



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF MARCH 3, 2008**

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Jeffries.

PRESENT: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson, Wood

ABSENT: None

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Jeffries

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Quinney

To approve the printed Council Proceedings of February 25, 2008

Motion carried

CONSIDERATION OF LATE ITEMS

By Vice President Quinney

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion carried

The following items were added to the agenda:

1. From Councilmember Quinney; Letter from the Mayor re: Deficit Elimination Plan and Transfer of Funds

TABLED ITEMS

SPECIAL CEREMONIES

• Special Ceremonies

1. Presentation; Recognition of Bea Christy Award Nominees

Councilmember Wood thanked the six Bea Christy Award nominees and all neighborhood activists. She asked the nominees present to speak.

Diane Thompson of the Westside Neighborhood Association stated that Riddle School's garden program gives her joy.

Rory McNeal of Genesee Neighborhood Association spoke about Lansing being a vibrant and energetic city.

Ann Wilson of Colonial Village Neighborhood Association stated that her neighborhood had the city's best traffic circles. She also spoke about her neighborhood's summer picnic.

Juanita Mitchell-Chapman of Potter/Walsh Neighborhood Organization stated that her organization works closely with the city.

Councilmember Wood introduced Shirley Averill of Northtown Neighborhood Association, who is known as the cookie lady.

Julie Furlong of Eastside Neighborhood Organization was the winner of the Bea Christy Award. She spoke about the upcoming "Souper" event.

Bill Houghtaling, president of the Lansing Neighborhood Council congratulated the nominees and stated that the City of Lansing has wonderful citizens from the north, south, east and west.

Mayor Bernero thanked all of the nominees and congratulated them for the work they do.

Councilmember Wood once again thanked all of the nominees.

**COUNCILMEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Councilmember Allen asked Mayor Bernero to comment on potholes near a citizen's house on Jolly Rd. and questioned him about his conversation with the citizen.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Mayor Bernero responded to Councilmember Allen's inquiries regarding the citizen on Jolly Rd.

Mayor Bernero stated that this past weekend he joined the family and friends of the late Robert Busby for the dedication of the East Grand River Bridge in his honor. The inscription on the plaque reads:

For 30 years Robert Busby helped revitalize North Lansing, creating connections between artists, activists and people from all walks of life.

With his never-ending optimism and warm smile, he quietly taught the art of building community, earning him the nickname "The Mayor of Old Town." Through his beloved Creole Gallery, he brought beauty and new vision to this corner of the world. He stated that last week he had the privilege to attend an important community dialogue on the future of health care. The event was organized by Dr. Barry Saltman, founder of the Care-Free Medical Clinic and the co-founder of the Cristo Rey Health Center. Also last week he attended an exciting event that celebrated the success of the Capitol Club Towers project on Grand Avenue in our downtown. He spoke about the Public Improvement for Northrup St. Mayor Bernero spoke at some length regarding the Administration's position regarding the Lansing Boat Club.

Councilmember Allen asked follow up questions regarding several of the topics the Mayor's discussed.

Councilmember Wood asked Mayor Bernero about the Public Improvement plans for Northrup St.

Councilmember Hewitt questioned the Mayor about the Public Improvement plans for Northrup St. and the lease for the Lansing Boat Club.

Councilmember Dunbar raised concerns about the Public Improvement plans for Northrup St. that might conflict with the city's Zoning Ordinance.

Council President Jeffries asked Mayor Bernero about bike lanes as they might relate to the Public Improvement plans for Northrup St.

SHOW CAUSE HEARINGS

- Comment on Scheduled Show Cause Hearings:

There were no Show Cause Hearings

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings

Morris Glover of 409 W. Oakland Ave. spoke about the Lansing Boat Club.

Bob Glandon of 817 Beech St. spoke in support of bike lanes and sidewalks on Northrup St.

Perry Godwin of 800 Bancroft Ct. spoke in support of bike lanes and sidewalks on Northrup St.

M.C. Rothhorn of 519 Leitram St. spoke in support of bike lanes and sidewalks on Northrup St.

Craig Van Sumeren 3994 W. Sunwind Dr., Okemos, MI spoke in support of bike lanes and sidewalks on Northrup St.

Sarah Panken of 229 Strathmore Rd. spoke in support of bike lanes and sidewalks on Northrup St.

Lyndon Babcock of 2115 E. Provincial House Dr. spoke in support of bike lanes and sidewalks on Northrup St.

Brent Barker of 1572 Spartan Village, East Lansing, MI spoke in support of bike lanes and sidewalks on Northrup St.

Janine Sinno of 5303 S. Cedar St. spoke in support of bike lanes and sidewalks on Northrup St.

Jessica Yorke of 815 Bancroft Ct. spoke in support of bike lanes and sidewalks on Northrup St.

Marilyn Wojack of 829 Pacific Ave. spoke about the Lansing Boat Club.

Ron Wojack of 829 Pacific Ave. spoke about the Lansing Boat Club.

Jeff Venn of 6315 Old River Tr. spoke about the Lansing Boat Club.

Bob Gray of 422 Dadson Dr. spoke about the Public Improvement for Northrup St. and the Lansing Boat Club.

Gabriel Biber of 738 Bancroft Ct. spoke in support of bike lanes and sidewalks on Northrup St.

Rick Kibbey of 1614 Lindbergh Dr. spoke about the Lansing Boat Club.

Richard Clement of 900 Long Blvd. spoke about the Lansing Boat Club, potholes and in support of bike lanes and sidewalks on Northrup St.

Jackie Beardon of 1414 Wellington Rd. spoke about the Lansing Boat Club.

John Pollard of 1718 Blair St. spoke about the Lansing Boat Club and the Public Improvement for Northrup St.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about the Lansing Boat Club and the Public Improvement for Northrup St.

John Brady of 614 W. Northrup St. spoke about the Public Improvement for Northrup St.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about the Public Improvement for Northrup St.

Kirt Livernois of 300 E. Main St. spoke in support of bike lanes and sidewalks on Northrup St.

Van Frazee of 100 W. Northrup St. spoke about the Public Improvement for Northrup St.

