Kalamazoo County Road Commission in cooperation with the Kalamazoo County Parks is preparing to start construction on Segment 2 of the Kalamazoo River Valley Trail in your neighborhood. The Contractor for the Road Commission is starting work on this project on April 1.

The Kalamazoo River Valley Trail will be a 10-foot wide non-motorized pathway with a narrow gravel shoulder on both sides. The project limits are Mosel Avenue to D Avenue (west side of the Kalamazoo River).

The project will start at the existing trail ending point at Mosel Avenue and Riverview Drive, and will continue west along the north side of Mosel Avenue across the Kalamazoo River. The trail will turn north on the west side of the Kalamazoo River to just north of Markin Glen Park where the trail will head to the Westnedge Avenue corridor. The trail will continue along Westnedge Avenue to north of the Kalamazoo Nature Center where it will run through wooded land to the D Avenue Bridge over the Kalamazoo River.

Please call me at 381-3171 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads 'Tom J. Hohm'.

Tom J. Hohm, P.E.
Chief Engineer



March 8, 2010

Ken Collard, City Manager, City of Kalamazoo
Dennis Durham, City Manager, City of Parchment
Terri Mellinger, Supervisor, Charter Township of Kalamazoo
Tim Hudson, Supervisor, Charter Township of Comstock
Libby Heiny-Cogswell, Supervisor, Charter Township of Oshtemo

Dear Municipal Leaders:

On February 12, 2010, the National Association of Telecommunication Officers and Advisors (NATOA), working with the National League of Cities (NLC) and U.S. Conference of Mayors (USCM), issued a bulletin concerning a pending report to Congress by the Federal Communication Commission. The report, due to be released on 3/17/10 and called the "National Broadband Plan", will presumably map the FCC's strategy for spurring high speed broadband deployment to underserved (or un-served) areas of the United States.

NATOA participated in the "comment" proceedings with the FCC, and has recently learned that the plan is likely to contain at least a recommendation, and maybe an "order", **that compensation to municipalities for use of Public Rights-Of-Way by telecommunication companies should be restricted to "recovery costs"**. This would certainly impact the fees your municipality receives from the Michigan Telecommunication Act, and potentially the cable television franchise fees you receive from Charter Communications, Comcast, and AT&T.

The Public Media Network Board of Directors is deeply concerned that such an "aggressive" order by the FCC will effectively eliminate our core funding! Therefore, on behalf of PMN and the Central States Region of the Alliance for Community Media, I will be in Washington, DC on 3/12/10 for a full day of meetings with key Representatives and Senators from the Midwest to share our concerns prior to the release of the FCC's National Broadband Plan.

I have attached a synopsis of the NATOA bulletin for your review. I have also included a sample letter to each of our Congressional representatives (Upton, Stabenow, Levin) that I could personally deliver on 3/12/10. If you wish to provide such a letter, please have it available for me to pick up no later than Wednesday 3/10/10 (I drive to DC on 3/11/10).

NATOA, the NLC, and the USCM will certainly provide a follow up analysis of the NBP and its potential impact on municipalities after 3/17/10. I will gladly share whatever information I can with you and your legal counsel should there be a need for municipalities to respond to the NBP.

If you wish to provide a letter at this time, please let me know at PMN (343-2211, executive@publicmedianet.org) prior to the end of business on 3/10/10. Thank you for your attention to this issue!

Sincerely,

Harry "Hap" Haasch
Executive Director, PMN

public media network

359 S. Kalamazoo Mall, Ste. 300, Kalamazoo, MI 49007
p:269-343-2211 f:269-343-3710 www.publicmedianet.org

MIANCORE OVERSEAS PROJECTS

National Association of Telecommunications Officers and Advisors (NATOA)
Briefing Paper to Local Government on
Threat to Local Rights-of-Way Management and Compensation

BACKGROUND: The Federal Communications Commission (FCC) is due to release a "National Broadband Plan" (NBP) to Congress on March 17, 2010. As part of the NBP and related proceedings, the FCC is being urged by telecommunication corporations to establish a federal standard for compensation for use of Public Rights-of-Way (PROW) that would require a local government to show that compensation is tied only to cost recovery, and that any other compensation violates the Communications Act or is presumptively illegal.

If such an approach were adopted (and upheld in the inevitable litigation to follow), it would prohibit compensation for use of PROW based on traditional "fair market value" and would invalidate many state laws that set a fee for use of the PROW. This is an effort to reduce or eliminate revenue to municipal governments paid by telecommunication and cable television providers who must use the PROW to reach their customers.

NATOA is concerned that the FCC is seriously considering including a scheme for restricting PROW compensation in the NBP!

ISSUE: If the FCC declares that fees, other than those that fit a new FCC-imposed standard, are illegal, or even questions the legality of current fees, telecommunications companies are likely to immediately stop paying the current fees. Local governments will be forced to pursue expensive (and risky) litigation to protect and secure the compensation rights they now have for use of public property by private telecommunications corporations.

The telecommunications industry is simply trying to transfer the value of public property from local government to themselves.

