



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF MARCH 24, 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 March 17, 2008

Motion carried

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

Councilmember Hewitt announced the Northtown and Green Oaks neighborhood meetings, as well as two meetings regarding the Five Year Parks and Recreation Plan.

Councilmember Robinson announced the Coachlight and Averill Woods Neighborhood Association meetings.

Councilmember Dunbar asked Councilmember Robinson to clarify the location of the Coachlight Neighborhood Association meeting.

City Clerk Swope offered condolences to the family and friends of Rose Banfield, an election inspector who passed away.

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 spoke extensively about issues related to the city budget. He spoke about a host of key economic development initiatives on tonight's agenda including the approval of the OPRA for Spartan Internet, the approval of the Brownfield Plan and OPRA District for the former Cedar Street School in Old Town and the Brownfield Plan for the Ottawa Parcel. He also spoke about a \$3.5 million bond issue that will enable us to repair an additional 7 miles of roads in Lansing starting this Spring. Finally, he thanked the members of the City Council, and all the folks in and around the City who offered their heartfelt condolences over the last few weeks regarding the loss of his mother, Virginia.

**PUBLIC COMMENT
ON LEGISLATIVE MATTERS**

• Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of a Waiver of the Provisions of the Noise Ordinance contained in Chapter 654 of the Code of Ordinances filed by the City of Lansing Public Service Department to allow for reconstructing Collins Rd. from Jolly Rd. to Dunckel Rd. by the contractor from 8:00 a.m. to 5:00 p.m. on Saturdays
2. In consideration of a Waiver of the Provisions of the Noise Ordinance contained in Chapter 654 of the Code of Ordinances filed by Hoffman Brothers Construction to allow for resurfacing Martin Luther King, Jr. Blvd. from the bridge over the Grand River to Grand River Ave. and reconstructing Martin Luther King Jr., Blvd. from Grand River Ave. to Marquette St. from 8:00 a.m. to 5:00 p.m. on Saturdays
3. In consideration of an Application for Obsolete Property Rehabilitation Act (OPRA) District filed by Woodpecker Investments, LLC for property located at 914 E. Gier St.
4. In consideration of an Ordinance to Amend Chapter 1460 of the Lansing Codified Ordinances by Amending Sections 1460.08, 1460.09, 1460.44, and 1460.46 to establish administrative fees for monitoring residential structures with "Substandard" and "Unsafe" placards affixed thereto; and to provide for the administration and enforcement of the administrative fees, including penalties
5. In consideration of an Ordinance of the City of Lansing, Michigan, to Amend Chapter 6, Section 696.01, of the Lansing Codified Ordinances by adding exceptions that allow the recreational shooting of certain weapons if properly supervised
6. In consideration of an Ordinance of the City of Lansing to amend Chapter 804, Sections 804.01 and 804.02 of the Lansing Codified Ordinances by adding the definition of a problem alarm, disallowing the self installation of alarm systems, adding a penalty for alarm businesses that continue to notify the Police of alarms after having been given written notice to discontinue reporting calls from problem alarm sites

Councilmember Kaltenbach gave a brief overview of Public Hearing #s 1, 2 & 6.

Councilmember Wood gave a brief overview of Public Hearing #3.

Councilmember Allen gave a brief overview of Public Hearing #4.

Councilmember Hewitt gave a brief overview of Public Hearing #5.

Rodney Stokes of the Michigan Department of Natural Resources gave background information on the proposed Ordinance amendment to allow the recreational shooting of certain weapons if properly supervised.

Mary Emmons of 3011 Scarborough Rd. spoke in support of the proposed Ordinance amendment to allow the recreational shooting of certain weapons if properly supervised.

Stan Shuck of 818 Cooper Ave. spoke in support of the proposed Ordinance amendment to allow the recreational shooting of certain weapons if properly supervised. He also spoke about walking trails in the city.

Tim Fuller of 914 E. Gier St. spoke in support of the Application for Obsolete Property Rehabilitation Act (OPRA) District filed by Woodpecker Investments, LLC for property located at 914 E. Gier St.

Keith Hein of 1002 Eugenia Dr., Mason, MI spoke in support of the proposed Ordinance amendment to allow the recreational shooting of certain weapons if properly supervised.

John Pollard of 1718 Blair St. spoke against tax abatements and the proposed amendments to the Alarm Ordinance.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke against tax abatements.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of a Waiver of the Provisions of the Noise Ordinance contained in Chapter 654 of the Code of Ordinances filed by the City of Lansing Public Service Department to allow for reconstructing Collins Rd. from Jolly Rd. to Dunckel Rd. by the contractor from 8:00 a.m. to 5:00 p.m. on Saturdays

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

2. In consideration of a Waiver of the Provisions of the Noise Ordinance contained in Chapter 654 of the Code of Ordinances filed by Hoffman Brothers Construction to allow for resurfacing Martin Luther King, Jr. Blvd. from the bridge over the Grand River to Grand River Ave. and reconstructing Martin Luther King Jr., Blvd. from Grand River Ave. to Marquette St. from 8:00 a.m. to 5:00 p.m. on Saturdays

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

3. In consideration of an Application for Obsolete Property Rehabilitation Act (OPRA) District filed by Woodpecker Investments, LLC for property located at 914 E. Gier St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

4. In consideration of an Ordinance to Amend Chapter 1460 of the Lansing Codified Ordinances by Amending Sections 1460.08, 1460.09, 1460.44, and 1460.46 to establish administrative fees for monitoring residential structures with "Substandard" and "Unsafe" placards affixed thereto; and to provide for the administration and enforcement of the administrative fees, including penalties

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

5. In consideration of an Ordinance of the City of Lansing, Michigan, to Amend Chapter 6, Section 696.01, of the Lansing Codified Ordinances by adding exceptions that allow the recreational shooting of certain weapons if properly supervised

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

6. In consideration of an Ordinance of the City of Lansing to amend Chapter 804, Sections 804.01 and 804.02 of the Lansing Codified Ordinances by adding the definition of a problem alarm, disallowing the self installation of alarm systems, adding a penalty for alarm businesses that continue to notify the Police of alarms after having been given written notice to discontinue reporting calls from problem alarm sites

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

PUBLIC COMMENT

ON CITY GOVERNMENT RELATED MATTERS:

Jesse Cao of 3909 Wainwright Ave. spoke about honoring our troops.

Bob Gray of 422 Dadson Dr. spoke about various city matters.

Loretta Stanaway of 546 Armstrong Rd. spoke about issues relating to the city's budget.

Robert Ovalle of P.O. Box 225 spoke about various city matters.

Virginia Humble of 604 E. Frederick Ave. spoke about various city matters.

William Hubbell of 3916 Wedgewood Dr. spoke about roads and intersections.

Mike Parker of 5800 Executive Dr. spoke about the city budget.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

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

Ron Theisen of 1474 Cambridge Rd. spoke about Friends of Francis Park.

Frank S. Curtis X. of 1132 W. Allegan St. spoke about various city matters.

Ronald Kruger of 3333 Moores River Dr. #503 spoke about the city budget.

Manuela Kress of 1712 E. Michigan Ave. spoke about the Women's Center.

John Pollard of 1718 Blair St. spoke about the city budget and various city matters.

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

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION#102

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

WHEREAS, Care Free Medical, Inc. 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, based on a review of the documentation submitted, that the applicant qualifies as a Local 501 (c) (3) Nonprofit Organization;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, hereby, recognizes Care Free Medical, Inc. 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 Lenore Quiroga, Administrative Director, Care Free Medical, Inc., 5135 S. Pennsylvania, Lansing, Michigan 48911.

By Councilmember Kaltenbach

To reconsider the vote by which Resolution #102 of 2008 was adopted

Motion Carried

By Councilmember Kaltenbach

To accept a substitute for the resolution originally adopted

Motion Carried

The question being the original motion to adopt the resolution

Motion Carried

RESOLUTION#111

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Obsolete Property Rehabilitation Tax Exemption Certificate Approval,
1030 S. Holmes St.

WHEREAS, pursuant to the Michigan Obsolete Property Rehabilitation Act, being Public Act 146 of 2000 (PA 146 of 2000), Spartan Internet Properties LLC has filed an application for an Obsolete Property Rehabilitation Exemption Certificate (OPT Certificate) with the Lansing City Clerk, for a proposed obsolete facility at 1030 S. Holmes Street, Lansing, Michigan (Obsolete Property); and

WHEREAS, Spartan Internet Properties LLC (the Developer) owns the proposed Obsolete Property; and

WHEREAS, the proposed Obsolete Property is located within an Obsolete Property Rehabilitation District legally established by resolution adopted December 10, 2007, after a public hearing was held, as provided by section 3 of PA 146 of 2000; and

WHEREAS, a public hearing was held on March 10, 2008 on the Developer's application for an OPT Certificate, after proper notice was made, pursuant to section 4(2) of PA 146 of 2000; and

WHEREAS, the Developer has represented and committed to the City to undertake, and complete not later than December 31, 2010, the rehabilitation, renovation, and reconstruction of the Obsolete Property into office and training center use throughout the structure;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approves of the issuance of an Obsolete Property Rehabilitation Exemption Certificate to Spartan Internet Properties LLC, for the Obsolete Property located at 1030 S. Holmes Street, Lansing, Michigan, legally described as:

LOTS 1 THRU 13 INCL & LOTS 21 THRU
34 INCL BLOCK 11 MANUFACTURERS
ADD NO 2

for the period of twelve (12) consecutive years.