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Donald Lancour of 3908 Alpha St. spoke about snow removal in the city.

William Hubbell of 3916 Wedgewood Dr. spoke about Wainwright School.

Bob Gray 422 Dadson Dr. spoke about potholes and snow removal in the city.

Morris Glover of 409 W. Oakland Ave. spoke about background check fees for ice cream truck drivers.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Richard Clement of 900 Long Blvd. spoke about various city matters.

Willie Hobbs of 5017 S. Conners Ave. spoke about various city matters.

John Brady of 614 W. Northrup St. spoke about the Public Improvement for Northrup St.

Van Frazee of 100 W. Northrup St. spoke about the Public Improvement for Northrup St.

John Pollard of 1718 Blair St. spoke about the Lansing Boat Club, the Public Improvement for Northrup St. and various city matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Anthony Pryer of 2621 N. Grand River Ave. spoke about the Police Department's rotation for wrecker service in the city.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION#061

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Capital Area Youth Sports Association has requested a resolution of recognition as a Local Nonprofit Organization operating in the City of Lansing for a charitable gaming license pursuant to MCL 432.103 (9); and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a Local 501 (c) (3) Nonprofit Organization;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, hereby, recognizes the Capital Area Youth Sports Association as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license to conduct a raffle.

BE IT FURTHER RESOLVED the City Clerk is requested to provide a copy of this resolution to Javier Cavazos, Capital Area Youth Sports Association, 229 South Cedar Street, Lansing, Michigan 48912.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION#062

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Capital Area Down Syndrome Association has requested a resolution of recognition as a Local Nonprofit Organization operating in the City of Lansing for a charitable gaming license pursuant to MCL 432.103 (9); and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a Local 501 (c) (3) Nonprofit Organization;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, hereby, recognizes the Capital Area Down Syndrome Association as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license to conduct a raffle.

BE IT FURTHER RESOLVED the City Clerk is requested to provide a copy of this resolution to Carrie Moore, Capital Area Down Syndrome Association, PO Box 25112, Lansing, Michigan 48909-5112.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION#063

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Michigan Liquor Control Commission received a request from Texas Roadhouse of Lansing, LLC (a Kentucky Limited Liability Company) to transfer all membership interest in the 2007 Class C Licensed Business, located at 280 E. Edgewood, Lansing, Michigan 48911, from Texas Roadhouse Property Holdings LLC (a Kentucky Limited Liability Company) to New Member, Texas Roadhouse Holdings LLC 2005 (a Kentucky Limited Liability Company); and

WHEREAS, the Committee on General Services met on February 25, 2007 and reviewed the request with affirmative action taken;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the transfer of all membership interest in the 2007 Class C Licensed Business, located at 280 E. Edgewood, Lansing, Michigan 48911, from Texas Roadhouse Property Holdings LLC (a Kentucky Limited Liability Company) to New Member, Texas Roadhouse Holdings LLC 2005 (a Kentucky Limited Liability Company).

BE IT FURTHER RESOLVED, the City Clerk is requested to notify the Michigan Liquor Control Commission of the action taken.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION#064

BY THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Robert W. Swanson, of 1744 Chester Road, Lansing, Michigan 48912, to the At Large Seat on the Capital Area Transportation Authority for a term to expire September 20, 2011.

WHEREAS, the Committee on Intergovernmental Relations met on February 27, 2008 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Robert W. Swanson, of 1744 Chester Road, Lansing, Michigan 48912, to the At Large Seat on the Capital Area Transportation Authority for a term to expire September 20, 2011.

By Councilmember Robinson

Motion Carried

RESOLUTION#065

BY THE COMMITTEE ON WAYS & MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2008 transfers be approved:

Police
Administration

AMOUNT TO TRANSFER	TRANSFER FROM ACCOUNT #	TRANSFER TO ACCOUNT #
\$3,452.00	Administration Donations Revenue 101.0.675012.0	
\$3,452.00		Administration Donations-Contributions 101.343201.741880.0

(To appropriate Ruth Hallman donations revenue to support Problem Solving Overtime efforts in the Lansing Police Department).

Police
Administration

AMOUNT TO TRANSFER	TRANSFER FROM ACCOUNT #	TRANSFER TO ACCOUNT #
\$3,452.00	Administration Donations-Contributions 101.343201.741880.0	
\$3,452.00		Administration Overtime-Problem Solving 101.343201.708103.0

(To program Ruth Hallman contributions into Problem Solving Overtime efforts in the Lansing Police Department).

By Councilmember Wood

To recuse Councilmember Wood due to the appearance of a conflict of interests

Motion Carried

By Councilmember Dunbar

To place an affirmative role on the resolution

Motion Carried (Councilmember Wood Abstaining)

RESOLUTION#066

BY THE COMMITTEE ON WAYS & MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2008 transfer be approved:

STATE/FEDERAL PROGRAMS

AMOUNT TO TRANSFER	TRANSFER FROM ACCOUNT #	TRANSFER TO ACCOUNT #
\$12,000.00	State Court Administrative Office 273.0.547000.17795	
\$9,825.00	Project Participant Fees 273.0.648001.17795	
\$12,000.00		Sobriety Court Project Salaries 273.132201.702000.17795
\$1,100.00		Sobriety Court Project Misc Operating 273.132201.741000.17795
\$8,725.00		Sobriety Court Project Contractual Svcs 273.132201.743000.17795

(To provide appropriations for the District Court's "Sobriety Court" project for the fiscal year period ending September 30, 2008. The "Sobriety Court" is a renewal grant from the State Court Administrative Office (SCAO) with zero local government match.)

