

January 23, 2022

A regular meeting of the City Council was held on Monday, January 23, 2023, at 7:00 p.m. in the Council Chambers of City Hall. Mayor Donker presided. The Pledge of Allegiance to the Flag was recited in unison.

Councilmen present: Steve Arnosky, Diane Brown Wilhelm, Maureen Donker, Tim Soler
Councilmen absent: Marty Wazbinski

MINUTES

Approval of the minutes of the January 6, 2023 special meeting and the January 7, 2023 special meeting were offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky. (Motion ADOPTED.)

MIDLAND POLICE DEPARTMENT GENERAL FUND FY2022/23

Operations Lieutenant L. Daniel Keeler presented information on the proposed amendment to the Midland Police Department General Fund FY 2022/23 budget to recognize additional revenue from a Dow Company Foundation grant in the amount of \$19,976. A public hearing opened at 7:08 p.m., recognizing no public comments, the hearing closed at 7:09 p.m. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm.

WHEREAS, in accordance with section 11.6 of the Charter of the City of Midland, and after having given proper legal notice, and after having conducted a public hearing on Monday, January 23, 2023 on the proposal to amend the FY 2022/23 Midland Police Department General Fund Budget to recognize additional revenues and additional expenditures for the Midland Police Department, and

WHEREAS, a grant of \$19,976 has been awarded from the Dow Company Foundation for the purchase of patrol bicycles, related maintenance equipment, and giveaway helmets; and

WHEREAS, the purchase of these items, will greatly enhance the vital services performed by the Midland Police Department to help to ensure the safety and security of the employees of the Midland Police Department as well as the citizens of the City of Midland and Midland County as a whole, now therefore;

RESOLVED, that the FY 2022/23 Midland Police Department General Fund Budget is amended to increase revenue by \$19,976 and to increase corresponding expenditures by \$19,976 in acceptance of Dow Company Foundation Grant funding awarded to the department. (Motion ADOPTED.)

DIAL-A-RIDE CAPITAL BUDGET FY2022/23 AND PURCHASE OF FOUR REPLACEMENT BUSES

Director of Public Services Karen Murphy presented information on the proposed amendment to the FY 2022/23 Dial-A-Ride Capital Budget and purchase of four replacement buses. A public hearing opened at 7:15 p.m., recognizing no public comments, the hearing closed at 7:16 p.m. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Soler.

DIAL-A-RIDE CAPITAL BUDGET FY 2022/23

WHEREAS, the FY2023/23 Dial-A-Ride budget has been amended to recognize the increased cost of purchasing buses from the State of Michigan Vehicle Contract so that four new buses can be acquired to replace units 13, 15, 16, and 17 through the State of Michigan's selected vendor, Hoekstra Transportation, Inc. of Grand Rapids, Michigan; and

WHEREAS, City Council previously approved a purchase order to Hoekstra for two buses to replace units 13 and 15 in the amount of \$155,784 and said purchase order now needs to be increased to \$284,980 to reflect the updated State contract cost for the buses; and WHEREAS, a new purchase order is required to purchase replacement buses for unit 16 and 17 from Hoekstra; now therefore RESOLVED, that the Accounting Manager is authorized to increase existing PO# 2021-00000353 to Hoekstra Transportation, Inc. of Grand Rapids, Michigan not to exceed \$284,980 for two buses to replace units 13 and 15; and RESOLVED FURTHER, that the Accounting Manager is authorized to issue a second purchase order to the State of Michigan's selected vendor, Hoekstra Transportation, Inc. of Grand Rapids, Michigan in the amount of \$284,980 for the purchase of two 8+2 passenger cutaway buses to replace units 16 and 17, all in accordance with the State of Michigan's Extended Purchasing Program proposal and specifications; and RESOLVED FURTHER, that after the new replacement buses are put into service, the old buses shall be sold in accordance with Code Section 2-22 and 2-23, and the proceeds to be used for Dial-A-Ride operational expenses. (Motion ADOPTED.)