NATOA believes that the FCC has no legal authority to limit PROW fees to "cost recovery". The Communications Act states in Section 253 that local governments are entitled to "fair and reasonable compensation". Congress made it as clear as possible – by an overwhelming, bipartisan vote – that the FCC was not to set rates for use of PROW, and was to leave the determination of rates (as well as the management of public property) to state and local government. That the FCC is now considering setting standards as part of the National Broadband Plan or in parallel proceedings involving challenges to prices charged for public property – is highly disturbing.

RECOMMENDATIONS: Local government officials need to immediately communicate with their elected U.S. Representatives and Senators that any FCC action on PROW compensation is unjustified and violates Section 253 of the Communications Act. Representatives and Senators must be asked to communicate to the FCC that the FCC has no business deciding how local governments manage and structure compensation for use of public property by private telecommunication companies.

SAMPLE LETTER ATTACHED – PLEASE REVIEW AND ISSUE ON MUNICIPAL LETTERHEAD ASAP!

This synopsis is derived from an information package released by NATOA on February 12, 2010 under the authorization of NATOA President Ken Fellman.

March 5, 2010

The Honorable Carl Levin
United States Senate - Michigan
269 Russell Senate Building
Washington, DC 20510

RE: FCC Threatens Local Public Rights-of-Way Management and Compensation Structure

Dear Senator Levin:

The Federal Communications Commission (FCC) is scheduled to release a National Broadband Plan ("NBP") to Congress on March 17, 2010. Although we fully recognize the value in expanding broadband availability to promote economic development and civic engagement, we've become aware that the FCC report may contain provisions that are potentially disastrous for local government.

Specifically, some telecommunications companies are urging the FCC, as part of the NBP or in parallel proceedings, to adopt a federal standard for compensation for use of public property in violation of Section 253 of the Telecommunications Act of 1996. When Congress passed the Telecommunications Act of 1996, it was explicitly clear that the FCC was *not* to set the compensation terms that could be charged for use of public property, nor was the FCC to supplant traditional state and local police powers by setting national permitting standards.

I write to ask for your assistance in communicating to the FCC that the NBP must not be used as a tool to circumvent the clear meaning of Section 253 of the Telecommunications Act of 1996. To this end, I am providing a sample letter to the FCC that expresses the concerns I've outlined above. Time is of the essence, and I ask that you deliver the letter to the FCC prior to March 17, 2010.

My fellow local government officials and I look forward to working with Congress and the FCC to develop a strong and robust broadband infrastructure that serves both business and civic purposes equally well. We need your leadership to ensure that the FCC does not take any action that would adversely impact the ability of local government to secure fair and reasonable compensation for use of Public-Rights-of-Way.

Thank you for your prompt action on this request.

Sincerely,

Libby Heiny-Cogswell
Supervisor

March 12, 2010

Chairman Genachowski
Commissioner Copps
Commissioner McDowell
Commissioner Clyburn
Commissioner Baker

Federal Communications Commission
445 12th St., S.W.
Washington, DC 20554

RE: FCC Action on Local Rights-of-Way Management and Compensation Structure

Dear Chairman Genachowski and Commissioners Copps, McDowell, Clyburn, and Baker:

As you know, the Federal Communications Commission is due to provide the National Broadband Plan ("NBP") to Congress on March 17, 2010. I look forward to reviewing this plan to expand broadband availability across the nation.

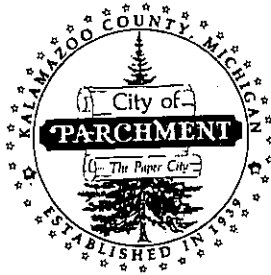
At the same time, I am concerned that the NBP or related proceedings may be used as a vehicle to restrict compensation to local governments for use of Public Rights-of-Way, essentially creating a subsidy to private telecommunication interests. This would occur, for example, if the FCC were to establish a federal standard that in any respect prevents states and local governments from obtaining fair market value for use of public property.

I would likewise be concerned if the federal government were to establish permitting standards that interfere with state and local authority to manage streets and other public property. The National Broadband Plan should outline how broadband services can be leveraged to expand opportunities for economic development, education, health care delivery, and civic engagement. Nevertheless, any action that would limit local authority to manage public property, or obtain compensation for the use of that property by private telecommunication interests, must be avoided.

I appreciate your attention to this issue and look forward to working with the Commission to help expand broadband services without adversely impacting the management and compensation rights of local governments.

Sincerely,

Fred Upton
U.S. House of Representatives – Michigan 6th District



MEMORANDUM

To: Mayor Heasley, Vice-Mayor Britigan and City Commissioners

From: Dennis Durham, City Manager

Date: April 5, 2010

Subject: Water Tank Design Committee

IT IS RECOMMENDED

That three City Commissioners be appointed to serve on the Water Tank Design Committee to develop design alternatives for the city's water tank exterior painting to be completed this summer.

BACKGROUND

The City Commission allocated funds in fiscal year 2009-10 for repainting the City's water tower storage tank. As this is a very visible public symbol of the community, it is desirable that public input be incorporated in the design of this symbol. It is expected that a committee of three commissioners will meet and solicit input from residents to develop three alternatives with a recommended alternative to the City Commission in May. The City Manager will facilitate this process beginning in April.