BE IT FURTHER RESOLVED that the Lansing City Council, in approving the Developer's application by this resolution, finds and determines all of the following;

1. The taxable value of the property proposed to be exempt plus the aggregate taxable value of the property already exempt under PA 146 of 2000 and under Public Act 198 of 1974 (IFT's) does exceed five percent (5%) of the total taxable value of the City of Lansing

2. The applicant is not delinquent in any taxes related to the facility.
3. All of the items described on line 9 of the Application for Obsolete Property Rehabilitation Exemption Certificate have been provided to the City of Lansing by the applicant.
4. The application is for obsolete property as defined in section 2(h) of PA 146 of 2000.
5. The commencement of rehabilitation activities of the facility did not occur prior to the establishment of the Obsolete Properties Rehabilitation District.
6. The application relates to the rehabilitation program for the building located at 1030 S. Holmes Street., Lansing, Michigan and, when completed, will constitute a rehabilitated facility within the meaning of PA 146 of 2000 and the facility is situated within the Obsolete Property Rehabilitation District established by the City of Lansing, which is a Qualified Local Governmental Unit eligible under PA 146 of 2000 to establish such a district.
7. The completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create some employment, and revitalize an urban area.
8. The rehabilitation includes improvements aggregating ten percent (10%) or more of the true cash value of the property at the commencement of the rehabilitation as provided by section 2(L) of PA 146 of 2000.
9. The rehabilitation must be completed not later than December 31, 2010 as evidence by the issuance of a Certificate of Occupancy from the City of Lansing Building Safety Office.

BE IT FINALLY RESOLVED that the City Clerk shall cause the Application for Obsolete Property Rehabilitation Certificate to be completed, including the "Clerk Certification" and shall file the completed application, together with a certified copy of this resolution with the State Tax Commission.

By Councilmember Wood

Motion Carried

RESOLUTION#112

BY THE DEVELOPMENT AND PLANNING COMMITTEE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
RESOLUTION APPROVING
BROWNFIELD PLAN #37A – CEDAR ST SCHOOL

WHEREAS, the Brownfield Redevelopment Authority (the Authority) of the City of Lansing, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Public Act, Public Act 381 of 1996, as amended, (the Act) has prepared a Brownfield Plan, submitted to Council and placed on file in the office of City Clerk, LBRA Brownfield Plan #37a – Cedar St. School (the Plan); and

WHEREAS, a public hearing was held by the Lansing City Council and at least 10 days before the public hearing the taxing jurisdictions were provided notice to be fully informed about the fiscal and economic implications of the proposed Plan and given a reasonable opportunity to express their views and recommendations regarding the Plan in accordance with Section 13 (10) and 14(1) of the Act; and

WHEREAS, the Lansing City Council, after its public hearing on March 10, 2008, reviewed testimony and evidence regarding the Plan, and found that:

1. the Project Property was historically used for a school,
2. the Plan provides for the reimbursement of costs attributable to eligible activities to the developer and the Authority,
3. the Project includes, in addition to the eligible activities identified in the Plan, the redevelopment of the property and adjacent parcels,
4. the Project may result in new private investment of approximately \$4,100,000,
5. the Plan provides for the capture of property tax increment revenues due to the private investment on the site, and devotes them to repaying the Authority for its' costs associated with eligible activities it performs, and to repaying the developer for their costs associated with eligible activities they perform, in accordance with the Plan,

WHEREAS, the Authority Board of Directors, at its meeting of February 5, 2008, unanimously recommended approval of the Plan, for this Project;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, after having duly considered the Plan, finds it is in compliance with the provisions of the Act and further finds:

1. The Plan constitutes a public purpose under the Act;
2. The Plan meets all of the requirements for a Brownfield Plan set forth in Section 13 of the Act;
3. The proposed method of financing the costs of the eligible activities, as described in the Plan, is feasible and the Authority has the ability to arrange the financing;
4. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act; and
5. The amount of the captured taxable value estimated to result from the adoption of the Plan is reasonable.

IT IS FINALLY RESOLVED that the Lansing City Council hereby approves the LBRA Brownfield Plan #37a – Cedar St School.

By Councilmember Wood

Motion Carried

RESOLUTION#113

BY THE PLANNING AND DEVELOPMENT COMMITTEE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
BROWNFIELD PLAN #38
OTTAWA BLOCK REDEVELOPMENT

WHEREAS, the Brownfield Redevelopment Authority (the Authority) of the City of Lansing, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Public Act, Public Act 381 of 1996, as amended, (the Act) has prepared a Brownfield Plan, submitted to Council and placed on file in the office of City Clerk, LBRA Brownfield Plan #38 – Ottawa Block Redevelopment (the Plan); and

WHEREAS, a public hearing was held by the Lansing City Council, and at least 10 days before the public hearing the taxing jurisdictions were provided notice to be fully informed about the fiscal and economic implications of the proposed Plan, and given a reasonable opportunity to express their views and recommendations regarding the Plan in accordance with Section 13 (10) and 14(1) of the Act; and

WHEREAS, the Lansing City Council, after its public hearing on March 10, 2008, reviewed testimony and evidence regarding the Plan, and found that:

1. the project property was historically used for mixed uses,
2. the Plan provides for the reimbursement of costs attributable to eligible activities to the developer and the Authority,
3. the Project includes, in addition to the eligible activities identified in the Plan, the redevelopment of the property,
4. the project may result in new private investment of approximately \$12,000,000,
5. the Plan provides for the capture of property tax increment revenues,

WHEREAS, the Authority Board of Directors, at its meeting of January 8, 2008, unanimously recommended approval of the Plan, for this Project;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, after having duly considered the Plan, finds it is in compliance with the provisions of the Act and further finds:

1. The Plan constitutes a public purpose under the Act;
2. The Plan meets all of the requirements for a Brownfield Plan set forth in Section 13 of the Act;
3. The proposed method of financing the costs of the eligible activities, as described in the Plan, is feasible and the Authority has the ability to arrange the financing;
4. The costs of the Eligible Activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act; and
5. The amount of the captured taxable value estimated to result from the adoption of the Plan is reasonable.

IT IS FINALLY RESOLVED that the Lansing City Council hereby approves the LBRA Brownfield Plan #38 – Ottawa Block Redevelopment Project.

By Councilmember Wood

Motion Carried

RESOLUTION#114

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Act-15-07, 5330, 5336, 5402, 5404 Wexford Road, Vacate Daft Drain Easement

WHEREAS, Mepali, LLC has requested that the city vacate the Daft Ditch Drain easement which runs through four subject properties located at 5330, 5336, 5402 and 5404 Wexford Road; and

WHEREAS, the Ingham Drain Commissioner turned the operation and maintenance of the Daft drain over to the City in the late 1960's, but still holds easements; and

WHEREAS, in 2004, the Daft Drain was consolidated in to the Gilbert-Westown Intercounty Drain; and

WHEREAS, the easement was originally created as an open drainage ditch for which no physical evidence currently exists, and there's no record of an underground drain being constructed at this location; and

WHEREAS, the drain easement is no longer necessary or conducive to the public health, convenience and welfare; and.

WHEREAS, at its meeting on January 22, 2008, the Planning Board reviewed the location, character and extent of Act-15-07 in accordance with its Act 285 Review procedures, and found that there is no public interest in retaining the subject drain easement; and

WHEREAS, on January 22, the Planning Board voted unanimously (7-0) to recommend approval of Act-15-07, the request by Mepali, LLC to vacate Daft Ditch Drain easement; and

WHEREAS, the Development and Planning Committee has reviewed the report and recommendation of the Planning Board and concurs therewith;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council hereby approves Act-15-07, request by Mepali, LLC, and vacates the Daft Ditch Drain easement, as recorded in Liber 63, Pages 517 and 518 of the Ingham County Records.

BE IT FURTHER RESOLVED, that the Lansing City Council requests that the Ingham County Drain Commission and the Gilbert-Westtown Intercounty Drain Board vacate the easement as well.

BE IT FINALLY RESOLVED, that the City Clerk within 30 days of passage of the resolution shall forward certified copies of the resolution to the Ingham County Register of Deeds for recording and upon return, transmit a copy of the recorded resolution to the Michigan Department of **Labor and Economic Growth**, Subdivision Control Unit, Planning and Development and Assessor's Offices, the Department of Public Service, and the applicant (Mepali, LLC).

By Councilmember Wood

To amend the BE IT FINALLY RESOLVED clause by striking "Consumer and Industry Services" and inserting "Labor and Economic Growth"

Motion Carried

By Councilmember Wood

To place an affirmative roll on the amended Resolution

Motion Carried

RESOLUTION#115

BY THE DEVELOPMENT AND PLANNING COMMITTEE
 RESOLUTION TO SET A PUBLIC HEARING REGARDING THE
 ESTABLISHMENT OF AN OBSOLETE PROPERTY
 REHABILITATION DISTRICT
3215 S. Pennsylvania Ave.

WHEREAS, the intending purchaser of property located 3215 S. Pennsylvania Ave. in the City of Lansing, Michigan (the Property) has requested in writing that the City of Lansing establish an Obsolete Property Rehabilitation District (the District) as enabled by Public Act 146 of 2000, the Obsolete Property Rehabilitation Act (the Act), and

WHEREAS, the intending owner of the Property, 3215 S. Penn LLC, is intending to be legal owner of greater than fifty percent (50%) of all taxable value of the property located within the proposed District, and

WHEREAS, the property in question and the proposed boundary of the District is legally described as:

LOTS 3, 4 & 5, ALSO A STRIP OF LAND 50 FT WIDE ACROSS SE ¼ OF SW ¼ SEC 27 T4N R2W LYING W OF & ADJ CON RAIL R/W & LYING N'LY OF S LINE LOT 7 & S'LY OF N LINE LOT 3 AS EXT'D E, ALSO UND 3/8 INT IN PRIVATE PARKING AREA A & B; WALTER NELLER CO'S PROFESSIONAL & BUSINESS MART SUB and,

WHEREAS, the Act requires that before establishing a District the Lansing City Council hold a public hearing in order to provide an opportunity for owners, residents or other taxpayers of the City of

Lansing to appear and be heard regarding the establishment of the District.

