



OFFICIAL PROCEEDINGS OF  
THE CITY COUNCIL  
CITY OF LANSING  
PROCEEDINGS OF MAY 11, 2009



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 Quinney.

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 Quinney

### APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Robinson

To approve the printed Council Proceedings of May 4, 2009

Motion carried

### CONSIDERATION OF LATE ITEMS

By Vice President Robinson

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

Motion carried

The following items were added to the agenda:

1. From Councilmember Robinson; Appropriation of Community Funding to Churchill Downs Community Association for its Carnival Picnic to be held June 20, 2009

### TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE
  - a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

### SPECIAL CEREMONIES

#### • Special Ceremonies

1. Mayoral Recognition of May 11, 2009 as Habitat for Humanity Day in Lansing

Jerry Ambrose, Executive Assistant to Mayor Bernero, read the following Mayoral Proclamation:

***“You make a living by what you get, but you make a life by what you give.”***

— Winston Churchill

**WHEREAS:** It is a privilege to recognize the unyielding and selfless commitment of Habitat for Humanity Lansing to providing our community with quality, affordable housing. To date, the dedication and hard work of Habitat for Humanity Lansing has built or rehabilitated 76 homes in the Lansing area and provided 85 families with low-cost, affordable mortgages; and

**WHEREAS:** In 2009, Habitat for Humanity Lansing plans to build two new homes in the area, and rehabilitate at least six more. Furthermore, by selling low-cost, high-quality materials to homeowners through their ‘ReStore,’ Habitat for Humanity Lansing plans to raise \$150,000 to aid in their homebuilding efforts; and

**WHEREAS:** Habitat for Humanity is run with the conviction that every man, woman and child should have a decent, safe, and affordable place to live. The organization pursues this mission as a primarily volunteer-run non-profit group. Its board of directors all serve on a volunteer basis, and each home built or renovated is done so with volunteer labor. Each home built requires about 2500 labor hours; the use of volunteers keeps the building costs at a minimum, making the home affordable. People in Lansing have stepped up to fill these roles; I can only hope that volunteering increases during these troubling times and that Habitat for Humanity Lansing is able to continue the wonderful work that they do in our community.

**NOW, THEREFORE, I, VIRG BERNERO,** Mayor of the City of Lansing, by the power vested in me do hereby proclaim May 11, 2009 to be

#### “Habitat for Humanity Lansing Day”

in Lansing. I call upon all citizens to join together in recognizing Habitat for Humanity Lansing and the charitable work they do, and furthermore to stand behind our community to ensure that Lansing continues to lead the way.

Mike Rose introduced some members of the Habitat for Humanity board and thanked the Mayor and City Council for this honor. He spoke about the interfaith community helping his organization and about a Palestinian filmmaker who documented many faiths working together on houses. He invited the Mayor and City Council to some upcoming open houses.

### COUNCILMEMBERS’ COMMENTS AND CITY CLERK’S ANNOUNCEMENTS:

Councilmember Hewitt announced the next Groesbeck neighborhood meeting and an upcoming fundraiser for the Women’s Center of Greater Lansing.

Councilmember Kaltenbach thanked Mayoral Executive Assistant Jerry Ambrose, City Attorney Smith and Parks Director Murdoch Jemerson for helping citizens to have a neighbor buried.

Councilmember Robinson thanked Councilmember Hewitt for facilitating the latest 2nd Saturdays meeting for residents of the 3rd Ward. She stated that she could not attend due to her daughter’s cheerleading event. She also thanked Councilmembers Wood and Jeffries for sharing City budget information at the meeting. She spoke about Martin Luther King, Jr. Blvd. business owners’ cleanup efforts.

City Clerk Swope stated that tomorrow at 4:00 p.m. is the deadline to file for offices that will appear on the August 4, 2009 Primary Election

ballot.

### 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

Jerry Ambrose, Executive Assistant to Mayor Bernero, spoke about the recent Neighborhood Expo and stated that Police Chief Alley announced the Tip 411 hotline. He announced the next Mobile Food Pantry and the Sesquicentennial Parade. He stated that Mayor Bernero was not present tonight because he was attending the Keep in Made in America event. He spoke about items on tonight's agenda including the City budget and the sale of the North Capitol Parking Ramp.

### PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of the Fiscal Year 2010 City Budget
2. In consideration of the Substantial Amendments to the Consolidated Action Plan, 7/1/08-6/30/09 Homeless Prevention and Rapid Rehousing (HPRP) Information Packet

Councilmember Robinson gave a brief overview of Public Hearing #1

Joan Jackson Johnson, Director of the Human Relations and Community Services Department, gave a detailed overview of Public Hearing #2.

Lori Anne Tennison of 726 Egleston, Kalamazoo, spoke about the need for housing for the homeless.

Jonathan Braun, Homeless, spoke about the need for single family housing for the homeless.

Mike Fuller, Homeless, spoke about ending homelessness.