PURCHASE DIAL-A-RIDE BUSES

The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky

WHEREAS, Dial-A-Ride purchases replacement buses off the State of Michigan Vehicle Contract as this gives the benefit of volume pricing and offers standardized transit bus options for public transit; and WHEREAS, Dial-A-Ride had budgeted to replace a total of four buses in FY2020/21 and FY2021/22 with the budgeted funds encumbered to the current fiscal year; and WHEREAS, the State of Michigan's bus contract was renegotiated at prices much higher than originally budgeted requiring an additional \$207,068 in funds to purchase the four buses; and WHEREAS, there is adequate grant funding available from the Federal Transit Administration to cover the 80% federal component of the cost increase and the State of Michigan has agreed to increase its 20% share of funding as well so there will be no net impact on the City financially; and WHEREAS, it is necessary to amend the FY2022/23 Dial-A-Ride Capital Budget to recognize an additional \$207,068 in expenses and revenues for the purchase of the four buses; now therefore RESOLVED, that in accord with Sections 5.11, 11.4 and 11.6 of the Charter of the City of Midland, and after having given proper legal notice, and having conducted a public hearing on Monday, January 23, 2023, on the proposal to amend the FY2022/23 Dial-A-Ride Capital Budget to recognize the increased cost of replacement buses along with the related federal and state grant funds as revenue to cover the increased cost; now therefore RESOLVED, that the FY2022/23 Dial-A-Ride Capital Budget is hereby amended to increase revenues and expenditures by \$207,068 to recognize the increased cost and associated revenue for the purchase of four replacement buses. (Motion ADOPTED.)

RECREATION FEE ORDINANCE

Director of Public Services Karen Murphy presented information on the proposed ordinance amendment. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

RESOLVED, that in accordance with Section 6.2 of the Charter of the City of Midland, the attached ordinance amending the Recreation fees found in Section 21-73 of Division 4 of Article II of Chapter 21 of the Midland Code of Ordinances is given introduction and first reading; and RESOLVED FURTHER, that the ordinances shall be placed on the agenda for second reading and proposed adoption at the regular City Council meeting scheduled for Monday, February 13, 2023 at 7:00 p.m., in the Council Chambers of City Hall. (Motion ADOPTED.)

ANNUAL COMPREHENSIVE FINANCIAL REPORT AND SINGLE AUDIT REPORT

Assistant City Manager David Keenan introduced Jessica Rolfe of Yeo & Yeo who then presented information on the Annual Comprehensive Financial Report and the Single Audit Report for the year ended June 30, 2022. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

RESOLVED, that the Annual Comprehensive Financial Report and the Single Audit Report of the City of Midland for the year ended June 30, 2022 are hereby received and ordered filed for public examination. (Motion ADOPTED.)

PREQUALIFICATION OF PLUMBERS FOR FOOTING DRAIN DISCONNECTION PROGRAM

Director of Wastewater Services Jared Driscoll presented information on the prequalification of plumbers for performance of work in the Footing Drain Disconnection Program. Jared Publinski of 4410 Partridge Ln., Jim Johnson of 4712 Moorland Dr., and John Lynn of 4604 Oakridge Dr. commented. The following resolutions were then offered by Councilman Arnosky and seconded by Councilman Soler:

WHEREAS, on August 22, 2022, City Council adopted an amendment to the Sewer Ordinance to implement a Footing Drain Disconnection Program (FDDP); and

WHEREAS, the City of Midland is using a loan to fund the FDDP through the Strategic Water Quality Initiative Fund (SWQIF) that requires prequalification of plumbers for the intent of work performed in the FDDP; and

WHEREAS, on November 1, 2022 and December 6, 2022 the City received five responsive bids for prequalification to perform FDD work; and

WHEREAS, the City Manager, or its designee, may add contractors to the prequalification list if they meet all of the qualification criteria or remove any contractors who fail to continue to meet the criteria throughout the program; now therefore,

RESOLVED, that City Council prequalifies Blue Restoration LLC; Reliable Plumbing & Heating; Foco Inc. DBA Dependable Sewer Service; Remer Plumbing, Heating, Air Conditioning, Inc.; and Wesolek Plumbing LLC to complete the FDD work contingent upon financial arrangements with SWQIF Program. (Motion ADOPTED.)

FOOTING DRAIN DISCONNECT COST CAP.

Director of Wastewater Services Jared Driscoll presented information on the Footing Drain Disconnect Cost Cap. Jim Johnson of 4712 Moorland Dr., John Lynn of 4604 Oakridge Dr., and Jared Publinski of 4410 Partridge Ln. commented. The following resolutions were then offered by Councilman Arnosky and seconded by Honorable Mayor Donker:

WHEREAS, on August 22, 2022, City Council adopted an amendment to the Sewer Ordinance to implement a Footing Drain Disconnection Program (FDDP); and

WHEREAS, City Council authorized a State Revolving Fund Bond for Concept 5 Sewer Improvements which includes a portion dedicated to a FDDP; and

WHEREAS, City Council is required by ordinance to establish a funding cap per home from time to time for eligible FDD work; and