NOW THEREFORE BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on the 7th Day of April, 2008 at 7:00 p.m. for the purpose of receiving public comment on the establishment of an Obsolete Property Rehabilitation District under the provisions of Public Act 146 of 2000 and that the Clerk shall publish once in a publication of general circulation within the community a notice of the scheduled public hearing and that the notice appear not less than 10 or more than 30 days prior to the date of the hearing and that the Clerk also cause the owner of property within the proposed district to receive written notice of the public hearing to be delivered by certified mail.

By Councilmember Wood

Motion Carried

RESOLUTION#116

BY THE PLANNING AND DEVELOPMENT COMMITTEE
 RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
 BROWNFIELD PLAN #40 – Pointe North Brownfield Project

WHEREAS, the Lansing Brownfield Redevelopment Authority has prepared and forwarded an approved Brownfield Plan pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Public Act 381 of 1996, as amended, for property commonly referred to as 3401 E Saginaw St. and 815 Coolidge Rd., located in the City of Lansing; and

WHEREAS, prior to Council's action on this request, it is necessary to hold a public hearing on the Plan, to allow for any resident, taxpayer or ad valorem taxing unit the right to appear and be heard;

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on April 7, 2008 at 7:00 p.m. on Brownfield Plan #40 – Pointe North Brownfield Plan Project under the Brownfield Redevelopment Financing Act, for property located within the boundary more particularly described by parcel numbers as:

33-01-01-11-476-062
 33-01-01-11-476-053

And that the City Clerk cause notice of such hearing to be published twice in a publication of general circulation, no less than 10 days or more than 40 days prior to the date of the public hearing, and that the City Clerk also cause the legislative body of each taxing unit levying ad valorem taxes on this property, to be notified of Brownfield Plan #40 and the scheduled public hearing.

By Councilmember Wood

Motion Carried

RESOLUTION#117

BY THE PLANNING AND DEVELOPMENT COMMITTEE
 RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
 BROWNFIELD PLAN #39
 FORMER OTTAWA POWER STATION

WHEREAS, the Lansing Brownfield Redevelopment Authority has prepared a Brownfield Plan pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Public Act 381 of 1996, as amended, for property commonly referred to as the Former Ottawa Power Station parcel, located in the City of Lansing; and

WHEREAS, prior to Council's action on this request, it is necessary to hold a public hearing on the Plan, to allow for any resident, taxpayer

or ad valorem taxing unit the right to appear and be heard;

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on April 14, 2008 at 7:00 p.m. on Brownfield Plan #39 – Former Ottawa Power Station under the Brownfield Redevelopment Financing Act, for property located within the boundary more particularly described as:

Commencing at the center post of Section 16, T4N, R2W, now City of Lansing, Ingham County, Michigan; thence along the East – West ¼ section line of Section 16 N89°59'00"E 527.87 feet; thence N00°01'45"W 330.00 feet to the Northwest corner of Block 99, original plat of the Town of Michigan, now City of Lansing, as recorded in Liber 2, Pages 36-38, Ingham County Plats, and the Point of Beginning; thence along the East line of North Grand Avenue N00°01'45"W 519.77 feet to a found R.R. spike (now Nail and Tag #30897) on the centerline of vacated Ionia Street; thence along said centerline due East 89.09 feet; thence N50°05'10"E 157.52 feet; thence N00°29'40"E 39.86 feet to a point on the centerline of the party wall to the West extended Easterly; thence along said extension and along the centerline of the party wall N89°58'00"W 210.25 feet to the East line of North Grand Avenue; thence along said East street line due North 296.14 feet to a found cut cross in the concrete sidewalk, said point being on the South line of Shiawassee Street; thence along said South street line S89°58'00"E, 256.73 feet; thence S45°00'36"E, 40.44 feet; thence S07°00'06"E, 179.66 feet; thence S17°21'34"E, 76.99 feet; thence S01°08'14"E, 335.04 feet; thence S17°17'09"W, 171.40 feet; thence S18°04'11"W, 100.23 feet; thence S90° 00'00"W 16.00 feet; thence S23°01'48"W, 89.64 feet; thence S90° 00'00"W 203.50 feet to the point of beginning EXCEPT a 25 foot wide strip of real property located adjacent and parallel to the West wall of a retaining wall located along the following courses: Commencing at the East line of North Grand Avenue to a point where the South line of Shiawassee Street intersects the East line of North Grand Avenue; thence S89°58'00"E 256.73 to the Point of Beginning; thence S45°00'36"E, 40.44 feet; thence S07°00'06"E, 179.66 feet; thence S17°21'34"E, 76.99 feet; thence S01°08'14"E, 335.04 feet; thence S17°17'09"W, 171.40 feet; thence S18°04'11"W, 100.23 feet; thence S90° 00'00"W 16.00 feet; thence S23°01'48"W, 89.64 feet EXCLUDING any portion of the 25 foot wide strip of real property on which any portion of the Ottawa Station Brick Building is presently located.

And that the City Clerk cause notice of such hearing to be published twice in a publication of general circulation, no less than 10 days or more than 30 days prior to the date of the public hearing, and that the City Clerk also cause the legislative body of each taxing unit levying ad valorem taxes on this property, to be notified of Brownfield Plan #39 and the scheduled public hearing.

By Councilmember Wood

Motion Carried

RESOLUTION#118

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, April 14, 2008, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing, City Hall, 124 W. Michigan Avenue, Lansing, Michigan for the purpose of receiving citizen comments in consideration of the proposed Consolidated Strategy and Plan Annual Action Plan submission to HUD for FY 2008-2009.

By Councilmember Wood

Motion Carried

RESOLUTION#119

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Obsolete Property Rehabilitation Act: 1106 North Cedar St.

WHEREAS, the prospective owner of property located at 1106 North Cedar St in the City of Lansing, Michigan (the Property) has requested in writing that the City of Lansing establish an Obsolete Property Rehabilitation District (the District) as enabled by Public Act 146 of 2000, the "Obsolete Property Rehabilitation Act (the Act), and

WHEREAS, the current owner is Old Town Medical Building, LLC, hereinafter called the "Developer", and

WHEREAS, the owner is presently the legal owner of greater than fifty percent (50%) of all taxable value of the property located within the proposed District, and

WHEREAS, the owner has, in writing, requested the District for the Property and for the City of Lansing to take all necessary steps and actions to establish the District on their behalf, and

WHEREAS, the property in question and the proposed boundary of the District is legally described as:

LOTS 7, 8, 9, 10 & 11 & W 1 R LOT 12 BLOCK 15 ORIG PLAT and,

WHEREAS, the Act requires that before establishing the District the Lansing City Council hold a public hearing in order to provide an opportunity for owners, residents or other taxpayers of the City of Lansing to appear and be heard regarding the establishment of the District and that said public hearing was held on March 10, 2008;

NOW THEREFORE BE IT RESOLVED that the following property is hereby approved and established as an Obsolete Property Rehabilitation District as provided by Public Act 146 of 2000:

LOTS 7, 8, 9, 10 & 11 & W 1 R LOT 12 BLOCK 15 ORIG PLAT and,

BE IT FINALLY RESOLVED that this resolution shall not be construed as the City Council's approval of any future application for an Obsolete Properties Rehabilitation Exemption Certificate for the Developer or any other applicant.

By Councilmember Wood

Motion Carried

RESOLUTION#120

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing, Public Service Department reopened Washington Square to vehicular traffic and parking, between Michigan Avenue and Shiawassee Street;

WHEREAS, in November of 2001, the Public Service Department completed construction on the 100 block of North Washington Square;

WHEREAS, in November of 2001 the Transportation and Parking Office installed metered parking and updated parking regulation signs along Washington Square between Michigan Avenue and Ottawa Street;

WHEREAS, the Transportation and Parking Office filed a temporary Traffic Control Order to regulate parking on the 100 block of North Washington Square;

WHEREAS, the Transportation and Parking Office evaluated the parking operations in the 100 block of North Washington Square from Michigan Avenue and Ottawa Street and concluded that the current regulations should be made permanent;

WHEREAS, in January of 2008 the Public Service Department reopened the 200 and 300 blocks of North Washington Square

between Ottawa Street and Shiawassee Street to traffic and parking;

WHEREAS, the Transportation and Parking Office installed multiple metered parking spaces and updated parking regulation signs along Washington Square between Ottawa Street and Shiawassee Street;

WHEREAS, the Mayor concurs with the recommendation of the Transportation and Parking Office;

WHEREAS, the Committee on Public Safety concurs with the recommendation Of the Transportation and Parking Office;

WHEREAS, pursuant to Section 2.53(2) of the Codified Ordinances of Lansing the Transportation Engineer is submitting Traffic Control Orders 08-008, 08-009 and 08-014 to update the parking regulations along Washington Square between Michigan Avenue and Shiawassee Street;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Orders 08-008, 08-009 and 08-014 thereby authorizing the Transportation Engineer to regulate the parking along Washington Square between Michigan Avenue and Shiawassee Street;

BE IT FINALLY RESOLVED that Traffic Control Orders 08-008, 08-009 and 08-014 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and any additional signs are installed.