Max Conrad, Homeless, spoke about the need to end homelessness.

Jim Currin of 6000 Orchard Ct. spoke in opposition to the sale of the North Capitol Parking Ramp.

Loretta Stanaway of 546 Armstrong Rd. spoke in opposition to the sale of the North Capitol Parking Ramp.

Michael Evans of 4224 Mount Olivet, Kalamazoo, spoke about the need to end homelessness.

Kathi Raffone of 1221 Muskegon Ave. spoke about various legislative matters.

Art Hasbrook of 2216 Beal Ave. spoke about ending homelessness.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about the city budget, homelessness and in opposition to the sale of the North Capitol Parking Ramp.

Stan Shuck of 818 Cooper Ave. spoke in opposition to the sale of the North Capitol Parking Ramp.

Gregory Frens of 226 W. Genesee St. spoke in support of the sale of the North Capitol Parking Ramp.

Carl Calille of 306 Harriet Ave. spoke in opposition to the sale of the North Capitol Parking Ramp.

Monica Zuchowski of 320 N. Walnut St. spoke in support of the sale of the North Capitol Parking Ramp.

John Lenhard of 15851 S. US 27 spoke in support of the sale of the North Capitol Parking Ramp.

John Pollard of 1718 Blair St. spoke in opposition to the sale of the North Capitol Parking Ramp.

Charlene Decker of 2711 Pleasant Grove Rd. spoke in opposition to the sale of the North Capitol Parking Ramp.

### REFERRAL OF PUBLIC HEARINGS

1. In consideration of the Fiscal Year 2010 City Budget

REFERRED TO THE COMMITTEE OF THE WHOLE AND BUDGET

2. In consideration of the Substantial Amendments to the Consolidated Action Plan, 7/1/08-6/30/09 Homeless Prevention and Rapid Rehousing (HPRP) Information Packet

REFERRED TO THE COMMITTEE OF THE WHOLE

### PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Arlene Parrish of 3521 Wildwood Ave. spoke about a city employee's handling of an inspection of her house.

Jim Currin of 6000 Orchard Ct. spoke about various city matters.

Loretta Stanaway of 546 Armstrong Rd. spoke about various city matters.

Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.

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

Paula Hubbert of 2205 Beal Ave. spoke against surveillance cameras in the city.

Walter Brown of 1310 Knollwood Ave. spoke against surveillance cameras in the city.

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

Patti Smith of 1124 W. Edgewood Blvd. spoke about the need for after school programs.

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Kathy Semrau of 102 Russell St. spoke about a code compliance warning she received.

Carl Calille of 306 Harriet Ave. spoke about various city matters.

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

Patrick Patterson of 430 N. Larch St. spoke about homelessness.

Susan Cancro of 743 N. Martin Luther King, Jr. Blvd. spoke about issue affecting the homeless.

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

Sharon Dade of 430 N. Larch St. spoke about the need to end homelessness.

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

## LEGISLATIVE MATTERS

### RESOLUTIONS

#### **RESOLUTION #2009-133**

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

WHEREAS, the Code Compliance Manager has determined that the building located at **1235 W. Michigan Avenue**, Parcel # **33-01-01-17-401-511** legally described as: **Lot 18 Assessors Plat No 8** is an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan and was red tagged on **January 28, 2008**; and

WHEREAS, a hearing was held by the Hearing Officers on , at which the Hearing Officers determined that said building was an unsafe and dangerous building and ordered the building demolished or made safe by **March 26, 2009**; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and requested the City Council to take appropriate action under the Lansing Housing and Premises Code and the Housing Law of Michigan; and

WHEREAS, the Housing Law of Michigan and Premises Code require a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe; and

WHEREAS, the City Council held a public hearing on **April 20, 2009**, to review the findings and the order of the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board Officer has not occurred; and

NOW, THEREFORE, BE IT RESOLVED that the owner(s) of **1235 W. Michigan Avenue** are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within **thirty** from the date of this resolution.

BE IT FURTHER RESOLVED that the property owner(s) is hereby notified that this order must be appealed within twenty days pursuant to MCL 125.542 and should the owners fail to comply with the Hearing Officers' order for demolition or make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building.

BE IT FURTHER RESOLVED whether demolition is accomplished by said property owner or the city that appropriate seeding and restoration of property take place to avoid run-off to adjacent properties.

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor.

BE IT FINALLY RESOLVED that the owners in whose name the property appears upon the last local tax assessment record shall be notified by the City Assessor of the amount of such cost by first class mail at the address shown on the records. Upon the owners failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the amount of said costs shall be a lien and shall be filed and recovered as provided by law and the lien shall be collected and treated in the same manner as provided for property tax liens under the general property tax act.