WHEREAS, City Staff recommends setting a soft cap of \$7,500 and a firm cap of \$14,000 per eligible home if scope of program requirements are met; and
WHEREAS, the City Manager should be authorized to approve expenses above \$14,000 in unusual circumstances; now therefore
RESOLVED, that City Council approve a soft cap of \$7,500 and a firm cap of \$14,000 per home for eligible homes that can be reimbursed upon successful completion of program requirements within the FDDP; and
RESOLVED FURTHER, that the City Manager, upon advice of City Staff, is authorized to exceed the firm cap amount for rare and extenuating circumstances when necessary to meet the goals and objectives of the Footing Drain Disconnect Program, subject to project budget compliance. (Motion ADOPTED.)

ISSUANCE OF BONDS FOR THE FOOTING DRAIN DISCONNECT PROGRAM

Assistant City Manager David Keenan introduced Pat McGow of Miller, Canfield, Paddock, and Stone who then presented information on the issuance of up to \$5,415,000 in 2023 Capital Improvement Bonds. Jim Johnson of 4712 Moorland Dr. commented. The following resolution was then offered by Councilman Arnosky and seconded by Honorable Mayor Donker:

WHEREAS, the City of Midland (the "City") has previously determined that it is necessary to acquire and construct capital improvements in the City including additions, extensions and improvements to the City's sanitary sewer system and storm sewer system, lift station and retention basin improvements, sanitary sewer upsizing and lining improvements, storm sewer separation, and water main replacements, together with all related appurtenances and attachments (collectively, the "Project"); and

WHEREAS, in accordance with the provisions of Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), on August 27, 2021 the City published a notice of intent to issue capital improvement bonds to finance the costs of the Project in the principal sum of not to exceed Forty-Eight Million Dollars (\$48,000,000), and no petition for an election on the question of the issuance of the bonds was filed with the City Clerk within 45 days as permitted by Act 34; and

WHEREAS, the City financed a portion of the costs of the Project through the State of Michigan Clean Water Revolving Fund financing program administered by the Michigan Finance Authority (the "Authority") and the Michigan Department of Environment, Great Lakes, and Energy ("EGLE"), by delivering the \$42,585,000 City of Midland 2022 Capital Improvement Bond (Limited Tax General Obligation) dated as of September 20, 2022 to the Authority; and

WHEREAS, the City has determined that it would save costs to construct a portion of the Project, comprised of footing drain disconnections on private property, through the State of Michigan Strategic Water Quality Initiatives Fund (SWQIF) financing program being administered by the Authority and EGLE, whereby bonds of the City are sold to the Authority and bear interest at a fixed rate of 1.875% per annum; and

WHEREAS, the City Council deems it necessary to borrow the principal sum of not to exceed Five Million Four Hundred Fifteen Thousand Dollars (\$5,415,000) and issue capital improvement bonds pursuant to Act 34 to finance a portion of the costs of the Project.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Authorization of Bonds; Bond Terms. Bonds of the City designated as the 2023 CAPITAL IMPROVEMENT BONDS (LIMITED TAX GENERAL OBLIGATION) (the "Bonds") are authorized to be issued in the aggregate principal sum of not to exceed Five Million Four Hundred Fifteen Thousand Dollars (\$5,415,000), as finally determined by order of the EGLE, for the purpose of paying a portion of the cost of the Project, including the costs incidental to the issuance, sale and delivery of the Bonds. The Bonds shall be in the form of a single fully-registered, nonconvertible bond of the denomination of the full principal amount thereof, dated as of the date of delivery, payable in principal installments as finally determined at the time of

sale of the Bonds and approved by the Authority and either the City Manager, Assistant City Manager, the Mayor, the Clerk and the Treasurer (each an "Authorized Officer"). Final determination of the principal amount of and interest on the Bonds and the payment dates and amounts of principal installments of the Bonds shall be evidenced by the execution of a purchase contract (the "Purchase Contract") between the City and the Authority providing for sale of the Bonds, and each of the Authorized Officers is authorized and directed to execute and deliver the Purchase Contract when it is in final form and to make the determinations set forth above; provided, however, that the first principal installment shall be due no earlier than April 1, 2024 and the total number of principal installments shall not exceed twenty (20).

The Bonds shall bear interest at an interest rate per annum on the par value thereof as evidenced by execution of the Purchase Contract, but in any event not to exceed 1.875% per annum, and any of the Authorized Officers as shall be appropriate shall deliver the Bonds in accordance with the delivery instructions of the Authority. The principal amount of the Bonds is expected to be drawn down by the City periodically, and interest on the principal amount shall accrue from the date such principal amount is drawn down by the City.