By Councilmember Allen

Motion Carried

RESOLUTION#121

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Parking Office received a resident request to evaluate the lane usage of Clippert Street between Kalamazoo Street and Michigan Avenue;

WHEREAS, the Transportation and Parking Office evaluated the existing and projected traffic volumes and land use for the roadway in order to determine the most appropriate roadway layout;

WHEREAS, the Transportation and Parking Office, based on its evaluation determined that the four lane cross section should be modified to a three lane cross section with one travel lane in each direction and a center left turn lane;

WHEREAS, in September of 2007, the Transportation and Parking Office installed temporary pavement markings and proper signs to evaluate the modified lane usage on Clippert Street between Kalamazoo Street and Michigan Avenue;

WHEREAS, based upon the results of this evaluation, the Transportation and Parking Office recommends making this roadway configuration permanent;

WHEREAS, due to the lack of a quorum in the Traffic Board, the Traffic Board Secretary is forwarding this recommendation to the Mayor;

WHEREAS, the Mayor concurs with the recommendation of the Transportation and Parking Office;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Transportation and Parking Office;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 08-015 thereby authorizing the Transportation Engineer to regulate the lane usage on Clippert between Kalamazoo Street and Michigan Avenue;

BE IT FINALLY RESOLVED that Traffic Control Order No. 08-015 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate signs and markings are installed.

By Councilmember Allen

Motion Carried

RESOLUTION#122

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

WHEREAS, the City of Lansing has established a special assessment district for the purpose of reimbursing the City for its annual cost of mowing the grass in the Glenburne Commons; and

WHEREAS, the Planning and Neighborhood Development Department has calculated the actual cost of mowing and trash clean-up for the Glenburne Commons district for the 2008 season at \$13,000; and

WHEREAS, it is necessary to establish a special assessment roll to reimburse the City its costs incurred in mowing the grass and trash clean-up for the Glenburne Commons; and

WHEREAS, pursuant to Chapter 1026 of the Lansing Code of Ordinances that a special assessment be established, Special Assessment Roll No. 21-08;

Project Title: Glenburne Commons Grass Cutting and Trash Clean-Up;

Contiguous Boundaries of properties benefitted to include all the parcels within the following subdivisions in their entirety as follows:

Glenburne Subdivision

Glenburne Subdivision No. 2

Glenburne Subdivision No. 3

Glenburne Subdivision No. 4

Glenburne Subdivision No. 5

Part of the North ½ and South East ¼ of Section 36, T4N, R3W
City of Lansing, Eaton County, Michigan

NOW, THEREFORE, BE IT RESOLVED that a public hearing be set for April 7, 2008, in consideration of the special assessment role to reimburse the City its costs incurred in mowing the grass and trash clean-up for the Glenburne Commons.

By Councilmember Hewitt

Motion Carried

RESOLUTION#123

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

PUBLIC IMPROVEMENT I/II

WHEREAS, the Public Service Department has established the need to repair and reconstruct the public sidewalk in the following described district:

WHEREAS, the Public Service Department requests, pursuant to Chapter 1024.03 of the Code of Ordinances that the repair and reconstruction of these public sidewalks be determined by City Council to be a necessary public improvement, and

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

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 repair in following areas:

- An area bounded by Jolly Rd., Wainwright Ave., Stillwell Ave., and Jerree St.
- Windward Dr. from Waverly Rd. to Sheffield Blvd.
- Bayview Ln. from Windward Dr. to Sheffield Blvd.,
- excepting all public streets and alleys and other land deemed not benefited;

BE IT FURTHER RESOLVED that the cost of these improvements is to be financed by special assessments to the benefited property owners, and the City's public share of the project shall be paid from FY2008 sidewalk repair funds.

BE IT FINALLY RESOLVED that the Department of Public Service is hereby authorized to prepare necessary plans and specifications for these improvements, obtain any necessary easements for construction, and to determine the cost of said project, based upon the bids to be received, to establish the special assessment district and the applicable assessment to the properties in the district, and to furnish said information to the Mayor and City Council.

By Councilmember Hewitt

Motion Carried

RESOLUTION#124

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

WHEREAS, the City of Lansing shares concerns with its neighboring communities about the health and safety of the Grand, Red Cedar and Looking Glass Rivers; and

WHEREAS, the Federal Government requires that communities and agencies in the Greater Lansing Area protect the health and safety of the Grand, Red Cedar and Looking Glass Rivers by obtaining National Pollutant Discharge Elimination System (NPDES) Phase II permits; and

WHEREAS, this permit obligates permittees to safeguard stormwater quality. The required duties include:

- Conducting their daily activities in a watershed-friendly manner
- Incorporating water quality controls into construction projects
- Educating the public on what they can do to protect the watershed
- Requiring that new commercial developments are constructed with controls that protect stormwater quality
- Reporting on all permit-required activities; and

WHEREAS, a watershed-based type of NPDES permit, obtained by members of the Greater Lansing Regional Committee (GLRC) on Phase II Nonpoint Source Pollution Prevention—a committee formed by communities and agencies in the Greater Lansing Area—takes advantage of combined regional efforts to meet Federal requirements, and is the type of permit that would best protect the water resources of the region; and

WHEREAS, on April 26, 2004, the Lansing City Council approved the Memorandum of Agreement prepared by the GLRC that served to formally establish the committee, thereby establishing the City of Lansing as a member of the committee; and

WHEREAS, the GLRC revised the Memorandum on December 14, 2007; and

WHEREAS, the revised Memorandum of Agreement includes the following changes:

- Adds Lansing Public Schools and Dewitt Public Schools to the GLRC
- Establishes an Associate Membership for those communities in the Grand River, Looking Glass River, or Red Cedar Watersheds that need no stormwater permit, but still desire to participate in the Committee
- Names the Chairs of the Funding, and Habitat & Recreation Committee as two of the twelve voting members of the executive committee; and

WHEREAS, the revised Memorandum of Agreement establishing the GLRC requires that the governing body of each participating community approve the Agreement and name a representative to the Committee;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves the revised Memorandum of Agreement, thereby establishing the City of Lansing as a member of the GLRC.

BE IT FURTHER RESOLVED, that the City of Lansing representative to the GLRC is the Director of Public Service or his designee.

By Councilmember Hewitt

Motion Carried

RESOLUTION#125

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 #
\$333.93	Administration Donations Revenue 101.0.675012.0	
\$333.93		Administration Donations-Contributions 101.343201.741880.0

(To appropriate donations for the CARE crime victims assistance program).

By Councilmember Dunbar

Motion Carried

RESOLUTION#126

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 #
\$55.00	Administration Donations-Revenue 101.0.675012.0	
\$55.00		Administration Donations-Contributions 101.343201.708103.0

(To appropriate donations for the problem-solving efforts in the Police Department)

By Councilmember Wood

To recuse Councilmember Wood for possible Conflict of Interests

Motion Carried

By Councilmember Dunbar

To place an affirmative role on the resolution

Motion Carried (Councilmember Wood Abstaining)

THIS ITEM WAS RETURNED TO COMMITTEE

Transfer of Funds; Community Development Block Grant (CDBG)
Contingency

By Councilmember Dunbar

To recommit the resolution

Motion Carried

RESOLUTION#127

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

That the following FY 2008 transfers be approved:

Parks Millage

AMOUNT TO TRANSFER	TRANSFER FROM ACCOUNT #	TRANSFER TO ACCOUNT #
\$112,554.00	Potter Park Zoo Central Core 412.933890.970000.46120	
\$112,554.00		Ranney Park Tower Project 412.933890.974000.43919

(To transfer \$112,554 in residual Zoo Core project to fund work on Ranney Park scorer's tower.)

By Councilmember Dunbar

Motion Carried (Councilmember Quinney voting Nay)

REPORTS FROM COUNCIL COMMITTEES

RESOLUTION#128

REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING was held on March 5, 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 111 & 113 Lathrop from "F-1" Commercial to "D-1" Professional Office 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 111 & 113 Lathrop from "F-1" Commercial to "D-1" Professional Office District.

Signed: Carol Wood, Chairperson
Sandy Allen, Vice Chairperson
Brian Jeffries, Member

By Councilmember Wood

To receive this Committee Report

Motion Carried

RESOLUTION#129

REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING was held on March 5, 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 2619 E. Mt. Hope from "A" Residential to "D-1" Professional Office 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 2619 E. Mt. Hope from "A" Residential to "D-1" Professional Office 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

INTRODUCTION OF ORDINANCE
AMEND CHAPTER 1250, SECTION 1250.06

By Councilmember Wood, Chair of the Committee on Development and Planning

That:

An Ordinance to Revise and Amend the Codified Ordinances of the City of Lansing by Amending Chapter 1250, Section 1250.06, to include a minimum lot width requirement for establishing a duplex on property in the "C" Residential Zoning District,

was introduced by Councilmember Wood, read by its title and referred to the Committee on Development and Planning

RESOLUTION#130

RESOLUTION SETTING PUBLIC HEARING
By Councilmember Wood

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, April 14, 2008 at 7:00 P.M. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an Ordinance to Revise and Amend the Codified Ordinances of the City of Lansing by Amending Chapter 1250, Section 1250.06, to include a minimum lot width requirement for establishing a duplex on property in the "C" Residential. Zoning District.

Interested Persons are invited to attend this Public Hearing

By Councilmember Wood

Motion Carried

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-15-2007; 111 & 113 Lathrop 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-15-2007; 111 & 113 Lathrop St., be now passed.

YEAS: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, 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 #2539

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-15-2007
 Address: 111 & 113 Lathrop Street
 Parcel Number: PPN: 33-01-01-15-426-011/-021
 Legal Descriptions: South 4 Rods of Lots 3 & 4, Block 2, Halls Addition, City of Lansing, Ingham County, Michigan, from "F-1" Commercial District to "D-1" Professional Office 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.