By Councilmember Dunbar

Motion Carried

RESOLUTION#067

**City of Lansing
Counties of Ingham and Eaton, State of Michigan**

**RESOLUTION AUTHORIZING ISSUANCE AND SALE OF A
COMBINED SEWER OVERFLOW
LIMITED TAX GENERAL OBLIGATION BOND
(PHASE IV, SEGMENT 5), SERIES 2008**

A RESOLUTION TO PROVIDE FOR:

- Issuance of up to \$31,000,000 of combined sewer overflow bonds to finance combined sewer separation improvements;
- Approval of issuance parameters and bond form;
- Payment of bonds from lawfully available funds including revenues derived from the operation of the City's sewage disposal system;
- Pledge of limited tax full faith and credit for payment of the bonds if other revenues insufficient;
- Creation of funds for deposit of bond proceeds and payment of bonds; and
- Authorization of sale of bonds to Michigan Municipal Bond Authority.

PREAMBLE:

WHEREAS, the State of Michigan Water Resources Commission has issued a Wastewater Treatment Facilities National Pollutant Discharge Elimination System Permit No. MI 0023400 (the "NPDES Permit") requiring the City of Lansing (the "City") to develop a final Combined Sewer Overflow Control Program (the "CSO Control Program") to be submitted to the State of Michigan acting through its Department of Natural Resources (subsequently restructured and renamed the Department of Environmental Quality and collectively hereafter referred to as the "DEQ") for approval; and

WHEREAS, by a letter dated March 9, 1992 to the City Clerk, DEQ, acting through its Supervisor of the Surface Water Quality Division, has approved the CSO Control Program submitted by the City in compliance with the NPDES Permit; and

WHEREAS, Act 320, Public Acts of Michigan, 1927, as amended, repealed and recodified by Part 43 of Act 451, Public Acts of Michigan 1994 ("Act 451") enables a city to issue and sell bonds to finance construction of improvements required by a permit issued by the State of Michigan Water Resources Commission; and

WHEREAS, the City Council has stated its intention to authorize the issuance of limited tax general obligation bonds in one or more series pursuant to Act 451 in an amount not to exceed Thirty One Million and 00/100 Dollars (\$31,000,000) for the purpose of financing the sewer improvements associated with Subareas 013 Northeast, 018 Southwest, 045, 034A and the 2008 Downtown Projects improvements and necessary wastewater treatment plant improvements (the "Improvements"), included in Phase IV, Segment 5 of the Combined Sewer Overflow Improvements Project Plan required by the NPDES Permit; and

WHEREAS, plans and specifications for the Improvements have been prepared by the City's consulting engineers and submitted for approval by the DEQ; and

WHEREAS, the City Council previously approved a Notice of Intent to Issue Bonds for Public Service Department Combined Sewer Overflow Project Resolution (the "Notice"), which, in compliance with the requirements of Section 5(g) of the Home Rule Cities Act, Act 279, Public Acts of Michigan, 1909, as amended ("Act 279"), required the City Clerk to cause to be published, on Wednesday, December 5, 2007, in City Pulse, a newspaper of general circulation within the City, an official notice to electors and taxpayers of the City of Lansing of intent to issue bonds (the "Notice of Intent") which describes the bonds to be issued to finance construction of the Improvements; and

WHEREAS, Act 34 of the Public Acts of Michigan, 2001, as amended, permits a municipality to authorize, within limitations which shall be contained in the authorization resolution of the governing body, an authorized officer to sell and deliver and receive payment for obligations, and to approve interest rates or methods for fixing interest rates, prices, discounts, maturities, principal amounts, denominations dates of issuance, interest payment dates, redemption rights, place of delivery and payment, and other matters and procedures necessary to complete the authorized transaction;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. **The Improvements.** Pursuant to the CSO Control Program approved by DEQ in accordance with the NPDES Permit, the City shall acquire and construct the Improvements. The estimated period of usefulness of the Improvements is not less than forty (40) years.
2. **Authorized Officers.** The term "Authorized Officer" as used in this Resolution shall refer to any one of the following city officers: the Finance Director, the Chief of Staff, the Director of Public Service, the Mayor, or the City Clerk.
3. **Authorization of Bond Issuance.** A bond of the City designated "Combined Sewer Overflow Limited Tax General Obligation Bond (Phase IV, Segment 5) Series 2008" (the "Bond"), with such changes in name as may be deemed appropriate by an Authorized Officer so long as such changes are not misleading, is authorized to be issued for the purpose of paying a portion of the costs of the Improvements, including costs incidental to the issuance, sale and delivery of the Bond. In the event the Bond is to be issued simultaneously with another bond being issued to the Authority for similar improvements under the CSO Control Program, each Authorized Officer is authorized to have prepared a single bond and related documentation evidencing the obligation approved under this resolution and any other similar resolution of the City Council, in an aggregate maximum principal amount not to exceed the maximum principal amount authorized under this resolution and such other resolution of the City Council.
4. **Bond Details.** The Bond shall be issued in the aggregate principal sum not to exceed Thirty One Million and No/100

Dollars (\$31,000,000) or such lesser amount as shall be determined by an Authorized Officer at the time of sale (the "Principal Amount") and approved by the DEQ and the Michigan Municipal Bond Authority (the "Authority"), pursuant to the Notice of Intent.

The Bond shall be issued in substantially the form of Appendix A, with such modifications as may be necessary to reflect changes in Bond terms or details determined by an Authorized Officer at or prior to the time of sale pursuant to authority granted by this Resolution. The Authorized Officer shall have the authority to make such changes in the form of Bond as shall be requested by the Authority, deemed reasonable by an Authorized Officer and not in conflict with the law or provisions of this Resolution. The Bond shall be in the form of a single fully-registered, nonconvertible, non-chargeable Bond of the denomination of the Principal Amount, dated as of the date of delivery of the Bond, or such other date as may be determined by an Authorized Officer at the time of sale of the Bond and approved by the DEQ and the Authority.

The Bond shall be payable in serial principal installments on October 1 of each year beginning October 1, 2009, or on such other dates as may be determined by an Authorized Officer at the time of sale of the Bond and approved by the DEQ and the Authority. The schedule of serial principal installments shall be determined by an Authorized Officer at the time of sale of the Bond and approved by DEQ and the Authority. Interest on the Bond will be payable as provided under Section 5, on April 1, 2008, and semiannually thereafter on April 1 of and October 1 of each year until maturity or earlier prepayment of said installment, or on such other dates as determined by an Authorized Officer at the time of the sale of the Bond and approved by the DEQ and the Authority.