By Councilmember Allen

Motion Carried

#### **RESOLUTION #2009-134**

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

#### **BOND AUTHORIZING RESOLUTION CAPITAL IMPROVEMENT BONDS**

WHEREAS, the City Council of the City of Lansing has previously determined that it is appropriate for the City to proceed with certain improvements to its sanitary sewer system, its transportation system, and related streetscape improvements (the "Project");

WHEREAS, the City Council of the City of Lansing intends to issue capital improvement bonds pursuant to Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34") in one or more series to pay for the costs of the Project, which bonds will be payable from funds lawfully available to the City for this purpose such as revenues derived from the operation of the City's Sewage Disposal System, special assessments, general fund monies, and ad valorem taxes pursuant to a pledge of the City's limited tax full faith and credit;

WHEREAS, the City Council of the City of Lansing has published a Notice of Intention (the "Notice of Intention") to issue capital improvement bonds pursuant to the provisions of the Act;

WHEREAS, no petition for referendum has been filed in response to the Notice of Intention;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves as follows:

1. The Project. The City Council of the City of Lansing hereby determines it to be advisable and necessary to acquire and construct the Project. The estimate of not more than \$20,000,000 as the total cost of the Project to be financed by the Bonds and 30 years and upwards as the period of usefulness of the Project are hereby approved and adopted.

2. Bond Details. The City Council of the City of Lansing approves the issuance of the capital improvement bonds for the Project in one or more series. The initial series of bonds shall be issued pursuant to the terms of this Bond Authorizing Resolution. Any additional series of bonds shall be issued pursuant to the terms of subsequent Bond Authorizing Resolutions. Pursuant to the Act, bonds in the principal sum of not to exceed \$20,000,000, shall be issued for the purpose of defraying the cost of the Project. The bonds shall be known as "City of Lansing Limited Tax General Obligation Capital Improvement Bonds, Series 2009" (the "Bonds") and shall be

dated the date of delivery or such other date as shall be designated, prior to the sale of the Bonds, by an Authorized Officer of the City. For purposes of this Bond Authorizing Resolution, the Mayor, Finance Director and Public Service Director are each an "Authorized Officer." The Bonds shall be fully-registered, both as to principal and interest, in any denominations determined by an Authorized Officer regardless of rate and maturity date. The Bonds shall mature on May 1 (or such other date as is determined by an Authorized Officer prior to the sale of the Bonds) of each year in the principal amounts determined by an Authorized Officer prior to the sale of the Bonds.

The Bonds shall be in substantially the form attached as Appendix A with such changes, additions or deletions as are not inconsistent with this Resolution.

3. Interest Payment and Date of Record. The Bonds shall bear interest payable on May 1 and November 1 of each year, beginning November 1, 2009, or on such other dates as may be determined by an Authorized Officer prior to the sale of the Bonds. Interest shall be paid by check mailed by first class mail to the registered owner of the Bonds as of the applicable date of record, provided, however, that an Authorized Officer may agree with the Bond Registrar (the "Bond Registrar") on a different method of payment. If interest is paid differently, the Bond form attached as Appendix A and the Notice of Sale form attached as Appendix B shall be changed accordingly.

The date of record shall be the fifteenth day of the month immediately preceding the month in which such interest is payable.

4. Prior Redemption. The Bonds shall be subject to redemption prior to maturity at the City's option as determined by an Authorized Officer and as set forth in the Official Notice of Sale for the Bonds.

5. Capitalized Interest. No portion of the interest payable on the Bonds is to be capitalized, but excess amounts of Bond proceeds over actual Project costs shall be transferred to the Bond Payment Fund established below and used to reduce the City's next due principal and interest payments.

6. Paying Agent and Bond Registrar. The Bonds shall be registrable upon the books of a bank designated by an Authorized Officer as paying agent and bond registrar for the Bonds. The Bonds may be authenticated by the Bond Registrar if so ordered by an Authorized Officer.

7. Transfer or Exchange of Bonds. Any Bond shall be transferable on the bond register maintained with respect to the Bonds upon the surrender of the Bond together with an assignment executed by the registered owner or his or her duly authorized attorney in form satisfactory to the Bond Registrar. Upon receipt of a properly assigned Bond, the Bond Registrar shall authenticate and deliver a new Bond or Bonds in equal aggregate principal amount and like interest rate and maturity to the designated transferee or transferees.

Bonds may likewise be exchanged for one or more other bonds with the same interest rate and maturity in authorized denominations aggregating the same principal amount as the Bond or Bonds being exchanged. Such exchange shall be effected by surrender of the Bond to be exchanged to the Bond Registrar with written instructions signed by the registered owner of the Bond or his or her attorney in form satisfactory to the Bond Registrar. Upon receipt of a Bond with proper written instructions, the Bond Registrar shall authenticate and deliver a new Bond or Bonds to the registered owner of the Bond or his or her properly designated transferee or transferees or attorney.

The Bond Registrar may require payment by a bondholder of a sum sufficient to cover any tax or other governmental charge payable in connection with any such registration, transfer or exchange. The Bond

Registrar is not required to honor any transfer or exchange of Bonds during the fifteen (15) days preceding an interest payment date.