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-16-2007; 2619 E. Mt. Hope Ave., 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-16-2007; 2619 E. Mt. Hope Ave., be now passed.

YEAS: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, 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 #2540

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-16-2007
 Address: 2619 E. Mt. Hope Avenue
 Parcel Number: PPN: 33-01-01-23-451-021
 Legal Descriptions: Lot 32, Except the North 330 Feet thereof, Supervisor's Plat of Fidelity Farms, City of Lansing, Ingham County, Michigan, from "A" Residential District to "D-1" Professional Office 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.

The City Council returned to the order of:

**LEGISLATIVE MATTERS
 RESOLUTIONS**

RESOLUTION#131

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

BOND AUTHORIZING RESOLUTION
MICHIGAN TRANSPORTATION FUND BONDS, SERIES 2008
(LIMITED TAX GENERAL OBLIGATION)

A RESOLUTION TO PROVIDE FOR:

- Issuance of up to \$3,500,000 of Michigan Transportation Fund Bonds to finance major and local street improvements;
- Approval of issuance parameters and bond form;
- Payment of bonds from revenues received by the City from the Michigan Transportation Fund;
- Pledge of limited tax full faith and credit for payment of the bonds if the Michigan Transportation Fund revenues are insufficient;
- Creation of funds for deposit of bond proceeds and payment of bonds;
- Statement of intent to reimburse expenditures from bond proceeds; and
- Publication of this resolution.

PREAMBLE:

WHEREAS, the City Council of the City of Lansing, Counties of Ingham and Eaton, Michigan (the "City") does hereby determine that it is necessary to make major and local street improvements including, but not limited to, replacement of the street surface and related installation of storm sewer, concrete curb, and sidewalks including the reopening of the two hundred and three hundred blocks of North Washington Avenue and street improvements related to the City's current combined sewer separation project (the "Improvements"); and

WHEREAS, to finance part of the cost of the Improvements, the City Council determines that it is necessary to borrow money and issue bonds therefor as authorized by the provisions of Act 175, Public Acts of Michigan, 1952, as amended ("Act 175"); and

WHEREAS, the portion of the cost of the Improvements to be paid from bond proceeds is estimated to be \$3,500,000; and

WHEREAS, the Improvements are in accordance with the purposes enumerated in Section 13 of Act 51, Public Acts of Michigan, 1951 ("Act 51"); and

WHEREAS, Act 175 requires that when the governing body of any incorporated city shall determine to borrow money under the provisions of Act 175, they shall by resolution approved by a 2/3 majority of the members elect of said governing body so declare, which resolution shall be published once in a daily or weekly newspaper of general circulation in said city before the same becomes effective, and which resolution shall briefly describe the contemplated project, the estimated cost thereof, and the amount, maximum rate of interest and maturity dates of the bonds to be issued and the form thereof;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. **Authorization of Bond Issuance.** The City Council hereby determines to borrow the sum of not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000) and to issue bonds of the City pursuant to the provisions of Act 175, to be designated as the MICHIGAN TRANSPORTATION FUND BONDS, SERIES 2008 (LIMITED TAX GENERAL OBLIGATION) (the "Bonds"), for the purpose of providing funds to pay part of the cost of the Improvements. The Finance Director or, in his absence, the Treasurer and the Chief of Staff (each an "Authorized Officer") is authorized to reduce the principal

amount of Bonds issued after the final costs of construction of the Improvements are determined but before the Bonds are sold.

The principal amount of Bonds issued is limited so that the annual debt service requirements on all of the City's outstanding Michigan Transportation Fund Bonds shall not be in excess of 50% of the revenues received by the City from the Michigan Transportation Fund pursuant to Act 51 in the year preceding this contemplated borrowing, in compliance with the requirements specified in Section 4 of Act 175.

2. **Bond Details.** The Bonds shall consist of bonds registered as to principal and interest of the denominations of any multiple of \$5,000 not exceeding for each maturity the maximum principal amount of the Bonds of that maturity, and numbered consecutively in order of registration or transfer. The Bonds will be serial bonds and/or term bonds, as determined by an Authorized Officer, dated as of March 1, 2008 or such other date as shall be determined by the Authorized Officer prior to the sale of the Bonds, and shall mature annually on May 1 or such other date as may be determined by an Authorized Officer, in the years and in the principal amounts determined by the Authorized Officer. The City presently anticipates that the Bonds shall mature annually on May 1 in the years 2009 through 2018, inclusive, but the Authorized Officer is directed to determine the dates of maturity of the Bonds provided that the Bonds will mature in annual installments not to exceed eleven (11) in number.

The Bonds shall bear interest to be determined by an Authorized Officer, but not to exceed five percent (5%) per annum. The Bonds shall be subject to optional and/or mandatory redemption 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 prior to the sale of the Bonds.

The Bonds may be issued in book entry only form through The Depository Trust Company in New York, New York ("DTC") and the Authorized Officer is authorized to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of the Bonds in book entry only form, and to make such changes in the form of the Bonds within the parameters of this resolution as may be required to accomplish the foregoing.

Principal of and interest on the Bonds will be payable in the manner set forth in the form of Bond shown in this resolution; provided that the date of determination of the registered owner for purposes of payment of interest may be changed by the City to conform to market practice in the future.

The Authorized Officer is hereby authorized and directed to designate as bond registrar, paying agent and transfer agent (the "Transfer Agent"), a bank or trust company located in the State of Michigan and qualified to carry out such duties under the laws of the State of Michigan. If the Bonds are sold to the Michigan Municipal Bond Authority, the Bonds shall be registered on the bond register maintained by the Finance Director, who shall act as Transfer Agent. The City may designate a new Transfer Agent by notice mailed to the registered owner of each of the Bonds at such time outstanding not less than sixty (60) days prior to an interest payment date. The Authorized Officer is hereby authorized to execute an agreement with the Transfer Agent on behalf of the City. Notwithstanding the foregoing, if the Bonds are held in book entry form by DTC, payment shall be made in the manner prescribed by DTC.

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, if necessary, and deliver a new bond or bonds, in like aggregate principal amount. The Transfer Agent shall require the payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.

3. **Execution and Delivery.** The Bonds shall be executed in the name of the City with manual or the facsimile signatures of the Mayor and the City Clerk and shall have the City's seal or a facsimile thereof affixed thereto or imprinted thereon. If the Bonds are signed by the facsimile signatures of both the Mayor and the City Clerk, then no Bond of this series shall be valid until authenticated by an authorized signature of the Transfer Agent. The Bonds shall be delivered either to the purchaser or to the Transfer Agent who shall authenticate them and deliver them to the purchaser in accordance with instructions from the Authorized Officer upon payment of the purchase price for the Bonds in accordance with the bid therefor when accepted. Executed blank bonds for registration and issuance to transferees shall simultaneously, and from time to time thereafter as necessary, be delivered to the Transfer Agent for safekeeping.

4. **Bonds Payable from Michigan Transportation Fund Revenues; LTGO Nature of Bonds.** To provide moneys to pay the principal of and interest on the Bonds and in accordance with the provisions of Act 175, there is hereby made an irrevocable appropriation of the amount necessary to pay the principal of and interest on the Bonds from the moneys to be derived from State collected taxes returned to the City for highway purposes, pursuant to law. Pursuant to Act 175, and as additional security for the prompt payment of the principal of and interest on the Bonds, there is hereby irrevocably pledged the limited tax full faith and credit of the City, and in the event of insufficiency of funds primarily pledged to the payment thereof, the City covenants and agrees to provide for such insufficiency from such resources as are lawfully available to it.

5. **Debt Retirement Payments.** The Treasurer and/or the Finance Director of the City is directed, each year that any of the principal of and interest on the Bonds remains unpaid, to set aside in a separate depository account, to be designated MICHIGAN TRANSPORTATION FUND BONDS, SERIES 2008 DEBT RETIREMENT FUND (the "Debt Retirement Fund"), into which shall be deposited sufficient moneys from revenues received during such year from the Michigan Transportation Fund pursuant to law to pay the principal of and interest on the Bonds next maturing. The Debt Retirement Fund may be pooled or combined with 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.

6. **Construction Fund.** The Treasurer and/or the Finance Director is further directed to open a separate account, to be designated MICHIGAN TRANSPORTATION FUND BONDS, SERIES 2008 CONSTRUCTION FUND (the "the Construction Fund") into which the proceeds of the Bonds, less accrued interest and premium, if any, shall be deposited, which account shall be used to pay costs of constructing the Improvements and of issuing the Bonds. Any funds remaining in the Construction Fund after completion of the Improvements may be used for other major street improvements or for any other purpose permitted by law.

7. **Defeasance.** In the event a deposit of trust is made of 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 or mandatory redemption, the principal of, premium, if any, and interest on the Bonds, 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 of 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.

8. **Form of Bond.** The Bonds shall be in substantially the following form with such changes as may be necessary to conform the Bonds to the final terms of sale and such changes as to ministerial form as may be reasonably requested by the Transfer Agent:

**United States of America
State of Michigan
Counties of Ingham and Eaton
CITY OF LANSING
MICHIGAN TRANSPORTATION FUND BOND, SERIES 2008
(LIMITED TAX GENERAL OBLIGATION)**

Interest Rate:	Date of Maturity:	Date of Original Issue:	CUSIP
----------------	-------------------	-------------------------	-------

Registered Owner:

Principal Amount: (\$ _____) Dollars

The City of Lansing, Counties of Ingham and Eaton, State of Michigan (the "City"), for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Date of Maturity specified above, with interest thereon from the Date of Original Issue specified above, or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on , 200_ and semiannually thereafter. Principal of this bond is payable at the principal corporate trust office of _____ in _____, Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner of record not less than sixty (60) days prior to any interest payment date (the "Transfer Agent"). Interest on this bond is payable to the registered owner of record as of the fifteenth (15th) day of the month preceding the interest payment date as shown on the registration books of the City maintained by the Transfer Agent, by check or draft mailed to the registered owner at the registered address.