The Bond or serial principal installments thereof will be subject to prepayment prior to maturity in the manner and at the times as provided in the form of Bond contained in this Resolution or as determined by an Authorized Officer at the time of sale of the Bond and approved by the DEQ and the Authority.

Final determination of certain Bond details, including the Principal Amount and the dates and amounts of principal installments, shall be evidenced by execution of the purchase contract to be executed between the City and the Authority as described below.

5. **Sale of Bond, Calculation of Repayment Obligations.** The City shall sell the Bond to the Authority at par value and at an interest rate of not to exceed two and one-half percent (2.50%) per annum. The Bond shall be delivered in accordance with the delivery instructions of the Authority.

Proceeds of the sale of the Bond shall not be received in one lump sum. Rather, the Authority shall purchase principal installments of the Bond (the "Purchased Principal Installments") from the Authority as such purchases are approved by the DEQ. These Purchased Principal Installments shall be deemed to correspond to the serial principal installments contained in the Bond in direct chronological order of said serial principal installments. The City shall have no obligation to repay any serial principal installments for which the City did not receive proceeds from corresponding Purchased Principal Installments of at least a like amount.

Interest on the Bond shall only accrue on the purchased installments, and shall accrue based on the amount of and purchase date of such installments. In the event less than the Principal Amount of the Bond is purchased by the Authority,

any portion of the Principal Amount is prepaid as provided below, or any serial principal payment becomes due before the City has received proceeds from corresponding Purchased Principal Installments of at least a like amount, then the Authority may prepare a new serial principal installment repayment schedule acceptable to the City.

6. **Bond Register, Record of Payments.** The Bond shall be registered on the bond register maintained by the Finance Director. The Finance Director shall record on the bond register payment by the City of each installment of principal or interest or both when made and the canceled checks or other records evidencing such payments shall be returned to and retained by the Finance Director and shall be conclusive evidence of such payments and the obligation of the City with respect to such payments shall be discharged to the extent of such payments.

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

7. **Execution and Delivery.** The Bond shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and the Clerk of the City (provided that at least one of the signatures on the Bond shall be a manual signature) and shall have the seal of the City, or a facsimile thereof, printed or impressed on the Bond. After execution, the Bond shall be delivered to the Authority by the Finance Director or his designee.

8. **LTGO Nature of Bond.** The Bond is anticipated to be paid from funds lawfully available to the City for this purpose such as revenues derived from the operation of the City's sewage disposal system, and ad valorem taxes pursuant to a pledge of the City's limited tax full faith and credit. The Bond shall be a limited tax general obligation of the City. As such, it shall be payable as a first budget obligation from the general fund of the City and from taxes imposed on all taxable property in the City, subject to applicable constitutional, statutory and charter tax rate limitations. Commencing with the year 2008, there shall be levied upon the tax rolls of the City in the manner required by law, an amount such that the estimated collection therefrom will be sufficient to promptly pay, when due, the principal of and interest on the Bond becoming due prior to the next annual tax levy; provided, however, that if at the time of making any such annual tax levy there shall be other monies to make the required payments on the Bond, then the City shall take such monies into account in determining such annual levy.

9. **Debt Retirement Payments.** The Finance Director is authorized and directed to open a separate depository account with a bank or trust company to be designated CSO 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 Bond and additional future series of bonds issued by the City for the purposes of completing construction of the Improvements as such principal and interest become due. The Finance Director is further authorized and directed to pay, or cause to be paid, from the Debt Retirement Fund or other available funds, all payments of principal, if any, and interest on the Bond to the Authority's depository, or in the event the Authority is no longer the owner of the Bond, to the owner of the Bond, in accordance with the requirements of the Bond. The Debt Retirement Fund may be pooled or combined with the other debt retirement funds for issues of bonds of like character as provided by the

Revised Municipal Finance Act, Act 34, Public Acts of Michigan, 2001, as amended, or other state law.

- 10. **Construction Fund.** The proceeds of the Bond and the prior series of bonds issued by the City for the purposes of completing construction of the Improvements and no other moneys shall be deposited in a fund designated as the CSO Limited Tax General Obligation Bond Construction Fund (the "Construction Fund"). Said moneys shall be used solely for the purposes for which the Bond, and other bonds issued for the CSO Control Program, are issued. Any unexpended balance of the proceeds of the sale of the Bond remaining after completion of the Improvements herein authorized may be used at the discretion of the Director of Public Service or the Interim Director of Public Service for further Improvements included in the CSO Control Program required by the NPDES Permit. Any remaining balance after such expenditure shall be used for the prepayment of installments of the Bond or the purchase of installments of the Bond at not more than the fair market value thereof.

The appropriation of moneys for "eligible" (not to exceed the maximum Principal Amount of the Bond) and "ineligible" costs of the Improvements (as those terms are defined by the Authority and DEQ) is hereby approved. Said moneys shall be used solely for the purposes of making Improvements included in the CSO Control Program required by the NPDES Permit, and ancillary related expenses. After completion of the Improvements and disposition of remaining proceeds, if any, of the Bond pursuant to the provisions of this section, the Construction Fund may be closed.

- 11. **Mutilated, Lost, Stolen or Destroyed Bonds.** In the event any Bond is mutilated, lost, stolen or destroyed, the Mayor and the City Clerk may, on behalf of the City, execute and deliver a new Bond having a number not then outstanding, of like date, maturity and denomination as that mutilated, lost, stolen or destroyed. In the case of a mutilated Bond, a replacement Bond shall not be delivered unless and until such mutilated Bond is surrendered to the City.

In the case of a lost, stolen or destroyed Bond a replacement Bond shall not be delivered unless and until the City shall have received such proof of ownership and loss and indemnity as they determine to be sufficient, which shall consist at least of (i) a lost instrument Bond for principal and interest remaining unpaid on the lost, stolen or destroyed Bond; (ii) an affidavit of the registered owner (or his or her attorney) setting forth ownership of the Bond lost, stolen or destroyed and the circumstances under which it was lost, stolen or destroyed; (iii) the agreement of the owner of the Bond (or his or her attorney) to fully indemnify the city against loss due to the lost, stolen or destroyed Bond and the issuance of any replacement bond in connection therewith; and (iv) the agreement of the owner of the Bond (or his or her attorney) to pay all expenses of the City in connection with the replacement, including the transfer and exchange costs which otherwise would be paid by the City.