The Bonds shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Bonds shall be payable as provided in the Bond form in this Resolution.

The Bonds or principal installments thereof shall be subject to prepayment prior to maturity by the City with the prior approval of the Authority.

The Treasurer shall record on the registration books payment by the City of each installment of principal or interest or both when made and the cancelled checks or other records evidencing such payments shall be returned to and retained by the Treasurer.

Upon payment by the City of all outstanding principal of and interest on the Bonds, the Authority shall deliver the Bonds to the City for cancellation.

2. Execution of Bonds. The Mayor and Clerk are authorized to execute and deliver the Bonds in accordance with the delivery instructions of the Authority. The Bonds of this issue shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and Clerk of the City and shall have the seal of the City, or a facsimile thereof, printed or impressed on the Bonds. The Bonds bearing at least one manual signature of the Mayor or the Clerk sold to the Authority shall require no further authentication.

3. Transfer of Bonds. Any Bond may be transferred upon the books required to be kept pursuant to this section by the person in whose name it is registered, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the transfer agent. Whenever any Bond or Bonds shall be surrendered for transfer, the City shall execute and the transfer agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The transfer agent shall require payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer. The City shall not be required (i) to issue, register the transfer of or exchange any Bond during a period beginning at the opening of business 15 days before the day of the giving of a notice of redemption of Bonds selected for redemption as described in the form of Bonds contained in Section 6 of this Resolution and ending at the close of business on the day of that giving of notice, or (ii) to register the transfer of or exchange any Bond so selected for redemption in whole or in part, except the unredeemed portion of Bonds being redeemed in part. The City shall give the transfer agent notice of call for redemption at least 20 days prior to the date notice of redemption is to be given.

The transfer agent shall keep or cause to be kept at its principal office sufficient books for the registration and transfer of the Bonds, which shall at all times be open to inspection by the City; and upon presentation for such purpose the transfer agent shall under such reasonable

regulations as it may prescribe transfer or cause to be transferred on the books Bonds as hereinbefore provided.

4. Limited Tax Pledge; Debt Retirement Fund; Defeasance of Bonds. The City hereby pledges its limited tax full faith and credit for the prompt payment of the Bonds. The Bonds shall be payable, as a first budget obligation, from the general fund of the City, and the City shall levy annually ad valorem taxes on all taxable property in the City which, shall be fully sufficient to pay the principal and interest on the Bond, provided, however, that if at the time of making any such tax levy there shall be other legally available funds for the payment of principal of and interest on the Bond, such as sewer system revenues or other funds, then credit therefor may be taken against the levy for payment of the Bond. The levy shall be subject to constitutional, statutory and charter tax rate limitations.

The Treasurer is authorized to open a depository account with a bank or trust company designated by the City Council, to be designated 2023 CAPITAL IMPROVEMENT BONDS DEBT RETIREMENT FUND (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Bonds as they mature.

In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional redemption, the principal of, premium, if any, and interest on the Bonds, shall be deposited in trust, this Resolution shall be defeased and the owners of the Bonds shall have no further rights under this Resolution except to receive payment of the principal of, premium, if any, and interest on the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.

5. Construction Fund; Proceeds of Bond Sale. The Treasurer is authorized to open a separate depository account with a bank or trust company designated by the City Council, to be designated 2023 CAPITAL IMPROVEMENT BONDS CONSTRUCTION FUND (the "Construction Fund") and deposit into the Construction Fund the proceeds of the Bonds less accrued interest, if any, which shall be deposited into the Debt Retirement Fund. The moneys in the Construction Fund shall be used solely to pay the costs of the Project and the costs of issuance of the Bonds.

6. Bond Form. The Bonds shall be in substantially the following form with such changes or completion as necessary or appropriate to give effect to the intent of this Resolution:

United States of America
STATE OF MICHIGAN
COUNTIES OF MIDLAND AND BAY

CITY OF MIDLAND
2023 CAPITAL IMPROVEMENT BOND
(LIMITED TAX GENERAL OBLIGATION)

Registered Owner: Michigan Finance Authority

Principal Amount: _____ Dollars (\$____,000)

Date of Original Issue: _____, 2023

The CITY OF MIDLAND, Counties of Midland and Bay, State of Michigan (the "City" or the "Issuer"), for value received, hereby promises to pay to the Michigan Finance Authority (the "Authority"), or registered assigns, the Principal Amount shown above, or such portion thereof

as shall have been advanced to the City pursuant to a Purchase Contract between the City and the Authority (the "Purchase Contract") and a Supplemental Agreement by and among the City, the Authority, and the State of Michigan acting through the Department of Environment, Great Lakes and Energy, in lawful money of the United States of America, unless prepaid or reduced prior thereto as hereinafter provided.