This bond is one of a series of bonds of even Date of Original Issue aggregating the principal sum of \$3,500,000, issued for the purpose of defraying part of the cost of major and local street improvements in the City in accordance with a resolution duly and regularly adopted by a 2/3 majority of the members elect of the City Council of the City on _____ 2008, and pursuant to the provisions of Act 175, Public Acts of Michigan, 1952, as amended.

This bond and the interest thereon are payable from the proceeds of State collected taxes returned to the City for road purposes pursuant to law (the "Funds") or in case of insufficiency of the Funds, out of the general funds of the City including collections of ad valorem taxes on taxable property which the City may be authorized to levy, subject to applicable constitutional, statutory, and charter tax rate limitations, and the resolution authorizing the bonds contains an irrevocable appropriation of the amount necessary to pay the principal of and interest on the bonds of this issue from moneys derived from the Funds which have not been theretofore specifically allocated and pledged for the payment of indebtedness. The City has reserved the right to issue additional bonds of equal standing and priority of lien as to the Funds with the bonds of this issue within the limitations prescribed by law.

This bond is not a general obligation of the State of Michigan.

Bonds of this issue maturing in the years ____ through ____, inclusive shall not be subject to redemption prior to maturity. Bonds or portions of Bonds in multiples of \$5,000 of this issue maturing in the years ____ through ____ inclusive, shall be subject to redemption prior to maturity, at the option of the City, in direct order of maturity and by lot within any maturity, on any date on or after May 1, ____, at the par amount thereof, plus accrued interest to the date fixed for redemption. No premium will be paid for any such Bond called redemption.

This bond is transferable only upon the books of the City kept for that purpose at the office of the Transfer Agent by the registered owner hereof in person, or by 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 registered 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 authorizing the bonds of this issue, and upon the payment of the charges, if any, therein prescribed.

It is hereby certified and recited that all acts, conditions and things required to be done, exist and happen, precedent to and in the issuance of this bond and the series of bonds of which this is one, in order to make them valid and binding obligations of the City, have been done, exist and have happened in regular and due form and time as required by law, and that the total indebtedness of the City, including the series of bonds of which this is one, does not exceed any constitutional, statutory or charter limitation.

This bond is not valid or obligatory for any purpose until the Transfer Agent's Certificate of Authentication on this bond has been executed by the Transfer Agent.

IN WITNESS WHEREOF, the City of Lansing, Counties of Ingham and Eaton, State of Michigan, by its City Council, has caused this bond to be signed in the name of said City [by] / [with the facsimile signatures of] its Mayor and its City Clerk and the City seal or a facsimile thereof to be affixed hereto or imprinted hereon, all as of the Date of Original Issue.

CITY OF LANSING, Michigan

By: _____
Mayor

(Seal)

Countersigned:

By: _____
City Clerk

[FORM OF TRANSFER AGENT'S CERTIFICATE OF AUTHENTICATION]

Date of Registration:

CERTIFICATE OF AUTHENTICATION

This bond is [one of the bonds described in the within mentioned resolution.] [valid and authentic].

Transfer Agent

By: _____
Authorized Signature

[INSERT STANDARD FORM OF ASSIGNMENT]

9. **Plans, Cost Estimates and Period of Usefulness.** The plans and estimates of cost of the Improvements are hereby approved and adopted. The period of usefulness of the Improvements is estimated to be not less than eleven (11) years.

10. **Statement of Intent to Reimburse.** The City hereby makes the following declaration of intent for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(a) The City reasonably expects to reimburse itself for the expenditures described in (b) below with proceeds of debt to be incurred by the City.

(b) The expenditures described in this paragraph (b) are to pay certain costs associated with the Improvements which were paid subsequent to sixty (60) days prior to the date hereof or which will be paid prior to the issuance of the bonds from the general funds or capital fund of the City.

(c) As of the date hereof, the maximum principal amount of debt expected to be issued for reimbursement purposes, including reimbursement of debt issuance costs, is \$3,500,000, which debt may be issued in one or more series and/or together with debt for other purposes.

(d) A reimbursement allocation of the expenditures described in paragraph (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Improvements are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Improvements to reimburse the City for a capital expenditure made pursuant to this Resolution.

(e) The expenditures for the Improvements are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of "placed in service" under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

(f) No proceeds of the borrowing paid to the City in reimbursement pursuant to this Resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (d) above.

11. **Publication.** A copy of this resolution shall be published in The Lansing State Journal, or other lawful newspaper of general circulation in the City, once before this resolution becomes effective.

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

By Councilmember Dunbar

Motion Carried by the following Roll Call vote

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

NAYS: None

RESOLUTION#132

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

**RESOLUTION AUTHORIZING TERMS OF SALE OF
MICHIGAN TRANSPORTATION FUND BONDS, SERIES 2008
(LIMITED TAX GENERAL OBLIGATION)**

A RESOLUTION TO PROVIDE FOR:

Publication of Notice of Sale for the City's Michigan Transportation Fund Bonds, Series 2008 (Limited Tax General Obligation) or sale to the Michigan Municipal Bond Authority;

Preparation of Preliminary and Final Official Statement; Application for Bond Ratings and Insurance;

Continuing Disclosure Filings;

Authorization to Sell Bonds without further Council Resolution; and

Other matters relative to the preparation for sale and delivery of the bonds.

PREAMBLE

WHEREAS, the City Council of the City of Lansing, Counties of Ingham and Eaton, Michigan (the "City") has adopted a Resolution authorizing issuance of the City's Michigan Transportation Fund Bonds, Series 2008 (Limited Tax General Obligation) in a principal amount not to exceed \$3,500,000 (the "Bonds") pursuant to the provisions of Act 175, Public Acts of Michigan, 1952, as amended ("Act 175") for the purpose of making major and local street improvements (the "Improvements"); and

WHEREAS, the cost of the Improvements to be financed with proceeds of the Bonds is estimated to be \$3,500,000; and

WHEREAS, Section 315 of Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34") permits a municipality to authorize, within limitations which shall be contained in the authorization resolution of the governing body, an officer of the municipality to sell, deliver, and receive payment for municipal securities and to approve interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, and other matters and procedures necessary to complete the transactions authorized; and

WHEREAS, the City Council determines that it is necessary to authorize the City Finance Director or, in his absence, the City Treasurer and the Chief of Staff (each an "Authorized Officer") to sell the Bonds and to approve interest rates, prices, discounts, redemption rights, place of delivery and payment, and other matters and procedures necessary to complete sale and delivery of the Bonds, within limitations contained in this authorization resolution.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Method of Sale; Sale to the Michigan Municipal Bond Authority or Public Sale. The Authorized Officer is authorized to select the method of sale of the Bonds, as shall be determined to be in the best interest of the City and not in conflict with the limitations set forth in this resolution. If the timing of the sale is compatible with the timing of the Michigan Municipal Bond Authority's (the "Authority") local government loan program, and the Authority's credit requirements are attractive to the City as determined by the Authorized Officer, the Bonds shall be sold on a negotiated basis to the Authority based upon the historical

performance of the Authority's local government loan program whereby competitive interest rates and reduced costs of issuance are obtained by pooling several participating municipalities in one or more series of bonds. Alternatively, the Authorized Officer may determine to sell the Bonds by competitive or negotiated sale with a financial institution. If the Bonds are sold by competitive sale the following shall apply:

The Authorized Officer is hereby directed to determine the final principal amount of the Bonds and the final maturity schedule therefor, and to fix the date and time for sale of the Bonds, and arrange for publication of the Notice of Sale in The Bond Buyer, New York, New York, or such other newspaper as may be permitted under the provisions of Act 34. The Notice of Sale is hereby approved in substantially the following form with such insertions, deletions and corrections as shall be determined by the Authorized Officer in consultation with the City's bond counsel, including the final maturity schedule for the Bonds and the date of the Bonds:

OFFICIAL NOTICE OF SALE

\$3,500,000

CITY OF LANSING

Counties of Ingham and Eaton, State of Michigan

**MICHIGAN TRANSPORTATION FUND BONDS, SERIES 2008
(LIMITED TAX GENERAL OBLIGATION)**

SEALED BIDS for purchase of the above bonds will be received by the undersigned in at the City Finance Department located on the 8th floor of the Lansing City Hall, 124 W. Michigan Ave, Lansing, Michigan 48933, on _____ day the _____, 2008, until _____ o'clock __. m., Eastern Standard Time, at which time and place said bids will be publicly opened and read. Sealed bids will also be received on the same date and until the same time at the office of the Municipal Advisory Council of Michigan, 1445 First National Building, Detroit, Michigan 48226 (the "MAC"), where they will be publicly opened and read. The City will award or reject bids on that date.

FAXED BIDS: Signed bids may be submitted by fax to the MAC at (313) 963 0943; provided that faxed bids must arrive before the time of sale, the bidder bears all risks of transmission failure and the GOOD FAITH DEPOSIT MUST BE MADE AND RECEIVED as described in the section captioned "GOOD FAITH" below.