8. Execution and Delivery. The Mayor and the Clerk are hereby authorized and directed to execute the Bonds for and on behalf of the City by manually executing the same or by causing their facsimile signatures to be affixed, provided in the latter instance the Bonds are thereafter authenticated by the Bond Registrar. Upon the execution of the Bonds, they shall be delivered to the Bond Registrar, or an agent thereof, who is hereby authorized and directed to deliver the Bonds to the purchaser upon receipt in full of the purchase price for the Bonds.

9. Security for Payment of the Bonds. The principal of and interest on the Bonds shall be payable from revenue received by the City from the Project and operation of the City's Sewage Disposal System, and from moneys in the City's general fund. Additionally, the City hereby pledges its limited tax full faith and credit as additional security for the payment of the principal of and interest on the Bonds. Pursuant to such pledge, should other revenue be insufficient to pay the principal of and interest on the Bonds, the City shall pay the principal of and interest on the Bonds as a first budget obligation from its general funds, including the collection of any ad valorem taxes which the City is authorized to levy, but any such levy shall be subject to applicable constitutional, charter and statutory tax rate limitations.

10. Bond Payment Fund. From the proceeds of the sale of the Bonds, there shall be set aside in a bond and interest redemption account (the "Bond Payment Fund") any accrued interest received from the purchaser of the Bonds. No less than five (5) days prior to each principal and interest payment date, the City shall deposit in the Bond Payment Fund sufficient monies to pay the interest payment and the principal payment, if any, coming due on such subsequent interest payment date. The Bond Payment Fund shall be held by the City.

Moneys in the Bond Payment Fund may be continuously invested and reinvested in any legal investment for City funds, which shall mature, or which shall be subject to redemption by the holder thereof not later than, the dates when moneys in the Bond Payment Fund will be required to pay the principal of and interest on the Bonds. Obligations purchased as an investment of moneys of the Bond Payment Fund shall be deemed at all times to be a part of such fund, and the interest accruing thereon and any profit realized from such investment shall be credited to such fund.

11. Construction Fund. There is hereby established a Construction Fund into which all proceeds from the sale of the Bonds shall be deposited, except any accrued interest on the Bonds received at the delivery thereof by the City from the purchaser. Moneys in the Construction Fund shall be used to pay for the Project and costs associated therewith, including costs of issuance. Surplus moneys remaining after completion of the Project shall be deposited in the Bond Payment Fund. The Construction Fund shall be held by the City.

Moneys in the Construction Fund may be continuously invested and reinvested in any legal investment for City funds, which shall mature, or which shall be subject to redemption by the holder thereof not later than, the estimated dates when moneys in the Construction Fund will be required to pay costs of the Project. Obligations purchased as an investment of moneys of the Construction Fund shall be deemed at all times to be a part of such fund, and the interest accruing thereon and any profit realized from such investment shall be credited to such fund.

12. Additional Bonds. Additional bonds of equal standing with the Bonds may be issued in connection with the Project. Nothing in this Resolution shall prevent the issuance by the City of bonds to finance other projects for the City.

13. Mutilated, Lost, Stolen or Destroyed Bonds. In the event any Bond is mutilated, lost, stolen or destroyed, the Mayor and the Clerk may, on behalf of the City, execute and deliver, or order the Bond Registrar to authenticate and deliver, a new Bond having a number not then outstanding, of like date, maturity and denomination as that mutilated, lost, stolen or destroyed.

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

14. Depositories. All of the banks located in the State of Michigan are hereby designated as permissible depositories of the moneys in the funds and accounts set forth in this Resolution. An Authorized Officer shall select the depository or depositories to be used from those banks authorized in this section.

15. Notice of Sale. Sealed bids for the purchase of the Bonds shall be accepted up to a time to later be determined by an Authorized Officer. The Official Notice of Sale shall be published once in accordance with law in The Bond Buyer or The Detroit Legal News, in substantially the form attached as Appendix B to this Resolution. Any Authorized Officer may make such changes to the attached Official Notice of Sale, or cause it to be published in additional publications, as such Authorized Officer deems appropriate.

16. Provisions for the Sale and Award of the Bonds. The City shall sell the Bonds at an interest rate of not to exceed seven percent (7%) and at a discount of not to exceed one and a half percent (1.5%), in conformance with the Act and the laws of the State of Michigan and the rules and regulations of the Michigan Department of Treasury. Any Authorized Officer is authorized to award the sale of the Bonds to the bidder whose bid produces the lowest interest cost to the City, as determined by the City's financial advisor.