During the time the Principal Amount is being drawn down by the City under this Bond, the Authority will periodically provide to the City a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the City of its obligation to repay the outstanding principal amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this Bond.

The Principal Amount shall be payable on the dates and in the annual principal installment amounts set forth on Schedule I attached hereto and made a part hereof, as Schedule I may be adjusted if less than \$_____ is disbursed to the City, or if the City prepays a portion of the Principal Amount as provided below, with interest on the principal installments from the date each installment is delivered to the holder hereof until paid at the rate of 1.875% per annum. Interest is first payable on [date], and semiannually thereafter, and principal is payable on the first day of [date], commencing [date] (as identified in the Purchase Contract) and annually thereafter.

Principal installments of this bond are subject to prepayment by the City prior to maturity only with the prior written consent of the Authority and on such terms as may be required by the Authority.

Notwithstanding any other provision of this Bond, so long as the Authority is the owner of this Bond, (a) this Bond is payable as to principal, premium, if any, and interest at U.S. Bank Trust Company, National Association, or at such other place as shall be designated in writing to the City by the Authority (the "Authority's Depository"); (b) the City agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on this Bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; in the event that the Authority's Depository has not received the City's deposit by 12:00 noon on the scheduled day, the City shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment; and (c) written notice of any redemption of this Bond shall be given by the City and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

Additional Interest

In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase this bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the City's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provide funds to purchase this bond fails to provide sufficient available funds (together with any other funds which may be made available for such

purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the City shall and hereby agrees to pay on demand only the City's pro rata share (as determined by the Authority) of such deficiency as additional interest on this bond.

This bond is the single, fully registered, nonconvertible bond in the principal sum of \$ _____, issued for the purpose of paying part of the cost of capital improvements in the City including additions, extensions and improvements to the City's sanitary sewer system and storm sewer system, lift station and retention basin improvements, sanitary sewer upsizing and lining improvements, storm sewer separation, and water main replacements, together with all related appurtenances and attachments. This bond is issued under the provisions of Act 34, Public Acts of Michigan, 2001, as amended and a duly adopted resolution of the City.

The limited tax full faith, credit and resources of the City are pledged for the payment of this bond, and the City has pledged that it shall pay the principal of and interest on this bond as it becomes due as a first budget obligation from its general fund and, after taking into account funds which the City may have legally available for payment of principal of and interest on this bond, shall levy annually ad valorem taxes on all taxable property in the City sufficient to pay the principal and interest on this bond subject to applicable constitutional, statutory, and charter tax rate limitations.

This bond is transferable only upon the books of the City by the registered owner in person or the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the transfer agent, duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the resolution, and upon payment of the charges, if any, therein prescribed.

It is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this bond, exist and have been done and performed in regular and due form and time as required by law, and that the total indebtedness of the City, including this bond, does not exceed any constitutional, statutory or charter debt limitation.

IN WITNESS WHEREOF, the City of Midland, by its City Council, has caused this bond to be signed in the name of the City by the [manual][facsimile] signatures of its Mayor and Clerk and [a facsimile of] its corporate seal [impressed] [to be printed hereon], all as of the Date of Original Issue.

CITY OF MIDLAND
Counties of Midland and Bay
State of Michigan

By: _____
Its: Mayor

(SEAL)

By: _____
Its: Clerk

EGLE Project No.: 3021-01
EGLE Approved Amt: \$ _____

SCHEDULE I

Based on the schedule provided below unless revised as provided in this paragraph, repayment of principal of the Bond shall be made until the full amount advanced to the Issuer is repaid. In the event the Order of Approval issued by the Department of Environment, Great

Lakes and Energy (the “Order”) approves a principal amount of assistance less than the amount of the Bond delivered to the Authority, the Authority shall only disburse principal up to the amount stated in the Order. In the event (1) that the payment schedule approved by the Issuer and described below provides for payment of a total principal amount greater than the amount of assistance approved by the Order, or (2) that less than the principal amount of assistance approved by the Order is disbursed to the Issuer by the Authority, the Authority shall prepare a new payment schedule which shall be effective upon receipt by the Issuer.