ELECTRONIC BIDS: Electronic bids will also be received on the same date and until the same time by Bidcomp/Parity as agent of the undersigned. Further information about Bidcomp/Parity, including any fee charged, may be obtained from Bidcomp/Parity, Anthony Leyden or Client Services, 1359 Broadway, Second Floor, New York, New York 10018, (212) 849 5021. NO ELECTRONIC BID WILL BE ACCEPTED UNLESS A GOOD FAITH DEPOSIT IS MADE AND RECEIVED as described in the section entitled "GOOD FAITH" below. If any provision of this Notice of Sale shall conflict with information provided by Bidcomp/Parity, as the approved provider of electronic bidding services, this Notice of Sale shall control. No change of the dated date will be allowed for the computation of the winning bid.

Bidders may choose any means or location to present bids but a bidder may not present a bid in more than one location or by more than one means.

BOND DETAILS: The bonds will be registered bonds of the denomination of \$5,000 or integral multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, originally dated March 1, 2008, and will bear interest from their date payable on _____, and semiannually thereafter.

The bonds will mature on May 1 of each year, as follows:

PRINCIPAL	AMOUNT
-----------	--------

YEAR
 2009
 2010
 2011
 2012
 2013
 2014
 2015
 2016
 2017
 2018

As long as The Depository Trust Company or its nominee, Cede & Co., is the bondholder, payments will be made directly to DTC. Disbursement of such payments to the DTC Participants is the responsibility of DTC and disbursement of such payments to the beneficial owners of the bonds is the responsibility of the DTC Participants and Indirect Participants as described in the preliminary Official Statement for the bonds. Interest shall be paid by check or draft mailed to the registered owner of record as shown on the registration books kept by the transfer agent as of the 15th day of the month prior to an interest payment date. The bonds will be transferred only upon the registration books of the City kept by the transfer agent.

PURPOSE AND SECURITY: The bonds are to be issued pursuant to the provisions of Act 175, Public Acts of Michigan, 1952, as amended, for the purpose of defraying part of the cost of constructing street improvements in the City, and are issued in anticipation of Michigan Transportation Fund payments from the State of Michigan to be received by the City. The bonds, however, are not general obligations of the State of Michigan. The bonds will pledge the limited tax full faith and credit of the City as additional security for payments of the principal and interest thereon. If the payments from the Michigan Transportation Fund are insufficient to pay the principal of and interest on the bonds and the outstanding bonds, then the City is obligated to make such payments as a first budget obligation from its general funds, including any collections of ad valorem taxes it may be authorized to levy, but the ability of the City to levy such taxes is subject to constitutional, statutory and charter limitations. The City has the right to issue additional bonds payable from Michigan Transportation Fund payments within the limitations prescribed by law. The rights or remedies of bondholders may be affected by bankruptcy, insolvency, fraudulent conveyance or other laws affecting creditors' rights generally, now existing or hereafter enacted, and by the application of general principles of equity including those relating to equitable subordination.

OPTIONAL REDEMPTION: Bonds of this issue maturing in the years ____ through ____, inclusive shall not be subject to redemption prior to maturity. Bonds or portions of Bonds in multiples of \$5,000 of this issue maturing in the years ____ through ____ inclusive, shall be subject to redemption prior to maturity, at the option of the City, in direct order of maturity and by lot within any maturity, on any date on or after April 1, ____, at the par amount thereof, plus accrued interest to the date fixed for redemption. No premium will be paid for any such Bond called redemption.

INTEREST RATE AND BIDDING DETAILS: The bonds shall bear interest at a rate or rates not exceeding 6.00% per annum, to be fixed by the bids therefor, expressed in multiples of 1/8 or 1/20 of 1%, or both. The interest on any one bond shall be at one rate only and all bonds maturing in any one year must carry the same interest rate. The difference between the highest and lowest interest rate on the bonds shall not exceed three percent (3%) per annum. **THE INTEREST RATE BORNE BY BONDS MATURING IN ANY ONE YEAR SHALL NOT BE LESS THAN THE INTEREST RATE BORNE BY BONDS MATURING IN THE RESPECTIVE PRECEDING YEAR.** No proposal for the purchase of less than all of the bonds or at a price less than 99% or more than 102% of their par value will be considered.

AWARD OF BONDS TRUE INTEREST COST: The bonds will be awarded to the bidder whose bid produces the lowest true interest cost determined in the following manner: the lowest true interest cost will be the single interest rate (compounded on May 1, 2008 and semiannually thereafter) necessary to discount the debt service payments from their respective payment date to _____, 2008, in an amount equal to the price bid, excluding accrued interest. _____, 2008 is the anticipated date of delivery of the Bonds.

BOOK ENTRY ONLY: The bonds will be issued in book entry only form as one fully registered bond per maturity and will be registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company ("DTC"), New York, New York. DTC will act as securities depository for the bonds. Purchase of the bonds will be made in book entry only form, in the denomination of \$5,000 or any integral multiple thereof. Purchasers will not receive certificates representing their interest in bonds purchased. The book entry only system is described further in the preliminary Official Statement for the bonds. It will be the responsibility of the purchaser to obtain DTC eligibility. Failure of the purchaser to obtain DTC eligibility shall not constitute cause for a failure or refusal by the purchaser to accept delivery of and pay for the bonds.

TRANSFER AGENT AND REGISTRATION: Principal shall be payable at the designated office of a transfer agent to be designated by the City.

GOOD FAITH: A certified or cashier's check drawn upon an incorporated bank or trust company or a Financial Surety Bond in the amount of \$50,000 and payable to the order of the City Treasurer is required for each bid as a guarantee of good faith on the part of the bidder, to be forfeited as a portion of the City's damages if such bid be accepted and the bidder fails to take up and pay for the bonds. If a check is used, it must accompany each bid. If a Financial Surety Bond is used, it must be from an insurance company licensed to issue such a bond in the State of Michigan and such bond must be submitted to the City's Financial Consultant prior to the opening of the bids. The Financial Surety Bond must identify each bidder whose good faith deposit is guaranteed by such Financial Surety Bond. If the bonds are awarded to a bidder utilizing a Financial Surety Bond, then that purchaser (the "Purchaser") is required to submit its good faith deposit to the City in the form of a cashier's check (or wire transfer such amount as instructed by the City or its Financial Consultant) not later than Noon, prevailing Eastern Time, on the next business day following the award. If such good faith deposit is not received by that time, the Financial Surety Bond may be drawn by the City to satisfy the good faith deposit requirement. The good faith deposit will be applied to the purchase price of the bonds. In the event the Purchaser fails to honor its accepted bid, the good faith deposit will be retained by the City. No interest shall be allowed on the good faith check and checks of the unsuccessful bidders will be returned to each bidder's representative or by mail. The good faith check of the successful bidder will be cashed and payment for the balance of the purchase price of the bonds shall be made at the closing.

TAX MATTERS: In the opinion of bond counsel, assuming compliance with certain covenants, interest on the bonds is excluded from gross income for federal income tax purposes as described in the opinion, and the bonds and interest thereon are exempt from all taxation in the State of Michigan except inheritance and estate taxes and taxes on gains realized from the sale, payment or other disposition thereof.

ISSUE PRICE CERTIFICATE: Within 24 hours of the sale, the successful bidder will be required to furnish a certificate in form acceptable to bond counsel as to the "issue price" of the bonds within the meaning of Sections 1273 and 148 of the Internal Revenue Code of 1986, as amended.

NOT QUALIFIED TAX EXEMPT OBLIGATIONS: The City has NOT designated the bonds as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions.

LEGAL OPINION: Bids shall be conditioned upon the approving opinion of Dykema Gossett PLLC, attorneys of Lansing and Detroit, Michigan. The opinion will be furnished without expense to the purchaser of the bonds at the delivery thereof. The fees of Dykema Gossett PLLC, for services rendered in connection with such approving opinion are expected to be paid from bond proceeds. Except to the extent necessary to issue its approving opinion as to the validity of the above bonds, Dykema Gossett PLLC has not been requested to examine or review and has not examined or reviewed any financial documents, statements or materials that have been or may be furnished in connection with the authorization, issuance or marketing of the bonds, and accordingly will not express any opinion with respect to the accuracy or completeness of any such financial documents, statements or materials. In submitting a bid for the Bonds, the bidder agrees to the representation of the City by Dykema Gossett PLLC, as bond counsel.

DELIVERY OF BONDS: The City will furnish executed bonds at its expense. Bonds will be delivered without expense to the purchaser at DTC in New York, New York or such other place as may be mutually agreed upon. The usual closing documents, including a certificate that no litigation is pending affecting the issuance of the bonds, will be delivered at the time of delivery of the bonds. If the bonds are not tendered for delivery by twelve o'clock noon, prevailing Eastern Time, on the 45th day following the date of sale, or the first business day thereafter if said 45th day is not a business day, the successful bidder may on that day, or any time thereafter until delivery of the bonds, withdraw its proposal by serving notice of cancellation, in writing, on the undersigned in which event the City shall promptly return the good faith deposit. Payment for the bonds shall be made in immediately available funds. Accrued interest to the date of delivery of the bonds shall be paid by the purchaser at the time of delivery.

BOND INSURANCE AT PURCHASER'S OPTION: If the bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of the bidder/purchaser, the purchase of any such insurance policy or the issuance of any such commitment shall be at the option and expense of the purchaser of the bonds. Any increased costs of issuance of the bonds resulting from such purchase of insurance shall be paid by the purchaser, except that, if the City has requested and received a rating on the bonds from a rating agency, the City will pay for the requested rating. Any other rating agency fees shall be the responsibility of the purchaser of the insurance. **FAILURE OF THE MUNICIPAL BOND INSURER TO ISSUE THE POLICY AFTER THE BONDS HAVE BEEN AWARDED TO**

THE PURCHASER SHALL NOT CONSTITUTE CAUSE FOR FAILURE OR REFUSAL BY THE PURCHASER TO ACCEPT DELIVERY OF THE BONDS FROM THE CITY.