- 12. **Arbitrage and Tax Covenants.** The City hereby covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest on the Bond from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds.

- 13. **Approval of Documents.** The proposed form of Purchase Contract between the City and the Authority (the "Purchase

Contract"), the proposed form of Issuer's Certificate to be executed by the City (the "Issuer's Certificate") and the proposed form of Supplemental Agreement among the City, the Authority and the DEQ (the "Supplemental Agreement") on file with the City Clerk are hereby approved. The Authorized Officers are hereby jointly or severally authorized to execute and deliver the Purchase Contract, the Issuer's Certificate, and the Supplemental Agreement upon completion, in the forms approved hereby with such revisions as they may determine to be necessary or desirable, permitted by law, and not materially adverse to the City.

- 14. **General Authority for Authorized Officers.** The Authorized Officers are hereby jointly or severally authorized to take any actions necessary to comply with requirements of the Authority and DEQ in connection with sale of the Bond to the Authority, including the administrative appropriation and transfer of funds related to the Bonds. The Authorized Officers are hereby jointly or severally authorized to execute and deliver such other certificates, documents, instruments, and other papers as may be required by the Authority or DEQ or as may be otherwise necessary or convenient to effect the delivery of the Bond as set forth above.

- 15. **Conflicting Resolutions.** All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are rescinded.

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the City Council of the City of Lansing, Counties of Ingham and Eaton, Michigan at a Regular meeting held on Monday, _____ 2008 at 7:00 o'clock p.m. prevailing Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act 267.

Chris Swope
City Clerk

**APPENDIX A
FORM OF BOND**

R-1

**UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTIES OF INGHAM AND EATON**

**CITY OF LANSING
COMBINED SEWER OVERFLOW LIMITED TAX
GENERAL OBLIGATION BOND
(Phase IV, Segment 5), Series 2008**

The CITY OF LANSING, Counties of Ingham and Eaton, State of Michigan (the "City"), acknowledges itself to owe and for value received hereby promises to pay to the Michigan Municipal Bond Authority (the "Authority") the sum of _____ Million _____ Hundred _____ Thousand and No/100 Dollars (\$ _____) (the "Principal Amount") or so much thereof as shall have been advanced to the City pursuant to a Purchase Contract between the City and the Authority, and a Supplemental Agreement by and among the City, the Authority and the State of Michigan acting through the

Department of Environmental Quality. During the time funds are being drawn down by the City under this Bond, the Authority will periodically provide the City with 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 serial principal installment amounts set forth in Schedule A attached hereto and made a part hereof. Interest on the Bond shall accrue only on installments of the Principal Amount which have been purchased by the Authority, and shall accrue from the date each said installment is delivered to the City until repaid by the City at the rate of two and one-half percent (2.50%) per annum, payable on October 1, 2008, and semiannually thereafter. Principal is first payable October 1, 2010 and annually thereafter. In the event less than the Principal Amount of the Bond is purchased by the Authority, any portion of the Principal Amount is prepaid as provided below, or any serial principal payment becomes due before the City has received proceeds from corresponding purchased principal installments of at least a like amount, then the Authority may prepare a new serial principal installment repayment schedule which shall be presented to the City and be effective upon receipt as provided in the Purchase Contract.

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, redemption premium, if any, and interest at The Bank of New York Trust Company, N.A., 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, and redemption 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.

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 reserved amount 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 a single, fully-registered, non-convertible bond in the principal sum indicated above issued for the purpose of constructing Improvements pursuant to the State of Michigan Water Resources Commission Wastewater Treatment Facilities National Pollutant

Discharge Elimination System Permit No. MI 0023400 as now in force or as hereafter revised. This Bond is issued under the provisions of Act 320, Public Acts of Michigan, 1927, as amended, repealed and recodified by Act 451, Public Acts of Michigan, 1994, as amended, and a resolution duly adopted by the City Council. This Bond is a limited tax general obligation of the City, payable as a first budget obligation from the general fund of the City, and other funds lawfully available to the City for this purpose, including revenues derived from the operation of the City's sewage disposal system and, if necessary, from taxes imposed on all taxable property in the City, subject to applicable constitutional, statutory and charter tax rate limitations.

This Bond is subject to redemption 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.

This Bond shall be registered as to principal and interest on the books of the City kept by the Finance Director and may be transferred only upon surrender of this Bond by the registered owner of record in person, or by registered owner's attorney duly authorized in writing, to the Finance Director together with a written instrument of transfer satisfactory to the Finance Director duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor.

This Bond is payable out of the City's Debt Retirement Fund for this issue, and 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, by its City Council, has caused this Bond to be signed in the name of the City by the manual signatures of its Mayor and Clerk and its corporate seal or a facsimile thereof to be impressed hereon, all as of _____, 2008.

CITY OF LANSING

Counties of Ingham and Eaton
State of Michigan

By: _____
Virg Bernero
Its Mayor

(SEAL)

Countersigned

By: _____
Chris Swope
City Clerk

APPROVED AS TO FORM

City Attorney

SCHEDULE A

The following payment schedule indicates repayment by the City of Principal Amount due on this Bond. Repayment of the Principal Amount shall be made according to this schedule until the full Principal Amount disbursed to the City is repaid; provided, however, that the City shall have no obligation to repay any serial

principal installment for which the City did not receive a disbursement of Principal Amount by the date such serial principal installment is due. In such an event, and in the event that less than the principal amount set forth below is disbursed by the Authority to the City, or in the event of prepayment of the Bond, the Authority shall prepare a new payment schedule which shall be effective upon receipt by the City.

Principal Installment <u>Due on October 1</u>	Amount of Serial Principal <u>Installment</u> \$
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During the time funds are being drawn down by the City under this Bond, MMBA will periodically provide 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 MMBA 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.