<u>Principal Installment</u> <u>Due on</u>	<u>Amount of Principal</u> <u>Installment</u>
April 1, 2026	\$225,000
April 1, 2027	230,000
April 1, 2028	235,000
April 1, 2029	240,000
April 1, 2030	245,000
April 1, 2031	245,000
April 1, 2032	250,000
April 1, 2033	255,000
April 1, 2034	260,000
April 1, 2035	265,000
April 1, 2036	270,000
April 1, 2037	275,000
April 1, 2038	280,000
April 1, 2039	290,000
April 1, 2040	295,000
April 1, 2041	300,000
April 1, 2042	305,000
April 1, 2043	310,000
April 1, 2044	315,000
April 1, 2045	325,000

Interest on the Bond shall accrue on principal disbursed by the Authority to the Issuer from the date principal is disbursed, until paid, at the rate of [rate]% per annum, payable [date] and semi-annually thereafter.

The Issuer agrees that it will deposit with U.S. Bank Trust Company, National Association, or at such other place as shall be designated in writing to the Issuer by the Authority (the “Authority’s Depository”) payments of the principal of, premium, if any, and interest on this Bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise. In the event that the Authority’s Depository has not received the Issuer’s deposit by 12:00 noon on the scheduled day, the Issuer shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority’s administrative costs and lost investment earnings attributable to that late payment.

7. Negotiated Sale of Bonds. The City hereby determines that it is in the best interest of the City to negotiate the sale of the Bonds to the Authority because the Strategic Water Quality Initiatives Fund financing program provides significant interest savings to the City compared to competitive sale in the municipal bond market. The Authorized Officers are hereby authorized to apply to the Authority and to EGLE for placement of the Bonds with the Authority.

8. Application to EGLE and Authority; Execution of Documents. The actions taken by the Authorized Officers with respect to the Bonds prior to the adoption of this Resolution are ratified and confirmed. The Authorized Officers are authorized to execute and deliver the

Purchase Contract, Supplemental Agreement, and Issuer's Certificate in the forms provided by the Authority. Prior to the delivery of the Bonds to the Authority, any Authorized Officer is hereby authorized to make such changes to the form of Bond contained in Section 6 of this Resolution as may be necessary to conform to the requirements of Act 227, Public Acts of Michigan, 1985, as amended ("Act 227"), including, but not limited to changes in the principal maturity and interest payment dates and references to additional security required by Act 227.

9. Approval of Bond Counsel. The representation of the City by Miller, Canfield, Paddock and Stone, P.L.C. ("Miller Canfield"), as bond counsel is hereby approved, notwithstanding the representation by Miller Canfield of the Authority which may include advising the Authority on its financing programs and borrowings.

10. Approval of Bond Details. The Authorized Officers are each hereby authorized to adjust the final bond details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing is authorized to exercise the authority and make the determinations authorized pursuant to Section 315(1)(d) of Act 34, including but not limited to determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, and other matters, provided that the principal amount of Bonds issued shall not exceed the principal amount authorized in this Resolution, the interest rate per annum on the Bonds shall not exceed 1.875% per annum, and the Bonds shall mature in annual installments not to exceed twenty (20) in number.

11. Useful Life of Project. The estimated period of usefulness of the Project is hereby declared to be not less than twenty-five (25) years.

12. Tax Covenant. The City shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditures and investment of Bond proceeds and moneys deemed to be Bond proceeds.

13. Authorization of Other Actions. The Authorized Officers are each authorized and directed to take all other actions necessary or advisable, and to make such other filings with any parties, to enable the sale and delivery of the Bonds as contemplated herein.

14. Rescission. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution be and the same hereby are rescinded. (Motion ADOPTED.)

ANNEXATION JL -22-04

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

RESOLVED, that the City Council of the City of Midland herewith approves the annexation of the following described property to the City of Midland:

DESCRIPTION OF PIN #090-031-100-401-00:

SEC 31 T15N R2E COM 612 FT E OF NW COR OF SW 1/4 OF NE 1/4, TH E 124 FT, S 330 FT, W 124 FT, N 330 FT.

Containing 0.94 acres, more or less, and being subject to restrictions, reservations, easements, right-of-ways, zoning, government regulations, and matters visible, if any, upon affecting said lands.

pursuant to Section 9(8) of Public Act 279 of the State of Michigan of 1909, as amended {MSA 5.2088; MCLA 117.9} as a result of a similar petition filed both with the City of Midland and Larkin Township by the property owners who hold 100 percent of the record legal title to said property, and upon which no qualified electors presently reside, with said annexation to the City

of Midland to be accomplished upon the passage of a similar resolution by the Township Board of Larkin Township; and;
RESOLVED FURTHER, that the Planning Department shall forward a copy of this resolution to the Office of the Great Seal in the Secretary of State's Office, and the City Clerk shall forward a copy to the Midland County Clerk. (Motion ADOPTED.)