CUSIP NUMBERS: CUSIP numbers will be printed on the bonds at the City's expense, but neither the failure to print such numbers on any bonds nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with terms of the purchase contract. The CUSIP Service Bureau charge for the assignment of such numbers shall be the responsibility of and shall be paid for by the purchaser of the Bonds.

OFFICIAL STATEMENTS: Stauder, Barch & Associates, Inc. will provide the winning bidder with a reasonable number of final official statements within 7 business days from the date of sale to permit the purchaser to comply with Securities and Exchange Commission Rule 15c2 12. Additional copies of the official statement will be supplied by Stauder, Barch & Associates, Inc. upon request and agreement by the purchaser to pay the cost of additional copies. Request for additional copies should be made to Stauder, Barch & Associates; Inc. within 24 hours of the date of sale.

CONTINUING DISCLOSURE: As described more fully in the Official Statement, the City will execute and deliver prior to delivery of the bonds a written continuing disclosure undertaking in order to enable the underwriters of the bonds to comply with the requirements of Rule 15c2 12 promulgated by the Securities and Exchange Commission.

FURTHER INFORMATION: Further information may be obtained from Stauder, Barch & Associates, Inc., 3989 Research Park Drive, Ann Arbor, Michigan 48108. Telephone: (734)668 6688.

THE RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.

ENVELOPES containing the bids should be plainly marked "Proposal for Michigan Transportation Fund Bonds."

Chris Swope, City Clerk
City of Lansing, Michigan

2. Sale to the Michigan Municipal Bond Authority. Alternatively, if the Authorized Officer determines to sell the Bonds to the Authority, the following shall apply:

(a) Each of the Authorized Officers is authorized to execute and to deliver a purchase contract in substantially the form on file as of today's date with the City Clerk, which form is hereby approved, with interest rates and a discount as determined by the Authorized Officer, provided such interest rate does not exceed 5% and the discount does not exceed 2%.

(b) Each of the Authorized Officers is authorized to execute and to deliver the Issuer's Certificate, in substantially the form on file as of today's date with the City Clerk, which form is hereby approved.

(c) Each of the Authorized Officers is authorized to execute and deliver a Transportation Pledge Agreement, in substantially the form on file as of today's date with the City Clerk, which form is hereby approved.

(d) The Bonds are authorized to be sold to the Authority at a discount of not to exceed 2% with a net interest cost of not to exceed 7%. Each Authorized Officer is authorized to approve the specific discount and interest rate on the Bonds, provided such discount and interest rate is within the limitations set forth in this paragraph.

3. Arbitrage and Tax Covenants. The City shall not invest, reinvest or accumulate any moneys deemed to be proceeds of the Bonds pursuant to the Internal Revenue Code of 1986, as amended (the "Code") in such a manner as to cause the Bonds to be "arbitrage bonds" within the meaning of the Code. The City hereby covenants that, to the extent permitted by law, it will take all actions within its control and that it shall not fail to take any action as may be necessary to maintain the exemption of interest on the Bonds from gross income for federal income tax purposes, 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, all as more fully set forth

in the Non Arbitrage and Tax Compliance Certificate to be delivered by the City on the date of delivery of the Bonds.

4. **Appointment of Financial Consultant.** The City hereby retains Stauder, Barch & Associates, Inc., as Financial Consultant to assist the City in preparation and planning for the marketing and sale of the Bonds.]

5. **Appointment of Bond Counsel.** The City recognizes that Dykema Gossett PLLC, has represented from time to time, and currently represents underwriting firms, financial institutions, and other potential participants in the bond financing process for unrelated projects, any of which might offer to purchase the bonds or to act as Transfer Agent for the bonds. The City appoints Dykema Gossett PLLC as bond counsel for this issue, notwithstanding the potential concurrent representation of any such bidder regarding any unrelated matter.

6. **Preliminary Official Statement.** If the Bonds sale to be sold at public sale, The Authorized Officer is directed to approve circulation of a preliminary official statement describing the Bonds and to deem such Preliminary Official Statement "final" for purposes of compliance with Securities and Exchange Commission Rule 15c2-12.

7. **Ratings and Bond Issuance.** The Authorized Officer is authorized to apply for ratings on the Bonds. If the Financial Consultant recommends that the City consider purchase of municipal bond insurance, then the Authorized Officer is hereby authorized and directed, on behalf of the City, to negotiate with insurers with respect to acquisition of municipal bond insurance, and, in consultation with the Financial Consultant, to select an insurer and determine which Bonds, if any, shall be insured.

8. **Continuing Disclosure Undertaking Agreement.** The City hereby agrees, if it is required by applicable law, to enter into a Continuing Disclosure Undertaking Agreement (the "Continuing Disclosure Undertaking Agreement") in order to enable the underwriters of the Bonds to comply with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission. In the Continuing Disclosure Undertaking Agreement, the City shall agree to provide or cause to be provided, (i) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year, (ii) timely notice of the occurrence of certain material events with respect to the Bonds, and (iii) timely notice of a failure by the City to provide the required annual financial information on or before the date required in the Continuing Disclosure Agreement. The Authorized Officer is authorized to execute and deliver the Continuing Disclosure Undertaking Agreement on behalf of the City in substantially the form which he or she shall, in consultation with Bond Counsel, determine to be appropriate.

9. **Award of Bonds.** If the Bonds are sold at public sale, the Authorized Officer is hereby authorized on behalf of the City, subject to the provisions and limitations of this resolution, to award sale of the Bonds to the bidder whose bid produces the lowest interest cost computed in compliance with the terms of the Notice of Sale, which bid shall comply with the requirements for bids specified in the Notice of Sale and shall be within the limitations contained in this resolution. In making such determinations the Authorized Officer is authorized to rely upon data and computer runs provided by the Municipal Advisory Council of Michigan or the Financial Consultant.

10. **Final Official Statement.** If the Bonds are sold at public sale, after awarding sale of the Bonds, the Authorized Officer is authorized to prepare, execute and deliver a final Official Statement describing the Bonds.

11. **General Authorizing for Authorized Officers.** The officers, administrators, agents and attorneys of the City are authorized and directed to take all other actions necessary and convenient to facilitate issuance, sale, and delivery of the Bonds and expenditure of Bond proceeds, and to execute and deliver all other agreements, documents and certificates and to take all other actions necessary or convenient to complete the issuance, sale, and delivery of the Bonds and expenditure of Bond proceeds in accordance with this resolution, including appropriation and transfer of Bond proceeds as appropriate, and payment of costs of issuance including Bond Counsel fees, Financial Consultant fees, rating agency fees, costs of printing the Bonds and the preliminary and final official statements, publication of the Notice of Sale, filings of a Security Report with the Michigan Department of Treasury and payment of any applicable fee and payment of, and any other costs necessary to accomplish sale and delivery of the Bonds.

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

By Councilmember Dunbar

To suspend Council Rule #11 to allow for the consideration of late items

Motion Carried

By Councilmember Dunbar the Committee on Ways and Means from further consideration of this item

Motion Carried

By Councilmember Dunbar

To place an affirmative roll on the resolution

Motion Carried by the following Roll Call vote

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

NAYS: None

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. FY 2009 Executive Budget Recommendation

REFERRED TO THE COMMITTEE OF THE WHOLE

ii. Appointment of Erica Feinswog to the Traffic Board for an At-Large Term to Expire June 30,

2011

and apologized for the confusion surrounding the process. He spoke about the Mayor's proposed budget for FY 2009 and addressed comments made by speakers at the podium tonight.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- iii. Appointment of Melissa Miller to the Human Relations and Community Service Board for a 2nd Ward Term to Expire June 30, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- iv. Appointment of Patricia Spitzley to the Board of Zoning Appeals for a Term to Expire June 30, 2010

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- v. Appointment of Kelly Johnston to the Board of Zoning Appeals for a Term to Expire June 30, 2010

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- vi. Appointment of William Matt to the Board of Zoning Appeals for a Term to Expire June 30, 2009

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- Communications and Petitions, and Other City Related Matters:

- a. Letter from State of Michigan Department of Environmental Quality providing a Notice of Violation to Jones Property Development LLC for property located at T4N, R1W, Section 32, College Fields Golf Course

REFERRED TO THE PLANNING AND DEVELOPMENT DEPARTMENT AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- b. Letter from the State of Michigan Liquor Control Commission providing notice of an Impending Investigation to Fiesta Charra of East Lansing, LLC regarding liquor license held in escrow at 3411 E. Michigan Ave.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- c. Affidavit of Disclosure filed by Rodney Anderson of the Lansing Police Department

REFERRED TO THE ETHICS BOARD AND REFERRED TO THE CITY ATTORNEY

- d. Letters alleging the wishes of Ransom Eli Olds regarding the Grand River Park submitted by:
 - Clela Bernice Gray, no address given (2)
 - Armin Sage Roe, no address given
 - Bernice Roe Smith

REFERRED TO THE COMMITTEE OF THE WHOLE

- e. Letter from Fred Williams of 350 E. Gier St.

RECEIVED AND PLACED ON FILE

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

Jerry Ambrose, Executive Assistant to Mayor Bernero, thanked the City Council for passing the resolutions related to the Sale of Michigan Transportation Fund Bonds, Series 2008 Limited Tax General Obligation

MARCH 24, 2008

COUNCIL PROCEEDINGS

106

ADJOURNED TIME 9:53 P.M.

CHRIS SWOPE, CITY CLERK