By Councilmember Dunbar

Motion Carried

RESOLUTION#068

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Resolution #690 of December 17, 1990, requires the administration to submit athletic fee recommendations by February 1 of each year so that fees may be considered for approval prior to program implementation; and

WHEREAS, the administration recommends no further changes to the athletic fees, other than those listed below, as adopted in the FY 08 budget; and

WHEREAS, the Mayor has submitted the following fee changes for review by the Council Committee on Ways and Means:

	<u>Current fee</u>	<u>Proposed fee</u>
Senior Softball Team Fee	\$100	\$125
Lil Kickers Soccer (Spring/Fall)	\$15 (Resident)	\$18 (Resident)
Lil Kickers Soccer (Spring/Fall)	\$20 (non-resident)	\$23 (non-resident)

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the fee changes as stated above in this resolution; and

BE IT FURTHER RESOLVED that these fees will take immediate effect.

By Councilmember Dunbar

Motion Carried

RESOLUTION#069

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, fees for services are to be approved by Lansing City Council; and

WHEREAS, the Parks and Recreation Department desires to make a program of recreation services available to the citizens of Lansing; and

WHEREAS, the Parks and Recreation Department desires to offer these services at fees that recover the costs of providing these services;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council approves the fee schedule as stated below in this resolution, effective on

the date of passage of this resolution for Recreation Equipment and Services:

INFLATABLE OBSTACLE COURSE and CLIMBING WALL

Set-up: OBSTACLE COURSE

Three parks staff for Obstacle Course and 5 staff for the Climbing Wall need one hour to set-up and one hour to tear down the inflatable, which is included in rental time. Site must be flat, grassy area – no cement or asphalt, within a half hour drive of Lansing*. Lansing Parks and Recreation reserves the right to determine or reject set-up site. Inflatable must be located with 100 feet of two 20 amp, 110 volt outlets (Two outlets on different circuits).

	Resident Use within <u>City Limits</u>	Non-resident Use or Resident <u>Use Outside City Limits</u>
CURRENT FEES		
2 hours of Obstacle Course use (2 hrs use time)	\$200	\$300
Additional hours of use	\$50	\$75
2 hours of Climbing Wall use (2 hrs use time)	\$300	\$400
Additional hours of use	\$75	\$125

*If site is beyond a half hour add \$15.00 for every additional 15 minutes travel time. Priority will be given to resident set-up within the city limits.

PROPOSED FEES

2 hours of Obstacle Course use (2 hrs use time)	\$250	\$375
Additional hours of use	\$75	\$100
2 hours of Climbing Wall use (2 hrs use time)	\$350	\$525
Additional hours of use	\$100	\$150

By Councilmember Dunbar

Motion Carried

RESOLUTION#070

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Howard G. McCaffery, 3619 Colchester Road, Lansing, Michigan 48810 to the retiree position of the Retirement Board of Trustees for a term to expire June 30, 2009; and

WHEREAS, the Committee on Ways and Means met on February 26, 2008 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Howard G. McCaffery to the retiree position of the Retirement Board of Trustees for a term to expire June 30, 2009.

By Councilmember Dunbar

Motion Carried

RESOLUTION#071

BY COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Joan Bauer is a lifelong Lansing resident and graduate of Western Michigan University with a major in history and minors in political science and secondary education; and

WHEREAS, she is a former high school and adult education government teacher and served as the Director of Women's Programs at the YWCA and as the Director of the Lansing Community College Foundation; and

WHEREAS, Joan is well known in the community for her work for twenty one years as the Director of Volunteer Services at Ingham Regional Medical Center where she had administrative responsibility for the hospital's 1,300 volunteers, the Lifeline Emergency Response System for the elderly and people with disabilities, and the McRee Guest House, as well as many special assignments over the years that included serving as Director of Total Quality Management; and

WHEREAS, she has been an active volunteer and community leader for numerous organizations over the past thirty years, including President of the Michigan Capital Girl Scout Council, Friends of the Lansing Public Library, Friends of the Michigan Women's Historical Center and Hall of Fame, Lansing Rotary Club Foundation, and the Junior League of Lansing; and

WHEREAS, in 1995, Joan Bauer was first elected to the Lansing City Council as an At Large Member, was re-elected in 1999 and 2003, serving for eleven years until 2006; and

WHEREAS, during her eleven years on the City Council, she helped deliver balanced budgets, worked to ensure that General Motors would stay in the Lansing area, played a leadership role in developing the Capital Area District Library, and also served as President, Vice President, and chaired every City Council Committee as well as several Ad Hoc Committees during her tenure; and

WHEREAS, Representative Bauer Joan was elected to serve as the State Representative for the 68th District in 2006, receiving 74% of the vote and currently serves on the Boards of Directors of the Capital Area United Way, Capital Region Community Foundation, and Lansing Rotary Club Foundation, and is a volunteer for the Greater Lansing Housing Coalition, the American Red Cross, Lansing Community College, and the Lansing Safety Council.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to extend its congratulations to Representative Joan Bauer on her remarkable achievements and for being recognized and honored during this year's Susan B. Anthony Birthday Celebration. We wish you many more years of success; you have truly earned it!

By Councilmember Quinney

Motion Carried

RESOLUTION#072

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, pursuant to the Lansing City Charter, Section 5-105.8, the Lansing Board of Water and Light (LBWL) submitted an amendment of their Rules of Procedure adopted by the Board of Commissioners on September 25, 2007; and

WHEREAS, the Lansing City Council Committee of the Whole met on February 28, 2008 and considered this matter and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council supports the Lansing Board of Water and Light Rules of Procedure without objection.