PHASE 2 PILOT – LINCOLN PARK RESIDENCES

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

WHEREAS, the City has received a request for a Payment In Lieu of Taxes (PILOT) from DeShano Development Corporation to develop a new Low Income Housing Tax Credit development to be known as Lincoln Park Residences Phase II; and
WHEREAS, Act 3436 of the Michigan State Housing Development Authority (MSHDA) Act of 1966 and Article XIII, Section 2-260 of the City of Midland Code of Ordinances recognize the importance of PILOTs as a tool to facilitate affordable housing for persons of low and moderate income; and
WHEREAS, City Council has previously granted PILOT exemptions to projects that meet MSHDA requirements and additional criteria as adopted by City Council on April 14, 2003; and
WHEREAS, on November 22, 2010, City Council received and filed a report from staff that recommends that no assignment, refinancing, or sale would be permitted without submission of a new PILOT application, and said application should be submitted directly to City Council for initial acceptance and referral to the Housing Commission for study and recommendation; now therefore
RESOLVED, that the PILOT request from DeShano Development Corporation to develop Lincoln Park Residences Phase II is hereby received and referred to the Housing Commission for study and recommendation. (Motion ADOPTED.)

HERBERT H. AND GRACE A. DOW FOUNDATION GIFT

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

WHEREAS, The Herbert H. and Grace A. Dow Foundation has given the City a \$1,000,000 donation to be used to pay for the City Hall restoration and improvement project; now, therefore
RESOLVED, that the City Council of the City of Midland accepts this gracious gift of \$1,000,000 from the Herbert H. and Grace A. Dow Foundation. (Motion ADOPTED.)

MARY C. CURRIE FOUNDATION GIFT

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

WHEREAS, in December 2022, the City received two checks, each for \$25,000, from the Mary C. Currie Foundation to help support various programs of the City; now, therefore
RESOLVED, that the City Council of the City of Midland graciously accepts these generous gifts totaling \$50,000. (Motion ADOPTED.)

2022 LOCAL GOVERNMENTAL RETIREMENT SYSTEM ANNUAL REPORT

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

WHEREAS, pursuant to PA 202 of 2017, a local unit of government that sponsors a defined-benefit retirement system is required to submit an annual report to the State of Michigan that includes information for each of its defined-benefit retirement systems; and
WHEREAS, the City of Midland sponsors three defined-benefit retirement plans, each covered by Public Act 202 of 2017; and
WHEREAS, each local unit is required to submit each annual report to its governing body; now therefore
RESOLVED, the City Council of the City of Midland hereby receives the 2022 Local Government Retirement System Annual Report in accordance with PA 202 of 2017. (Motion ADOPTED.)

APPOINTMENT TO THE CITY AND COUNTY OF MIDLAND JOINT BUILDING AUTHORITY

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

RESOLVED, that Carol Stone is hereby appointed to the City and County of Midland Joint Building Authority as the City's representative for a term ending January 24, 2026. (Motion ADOPTED.)

APPOINTMENT TO THE MIDLAND COUNTY CENTRAL DISPATCH AUTHORITY ADMINISTRATIVE POLICY BOARD

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

RESOLVED, that Carol Stone is hereby appointed to the Midland County Central Dispatch Authority Administrative Policy Board as one of the City's representatives for a term ending January 31, 2027. (Motion ADOPTED.)

ANNUAL FINANCIAL AND SINGLE AUDITS FOR YEAR ENDING 6/30/2022

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

WHEREAS, the City contracts with Yeo and Yeo, P.C. to perform its annual financial and compliance audits, for which the agreed upon cost for the agreed upon scope of work for the June 30, 2022 audits was \$55,500; and
WHEREAS, it is common for some additional services to be required during these audits, the costs normally less than \$5,000, which do not require additional City Council approval; and
WHEREAS, additional charges in excess of \$5,000 require City Council approval; and
WHEREAS, Yeo and Yeo, P.C. has submitted an invoice for \$33,200 for additional services provided during the June 30, 2022 financial and compliance audits, which exceeds the remaining available balance of the \$5,000 prior approval by \$28,200; now therefore
RESOLVED, that City Council hereby approves total additional expenditures in relation to the financial and compliance audits for the fiscal year that ended June 30, 2022 in the amount of \$33,200. (Motion ADOPTED.)