17. Arbitrage and Tax Covenant. Notwithstanding any other provision of this Resolution, the City covenants that it will not at any time or times:

(a) Permit any proceeds of the Bonds or any other funds of the City or under its control to be used directly or indirectly (i) to acquire any securities or obligations, the acquisition of which would cause any Bond to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), or (ii) in a manner which would result in the exclusion of any Bond from the treatment afforded by Section 103(a) of the Code by reason of the classification of any Bond as a "private activity bond" within the meaning of Section 141(a) of the Code, as a "private loan bond" within the meaning of Section 141(a) of the Code or as an obligation guaranteed by the United States of America within the meaning of Section 149(b) of the Code; or

(b) Take any action, or fail to take any action (including failure to file any required information or other returns with the

United States Internal Revenue Service or to rebate amounts to the United States, if required, at or before the time or times required), within its control which action or failure to act would (i) cause the interest on the Bonds to be includable in gross income for federal income tax purposes, cause the interest on the Bonds to be includable in computing any alternative minimum tax (other than the alternative minimum tax applicable to interest on all tax-exempt obligations generally) or cause the proceeds of the Bonds to be used directly or indirectly by an organization described in Section 501(c)(3) of the Code or (ii) adversely affect the exemption of the Bonds and the interest thereon from State of Michigan income taxation.

18. Not Qualified Tax-Exempt Obligation. The Bonds are not designated as a "qualified tax-exempt obligations" for purposes of deduction of interest expense by financial institutions under the provisions of Section 265 of the Code.

19. Defeasance. If the whole amount of the principal of and premium, if any, and interest due and payable upon all outstanding Bonds shall be paid, or if sufficient moneys, or Government Obligations not callable prior to maturity, the principal of and interest on which, when due and payable will provide such sufficient moneys without reinvestment, shall be deposited with and held by a trustee for the purpose of paying principal of and premium, if any, and interest due and payable upon all outstanding Bonds, and if all outstanding Bonds to be redeemed prior to maturity shall have been duly called for redemption or irrevocable instructions to call such Bonds for redemption shall have been given to such trustee, then the right, title and interest of the holder of the Bond shall thereupon cease, terminate and become void and the City shall be released from the obligations of this resolution and any moneys or other funds held pursuant to this resolution for the purpose of paying principal of, premium, if any, and interest on the Bonds then outstanding (other than the aforementioned funds on deposit with the trustee for redemption of the outstanding Bonds) shall be released from the conditions of this resolution. In the event Government Obligations shall be deposited with and held by the trustee as hereinabove provided, the trustee shall within 30 days after such Government Obligations or moneys shall have been deposited with it, cause a notice signed by the trustee to be published once in a newspaper of general circulation in the City of Detroit, Michigan, setting forth (a) the date or dates, if any, designation for the redemption of the Bond, (b) a description of the Government Obligations and moneys so held by it, and (c) that this resolution has been released in accordance with the provisions of this Section. All moneys and Government Obligations held by such trustee pursuant to this Section shall be held in trust and applied to the payment, when due, of the obligations payable therewith as provided hereinabove. As used herein the term "Government Obligations" means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America.

20. Contract. The provisions of this Resolution shall constitute a contract between the City and the holder or holders of the Bonds from time to time, and after the issuance of such Bonds, no change, variation or alternation to the provisions of this resolution may be made which would lessen the security for the Bonds. The provisions of this resolution shall be enforceable by appropriate proceedings taken by such Bondholder either at law or in equity.

21. Continuing Disclosure. Any Authorized Officer is hereby authorized to execute a Continuing Disclosure Undertaking with respect to the Bonds. The Bonds are hereby made subject to such Continuing Disclosure Undertaking and the City agrees to abide by the provisions thereof so long as any of the Bonds are outstanding.

22. Preliminary Official Statement and Final Official Statement. Any Authorized Officer is hereby authorized to approve for distribution a Preliminary Official Statement for the Bonds and once the Bonds have been sold, any Authorized Officer is hereby

authorized to execute an Official Statement with respect to the Bonds.

23. Additional Covenants. The City covenants and agrees with the successive holders of the Bonds that so long as any maturities of the Bonds remain outstanding and unpaid as to either principal or interest:

(a) The City will punctually perform all of its obligations and duties under this Resolution and will collect, segregate and apply such ad valorem taxes levied on all taxable property in the City, subject to applicable constitutional and statutory tax rate limitations, in the manner required by the provisions of this Resolution.

(b) The City will maintain and keep proper books of record and accounts relating to the operation of its portion of the Project.

(c) The City will not sell or otherwise dispose of any substantial portion of its portion of the Project in a manner which might impair the security for the Bonds until the Bonds have been paid in full both as to principal and interest or until such full payment has been duly provided for, and will not do or suffer to be done any act which would affect its portion of the Project in such a way as to impair or affect unfavorably the security of the Bonds.

24. Conflicting Resolutions. All resolutions and parts of resolutions in conflict with the foregoing are hereby rescinded.

25. Effective Date. This Resolution shall become effective immediately upon its adoption and shall be recorded in the minutes of the City Council of the City of Lansing as soon as is practicable after its passage.

A roll call vote on the foregoing resolution was taken, the result of which is as follows:

By Councilmember Wood

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

THE RESOLUTION WAS DECLARED ADOPTED.

CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the City of Lansing, Counties of Ingham and Eaton, Michigan, hereby certifies that the foregoing is a true and complete copy of a resolution duly adopted at a meeting of the City Council of the City of Lansing, at which meeting a quorum was present and remained throughout and that an original thereof is on file in the records of the City of Lansing. I further certify that the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with Act No. 267, Michigan Public Acts of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

\_\_\_\_\_  
Chris Swope, Clerk  
City of Lansing

Dated: May \_\_, 2009

FORM OF BOND

[FORM OF BOND]

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the City or its agent for registration or transfer, exchange, or payment and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein

UNITED STATES OF AMERICA  
STATE OF MICHIGAN  
COUNTIES OF INGHAM AND EATON  
CITY OF LANSING  
LIMITED TAX GENERAL OBLIGATION  
CAPITAL IMPROVEMENT BONDS,  
SERIES 2009

Maturity Date                      Interest Rate                      CUSIP

Date of Issuance:

Registered Owner:

Principal Amount:

FOR VALUE RECEIVED, City of Lansing (the "City"), Counties of Ingham and Eaton, State of Michigan, hereby acknowledges itself indebted and promises to pay on the Maturity Date specified above, to the Registered Owner specified above, or registered assigns, the Principal Amount shown above, upon presentation and surrender of this Bond at the principal office of the Bond Registrar (the "Bond Registrar"), together with the interest thereon to the Registered Owner of this Bond on the applicable date of record at the Interest Rate per annum specified above payable on \_\_\_\_ 1, 20\_\_, and semi-annually thereafter on the first day of \_\_\_\_ and \_\_\_\_ in each year. The date of record for payments of interest shall be \_\_\_\_ 15 with respect to payments made on \_\_\_\_ 1 and \_\_\_\_ 15 with respect to payments made on \_\_\_\_ 1.

This Bond is one of a series of bonds of like date and tenor except as to denomination, date of maturity and interest rate, numbered from 1 upwards, aggregating the principal sum of \$\_\_\_\_\_ and issued under and pursuant to and in full conformity with the Constitution and Statutes of the State of Michigan and especially Act No. 34, Public Acts of Michigan 2001, as amended (the "Act"), for the purpose of financing all or part of the certain sanitary sewer system, transportation system and related streetscape improvements, which assets will benefit the City and the other municipal members of the Authority (the "Project").

The principal of and interest on the Bonds will be payable from revenue received by the City from the Project, and operation of the City's Sewage Disposal System, and from moneys in the City's general fund. Additionally, the City has pledged its limited tax full faith and credit as additional security for the payment of the principal of and interest on the Bonds. Pursuant to such pledge, should other revenue be insufficient to pay the principal of and interest on the Bonds, the City has agreed to pay the principal of and interest on the Bonds as a first budget obligation from its general funds, including the collection of any ad valorem taxes which the City is authorized to

levy, but any such levy shall be subject to applicable constitutional, charter and statutory tax rate limitations.

Principal installments of this Bond are subject to redemption prior to maturity at the City's option as follows:

This Bond is transferable on the bond registration books of the Bond Registrar upon surrender of this Bond together with an assignment executed by the Registered Owner or his or her duly authorized attorney in form satisfactory to the Bond Registrar. Upon such transfer, one fully registered bond in the same aggregate principal amount and the same maturity and interest rate, will be issued to the designated transferee or transferees. The Bond Registrar shall not be required to honor any transfer of this Bond during the period from the applicable date of record preceding an interest payment date to such interest payment date.

For a complete statement of the funds from which and the conditions under which this Bond is payable and the general covenants and provisions pursuant to which this Bond is issued, reference is made to the Bond Authorizing Resolution adopted by the City Council of the City of Lansing on May \_\_, 2009, authorizing this Series of Bonds.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in connection with the issuance of this Bond and the other bonds of this series, existed, have happened and have been performed in due time, form and manner as required by the Constitution and statutes of the State of Michigan, and that the total indebtedness of the City, including this Bond, does not exceed any constitutional limitation.

IN WITNESS WHEREOF, the City Council of the City of Lansing, Counties of Ingham and Eaton, Michigan, has caused this Bond to be executed in its name with the facsimile signatures of its Mayor and its Clerk as of the Date of Issuance.

CITY OF LANSING

By: \_\_\_\_\_  
Its: Mayor

By: \_\_\_\_\_  
Its: Clerk

**CERTIFICATE OF AUTHENTICATION**

This Bond is designated "City of Lansing Limited Tax General Obligation Capital Improvement Bond, Series 2009."

\_\_\_\_\_, as  
Bond Registrar and Authenticating Agent

By: \_\_\_\_\_  
Its: Authorized Signer

**ASSIGNMENT**

For value received, the undersigned sells, assigns and hereunder and hereby irrevocably appoints attorney to transfer this Bond on the books kept for registration thereof with full power of substitution in the premises.