By Councilmember Quinney

Motion Carried

RESOLUTION#073

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

PUBLIC IMPROVEMENT I/II

WHEREAS, the Public Service Department has established the need for

construction of curb and gutter, sidewalk and the necessary storm drainage facilities on Northrup Street from Washington Avenue to Cedar Street; and

WHEREAS, the Public Service Department held three public meeting in October, November and December to gather input from residents and users of the Northrup Street corridor; and

WHEREAS, the Public Service Department and the Mayor have agreed to fund and construct the roadway and necessary drainage facilities through federal STP and Act 51 funds without benefit of special assessments; and

WHEREAS, the Public Service Department and the Mayor have agreed to construct sidewalk on the south side of the roadway only and not on the north side as a concession to the residents objecting to sidewalk and bike lane installation and in concurrence with City Council; and

WHEREAS, at the request of the Council, the Mayor has agreed that the road be constructed without bike lanes; and

WHEREAS, the City Council has determined that this proposed public improvement of sidewalk construction will benefit especially properties in the vicinity of the work to be done and that a benefit district pursuant to Chapters 1024 and 1026 of the Lansing Code of Ordinances should be established to be specially assessed for the public improvement; and

WHEREAS, in accordance with city policy and ordinance, adjacent property owners are assessed for costs associated with new sidewalk construction; and

WHEREAS, the Public Service Department has completed the plans in sufficient detail to provide and estimate and furnished the following information for the proposed installation of curb and gutter, necessary drainage facilities, and sidewalk for Northrup Street:

PROJECT TITLE: PS #76134 Northrup Street Reconstruction

PROPERTY BENEFITTED

SIDEWALK: All lands fronting on the south side of Northrup Street between Washington Avenue and Cedar Street, excepting all public streets and alleys and other land deemed not benefited.

THE ENGINEER'S ESTIMATE, COST OF IMPROVEMENTS:

Assessment Roll	City Share	Assessable to Property Owner
Curb and Gutter Costs	\$115,355.52	\$0.00
4" Sidewalk	\$30,760.11	\$24,127.17
6" Sidewalk	\$15,416.08	\$6,563.60
Other Road Costs	\$1,000,000.00	\$0.00
Total	\$1,161,531.71	\$30,690.77

SOURCES OF FUNDING IMPROVEMENT

	Amount	Account Number
City Share of Curb and Gutter Costs	\$115,355.52	Act 51 Funding
City Share of Sidewalk Costs	\$46,176.19	Act 51 Funding
City Share of Other Costs	\$277,042.12	Act 51 Funding
Federal Funding	\$860,000.00	Federal Funding
Assessment Roll	\$30,690.77	To be established

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby determines it to be of a public necessity to construct the following public improvements: sidewalk on the south side of the roadway on

Northrup Street from Washington Avenue to Cedar Street.

BE IT FURTHER RESOLVED that the Department of Public Service is hereby authorized to obtain any necessary easements for construction.

BE IT FURTHER RESOLVED that the Lansing City Council hereby directs that the above-mentioned plans, specifications, engineer's estimate, and other pertinent information regarding this project be received, approved, and placed on file for public inspection; and

BE IT FINALLY RESOLVED the City Assessor is authorized to prepare the special assessment installation roll information, based upon the bids to be received and other related costs of construction, and return the roll information to the City Council.

THEREFORE BE IT FURTHER RESOLVED that when the public service department receives its approval or disapproval from the Michigan Department of Transportation, they shall notify the City Council.

By Councilmember Quinney

To accept a substitute Resolution for the one originally placed in the packet

Motion Carried

By Councilmember Dunbar

To place this Resolution on the table

Motion Failed

By Councilmember Wood

To amend this resolution by interesting after the BE IT FINALLY RESOLVED CLAUSE the clause "THEREFORE BE IT FURTHER RESOLVED that when the public service department receives its approval or disapproval from the Michigan Department of Transportation, they shall notify the City Council."

Motion Carried

By Councilmember Wood

To amend this Resolution by striking \$30,760.11 and inserting \$54,887.28 to City Share of 4" Sidewalk, striking \$24, 127.17 and inserting \$0 to Assessable to Property Owner of 4" Sidewalk, striking \$15,416.08 and inserting \$21,979.68 to City Share of 6" Sidewalk, and striking \$6,563.60 and inserting \$0 to Assessable to Property Owner of 6" Sidewalk

Motion failed

The question being the motion to place an affirmative role on the resolution

Motion Carried by the following Roll Call Vote

YEAS: Councilmembers Allen, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson and Wood

NAY: Dunbar

RESOLUTION#074

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY COUNCIL

WHEREAS, the Lansing Boat Club has been in existence since 1872, and has existed at its present location at the Grand River Park since 1944; and

WHEREAS, since 1948, the Lansing Boat Club has periodically maintained a lease agreement with the City of Lansing; and

WHEREAS, the most recent lease agreement with the City of Lansing expired in 1996; and

WHEREAS, the current Administration has been unsuccessful in negotiating a new lease agreement with the Lansing Boat Club; and

WHEREAS, the Administration served the Lansing Boat Club with a Notice to Quit on February 6, 2008, which directed the Lansing Boat Club to vacate its location at the Grand River Park by no later than March 5, 2008, or otherwise face a lawsuit for eviction; and

WHEREAS, the Committee of the Whole met on Thursday, February 28, 2008, to discuss the Administration's proposal to evict the Lansing Boat Club from Grand River Park;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council strongly opposes the eviction of the Lansing Boat Club from the Grand River Park. Further, the Lansing City Council, hereby, requests the City Attorney to revoke the Notice to Quit filed by the Administration; and

BE IT FURTHER RESOLVED, the Lansing City Council recommends the establishment of a delegation consisting of a representative from the Mayor's Office, Lansing City Council, Lansing Boat Club, and the public to negotiate a new lease agreement between the City of Lansing and the Lansing Boat Club.

By Councilmember Quinney

Motion Carried by the following Roll Call Vote

YEAS: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson and Wood

NAY: None

REPORTS FROM COUNCIL COMMITTEES

RESOLUTION#075
REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING was held on January 16, 2008 and reviewed the Ordinance amendment to Chapter 1246, Section 1246.02 of the Code of Ordinances to allow for rezoning a parcel of real property located at 1441 Lyons Avenue & 809 Baker Street from "F" Commercial District to "A" Residential District.