SET PUBLIC HEARING TO APPROVE A DETAIL PLAN FOR PLANNED UNIT DEVELOPMENT NO. 19

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

WHEREAS, MNM Health submitted a request for approval of a Detail Plan for Planned Unit Development (PUD) No. 19, a proposal for an assisted living and memory care facility located at 5217 and 5221 Bay City Road; and

WHEREAS, the City Planning Commission has conducted a public hearing in accord with Section 24.06(A) of the Zoning Ordinance of the City of Midland on said PUD Detail Plan; and

WHEREAS, the Planning Commission has submitted its recommendation to approve the request, in accord with Section 24.06 of the Zoning Ordinance of the City of Midland; and WHEREAS, City Planning Department staff notified property owners and occupants within three hundred (300) feet of the subject properties by transmitting notice on December 22, 2022 and publishing said notice on December 24, 2022 of the proposed public hearing on January 9, 2023; now therefore

RESOLVED, that a public hearing will be held by the City Council on February 13, 2023, at 7:00 p.m. in the Council Chambers, City Hall for the purpose of considering the request for a Planned Unit Development; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners and occupants within three hundred (300) feet of the proposed area by transmitting notice on or before January 27, 2023 and to publish said notice by January 27, 2023. (Motion ADOPTED.)

SET PUBLIC HEARING TO APPROVE CONDITIONAL USE PERMIT NO. 80

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

WHEREAS, Matthew Rapanos submitted a request for a conditional land use to permit a drive-through coffee shop located at 3715 and 3719 N. Saginaw Road; and

WHEREAS, City Planning Department staff notified property owners and occupants within three hundred (300) feet of the subject property by transmitting notice on October 28, 2022 and publishing said notice on October 29, 2022 of the public hearing on November 16, 2022; and

WHEREAS, the City Planning Commission has conducted a public hearing in accord with Section 28.02(A) of the Zoning Ordinance of the City of Midland on said conditional use; and WHEREAS, the Planning Commission has submitted its recommendation to approve the permit, in accord with Section 28.02(B) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that a public hearing will be held by the City Council on February 13, 2023, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the request for a Conditional Use Permit; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners and occupants within three hundred (300) feet of the proposed area by transmitting notice on or before January 27, 2023 and to publish said notice by January 27, 2023. (Motion ADOPTED.)

SET PUBLIC HEARING TO AMEND THE FY2022/23 DIAL-A-RIDE BUDGET

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

WHEREAS, Dial-A-Ride has received Section 5304 Federal Transit Planning funds to conduct a feasibility study on transit collaboration between the City of Midland's Dial-A-Ride and County Connection of Midland and it is necessary to amend the current fiscal year budget in order to utilize the funds for the intended purpose; now therefore

RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, the City Council hereby schedules a public hearing for Monday, February 13, 2023, at 7:00 p.m. in the City Council Chambers of City Hall on the proposal to amend the FY2022/23 Dial-A-Ride budget to increase both revenue and expenses by \$65,000 to conduct a transit feasibility study between the City of Midland Dial-A-Ride and County Connection of Midland; and

RESOLVED FURTHER, that the City Clerk is hereby directed to give notice as provided in Section 5.11 of the Charter of the City of Midland. (Motion ADOPTED.)

SET PUBLIC HEARING TO AMEND THE FY 2022/23 GENERAL FUND FORESTRY BUDGET

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

WHEREAS, the City's Forestry Division strives to replace one street tree for every tree removed due to safety concerns, structural defects or poor health and budgets \$25,000 annually for new trees; and

WHEREAS, due to more trees needing to be removed each year than what the Forestry budget can keep up with on replacements, City staff sought outside grant funding to augment the tree planting budget; and

WHEREAS, the Grant Coordinator was successful in applying for and receiving \$20,000 from the Michigan Department of Natural Resource's Urban Forestry Grant program for the purpose of planting trees in the street rights-of-way; now therefore

RESOLVED, that City Council accept this generous grant from the Michigan Department of Natural Resources; and

RESOLVED FURTHER, that in accord with Section 11.6 of the Charter of the City of Midland, the City Council hereby schedules a public hearing for Monday, February 13, 2023, at 7:00 p.m. in the City Council Chambers of City Hall on the proposal to amend the FY2022/23 General Fund budget for Forestry to increase both revenue and expenses by \$20,000 for the planting of trees in the street rights-of-way; and

RESOLVED FURTHER, that the City Clerk is hereby directed to give notice as provided in Section 5.11 of the Charter of the City of Midland. (Motion ADOPTED.)

Being no further business the meeting adjourned at 9:37 p.m.

Lacey Todd, City Clerk