Dated: \_\_\_\_\_  
Signature

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of this Bond in every particular.

APPENDIX B

FORM OF OFFICIAL NOTICE OF SALE

OFFICIAL NOTICE OF SALE

\$ \_\_\_\_\_  
**CITY OF LANSING  
LIMITED TAX GENERAL OBLIGATION  
CAPITAL IMPROVEMENT BONDS,  
SERIES 2009**

**SEALED BIDS** for the purchase of the above bonds (the "Bonds") will be received by the undersigned in the offices of City of Lansing (the "City"), City Hall, 124 W. Michigan Avenue, Lansing, Michigan 48933, on the \_\_\_ day of \_\_\_\_\_ 2009, until \_\_\_ o'clock \_\_.m., at which time and place the bids will be publicly opened and read.

In the alternative, sealed bids will also be received on the same date and until the same time by an agent of the undersigned at the Municipal Advisory Council of Michigan, 1445 First National Building, 660 Woodward Avenue, Detroit, Michigan 48226-3517, where they will simultaneously be publicly opened and read. Bids received at the City Offices will be read first, followed by the alternate location. Bidders may choose either location to present bids and good faith checks, but not both locations. Bids may also be submitted via Parity or by facsimile at either location.

The award of the Bonds will be made by an Authorized Officer of the City approximately one hour after the opening of the bids.

**BOND DETAILS:** The Bonds will be fully registered Bonds in any denomination of \$5,000 or any integral multiple thereof up to a single maturity, dated \_\_\_\_\_ 1, 2009, numbered in order of authentication from 1 upwards, and will bear interest from their date payable on November 1, 2009, and semiannually thereafter.

The bonds will mature on the 1st day of May as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2012		2024	
2013		2025	
2014		2026	
2015		2027	
2016		2028	
2017		2029	
2018		2030	
2019		2031	
2020		2032	
2021		2033	
2022		2034	
2023			

The initial purchaser of the Bonds may designate as term bonds and the consecutive maturities which shall be aggregated in the term bonds. Any such designation must be made within 24 hours of the sale.

**PRIOR REDEMPTION:** Bonds maturing before May 1, 2020 are not subject to redemption prior to maturity. Bonds maturing on or after May 1, 2020 are subject to optional redemption, in whole or in part as the City shall determine, in integral multiples of \$5,000 on any date on or after May 1, 2019 at par, plus accrued interest to the redemption date plus a premium.

With respect to partial redemptions, any portion of a Bond outstanding in a denomination larger than the minimum authorized denomination may be redeemed provided such portion and the amount not being redeemed each constitutes an authorized denomination. If less than the entire principal amount of a Bond is called for redemption, upon surrender of the Bond to the Bond Registrar, the Bond Registrar shall authenticate and deliver to the registered owner a new Bond in the principal amount of the principal portion not being redeemed.

Notice of redemption shall be sent to the registered holder of each Bond being redeemed by first class United States mail at least 30 days before the date fixed for redemption, which notice shall fix the date of record with respect to the redemption. Any defect in any notice of redemption shall not affect the validity of the redemption proceedings. Bonds so called for redemption shall not bear interest after the date fixed for redemption provided funds or sufficient government obligations then are on deposit with the Bond Registrar to redeem such Bonds.

**INTEREST RATE AND BIDDING DETAILS:** The Bonds shall bear interest at a rate or rates not exceeding seven percent (7%) 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 of the issue 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 the Bonds maturing in any given year shall not be less than the interest rate borne by the Bonds maturing in any preceding year. No proposal for the purchase of less than all of the Bonds or at a price less than 98.5% of their par value will be considered.

**BOND REGISTRAR AND DATE OF RECORD:** \_\_\_\_\_, \_\_\_\_\_, Michigan, has been selected as Bond Registrar for the Bonds. The Bond Registrar will keep records of the registered holders of the Bonds, serve as transfer agent for the Bonds, authenticate the original and any re-issued Bonds and will pay interest by check or draft mailed to the registered holders of the Bonds as shown on the records of the Bond Registrar on the applicable date of record. The date of record for each interest payment shall be the 15th day of the month before such payment is due. Principal of the Bonds will be paid at maturity upon presentation and surrender thereof to the Bond Registrar.

**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 multiple thereof. Purchasers will not receive certificates representing their interest in Bonds purchased.

**PURPOSE AND SECURITY:** The Bonds are to be issued pursuant to Act No. 34, Public Acts of Michigan, 2001, as amended (the "Act"), for the purpose of financing all or part of the certain sanitary sewer system, transportation system and related streetscape improvements (the "Project"). The principal of and interest on the Bonds will be payable from revenue received by the City from the Project and operation of the City's Sewage Disposal System and from moneys in the City's general fund. Additionally, the City has pledged its limited tax full faith and credit as additional security for the payment of the principal of and interest on the Bonds. Pursuant to such pledge, should other revenue be insufficient to pay the principal of and interest on the Bonds, the City has agreed to pay the principal of and interest on the Bonds as a first budget obligation from its general funds, including the collection of

any ad valorem taxes which the City is authorized to levy, but any such levy shall be subject to applicable constitutional, charter and statutory tax rate limitations.