The Committee recommends approval of the Ordinance amendment to Chapter 1246, Section 1246.02 of the Code of Ordinances to allow for rezoning a parcel of real property located at 1441 Lyons Avenue & 809 Baker Street from "F" Commercial District to "A" Residential District.

Signed: Carol Wood, Chairperson

Sandy Allen, Vice Chairperson

Brian Jeffries, Member

By Councilmember Wood

To receive this Committee Report

Motion Carried

ORDINANCES FOR INTRODUCTION

There were no Ordinances for Introduction

ORDINANCES FOR PASSAGE

BY COUNCILMEMBER WOOD

That we move to the passage of Ordinances

BY COUNCILMEMBER WOOD

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

BY COUNCILMEMBER WOOD

Resolved by the City Council of the City of Lansing that an Ordinance of the City of Lansing, Michigan, Providing for the Rezoning of a parcel of real property located in the City of Lansing, Michigan and for the revision of the district maps adopted by section 1246.02 of the Code of Ordinances for property located at Z-11-2007; 1441 Lyons Ave. and 809 Baker St., be placed on order of immediate passage.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

BY COUNCILMEMBER WOOD

Resolved by the City Council of the City of Lansing that an Ordinance of the City of Lansing, Michigan, Providing for the Rezoning of a parcel of real property located in the City of Lansing, Michigan and for the revision of the district maps adopted by section 1246.02 of the Code of Ordinances for property located at Z-11-2007; 1441 Lyons Ave. and 809 Baker St., be now passed.

YEAS: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltbach, Quinney, Robinson and Wood

NAY: None

ABSENT: None

By Councilmember Wood

THAT THIS ORDINANCE, BEING NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC, PEACE, HEALTH OR SAFETY SHALL TAKE EFFECT UPON ITS PASSAGE

Motion Carried

ORDINANCE #2536

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification of the property described as follows:

Case Number: Z-11-2007
 Address: 1441 Lyons Avenue & 809 Baker Street
 Parcel Number: PPN: 33-01-01-22-306-081/-101
 Legal Descriptions: Lots 9 & 11, Block 2, Assessor's Plat No. 20, City of Lansing, Ingham County, Michigan, from "F" Commercial District to "A" Residential District

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

**REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS;
 COMMUNICATIONS AND PETITIONS;
 AND OTHER CITY RELATED MATTERS**

By Councilmember Quinney that all items be considered as being read in full and that President Jeffries make the appropriate referrals

Motion Carried

Reports from City Officers, Boards and Commissions:

- a. Letter from the City Clerk submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:
 - i. TCO-08-015; Lane usage regulation on Clippert St. between Kalamazoo St. and Michigan Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- ii. TCO-08-008, TCO-08-009 and TCO-08-014; Parking regulations along Washington Sq. between Michigan Ave. and Shiawassee St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- iii. Development Area Liquor License for Progressive Restaurant Service LLC

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- iv. Establishment of Historic District Study Committee for Ottawa Street Power Station

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- v. Appointments of Kara Wood, Phil Mondro, Mary Toshach and Gary Scheuren to the Ottawa Street Power Station Historic District Study Committee

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- vi. Deficit Elimination Plan and Transfer of Funds

*SUSPENSION ITEM-REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND INTERNAL AUDIT

Communications and Petitions, and Other City Related Matters:

- a. Notice from the Michigan Department of Environmental Quality of the issuance of Permit No. 08-33-0001-P to the City of Lansing to place a net fill of approximately 80 cubic yards of floodplain fill to reconstruct Moores River Dr. and a pedestrian path from Mt. Hope Rd. to Francis Park entrance drive, place retaining walls, road fill, and riprap slope protection

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES AND REFERRED TO THE PUBLIC SERVICE DEPARTMENT

- b. Letter from Comcast Cable providing notice of changes to its Lansing area service centers

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS AND REFERRED TO THE CABLE ADVISORY BOARD AND REFERRED TO THE CITY ATTORNEY

- c. Letter from Donald Cote of 100 W. Syringa Dr. regarding street repairs in the City

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES AND REFERRED TO THE PUBLIC SERVICE DEPARTMENT

- d. Letter from Kirsten Thompson of 5431 Cavalry Cir. in support of Public Improvement I/II; Curb and gutter, sidewalk and necessary storm drainage facilities on Northrup St. from Washington Ave. to Cedar St.

REFERRED TO THE COMMITTEE OF THE WHOLE

- e. Letter from Eugene Wanger, no address given, regarding the Lansing Boat Club

REFERRED TO THE COMMITTEE OF THE WHOLE

- f. Letter from Morris Glover of 409 W. Oakland Ave. regarding background check fees for ice cream truck drivers

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- g. Letter from Ben Allen, no address given, regarding a basketball court at Quentin Park

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES AND REFERRED TO THE PARKS DEPARTMENT

- h. Letter from John Lindsey, no address given, regarding noise and odor problems on St. Joseph St.

REFERRED TO THE CITY ATTORNEY

- i. Letter from Sheila Fandrick of 424 Bon Air Rd., Lansing Twp. requesting reimbursement for car repairs allegedly due to a pot hole at Michigan Ave. and Grand River Ave.

REFERRED TO THE CITY ATTORNEY

- j. Letters stating concerns with public comment at City Council meetings from:

- Lindsey Morgan of 2409 E. Jolly Rd.
- Penny Gardner, no address given
- Gail Fournier, no address given
- Kathy Tobe, no address given
- Phillip Douglas, no address given

RECEIVED AND PLACED ON FILE

REMARKS BY COUNCILMEMBERS

Councilmember Dunbar stated that she received communications from citizens Barbara Toman and Cara Clore in support of bike lanes on Northrup St.

Councilmember Robinson announced the upcoming 2nd Saturday meeting in the 3rd Ward.

Councilmember Quinney announced a town hall meeting at Pattengill Middle School for African-American boys and young men.

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

Jerry Ambrose, Executive Assistant to Mayor Bernero, spoke about the process for fixing potholes in the city. He also spoke about the Public Improvement for Northrup. St.

ADJOURNED TIME 11:01 P.M.

CHRIS SWOPE, CITY CLERK