**GOOD FAITH CHECK:** A certified or cashier's check drawn upon an incorporated bank or trust company or a Financial Surety Bond in the amount of two percent (2%) of the par amount of the Bonds, and payable to the order of the Treasurer of the City must accompany each bid as a guarantee of good faith on the part of the bidder, to be forfeited as liquidated damages if such bid is accepted and the bidder fails to take up and pay for the Bonds. If a check is used, it must accompany the bid. If a Financial Surety Bond is used, it must be from an insurance company licensed to issue such a bond in Michigan, and such bond must be submitted to the City or its financial advisor prior to the opening of bids. The Financial Surety Bond must identify each bidder whose good faith deposit is guaranteed by such bond. If the Bonds are awarded to a bidder using a Financial Surety Bond, then that purchaser is required to submit its good faith deposit to the City or its financial advisor in the form of a cashier's check or by wire transfer (in accordance with instructions from the City or its financial advisor) not later than 12:00 noon, 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 upon by the City to satisfy the good faith deposit requirement. If the purchaser fails to honor its accepted bid, the good faith deposit will be retained by the City. No interest will be allowed on good faith checks. Checks of unsuccessful bidders will be returned to the bidder's representative or by overnight delivery service. The good faith check of the successful bidder will be cashed, and the proceeds will be applied to the purchase price of the Bonds. Payment of the balance of the purchase price shall be made at closing.

**AWARD OF BONDS:** The Bonds will be awarded to the bidder whose bid produces the lowest interest cost computed in the following manner: the lowest true interest cost will be the single interest rate (compounded on \_\_\_\_\_ 1, 2009 and semiannually thereafter) necessary to discount the debt service payments from their respective payment date to \_\_\_\_\_, 2009 in an amount equal to the price bid, excluding accrued interest.

**LEGAL OPINION:** Bids shall be conditioned upon the approving opinion of Dykema Gossett PLLC, Lansing and Detroit, Michigan ("Bond Counsel"), an original of which will be furnished without expense to the purchaser of the Bonds at the delivery thereof. The fees of Dykema Gossett PLLC, Lansing and Detroit, Michigan 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 validity of the above Bonds, Bond Counsel 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.

**TAX MATTERS:** In the opinion of Bond Counsel, assuming compliance with certain covenants, (i) interest on the Bonds is excluded from gross income for federal income tax purposes, as described in Bond Counsel's opinion, and (ii) the Bonds and interest thereon are exempt from all taxation in the State of Michigan except estate taxes and taxes on gains realized from the same, payment or other disposition thereof. The City has not designated the Bonds as "qualified tax-exempt obligations" for purposes of the deduction of interest expense by financial institutions. The successful bidder will be required to furnish, prior to the delivery of the Bonds, a certificate in a form acceptable to Bond Counsel as to the "issue price" of the Bonds within the meaning of Section 1273 of the Internal Revenue Code of 1986, as amended.

**DELIVERY OF BONDS:** The City will furnish Bonds ready for execution at its expense. Bonds will be delivered without expense to the purchaser at Detroit, Michigan, or such place as may be 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. The successful bidder agrees that the delivery of the Bonds shall take place no later than \_\_\_\_\_, 2009. Payment for the Bonds shall be made in Federal Reserve Funds. Accrued interest to the date of delivery of the Bonds shall be paid by the purchaser at the time of delivery.

**OFFICIAL STATEMENT:** A copy of the Official Statement with respect to the Bonds (the "Official Statement") may be obtained by contacting Stauder, BARCH & ASSOCIATES, Inc. at the address and telephone number listed in the FURTHER INFORMATION paragraph below. The Official Statement is in a form deemed final as of its date by the City for purposes of SEC Rule 15c2-12, but is subject to revision, amendment and completion of a final Official Statement. The successful bidder shall supply to the City, within twenty-four hours after the award of the Bonds, all pricing information and any underwriter identification determined by Bond Counsel to be necessary to complete the Official Statement.

The City will furnish to the successful bidder, at no cost, a reasonable number of copies of the Official Statement within seven business days after the award of the Bonds. Additional copies will be supplied upon the bidder's agreement to pay to the City the cost for those additional copies.

The City shall deliver, at closing, an executed certificate to the effect that as of the date of delivery the information contained in the Official Statement, including revisions, amendments and completions as necessary, relating to the City and the Bonds is true and correct in all material respects, and that such Official Statement does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading.

**CONTINUING DISCLOSURE:** As more fully described in the Official Statement, the City has agreed in its Continuing Disclosure Undertaking to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, (i) on or prior to the 180th day after the end of the City's fiscal year, certain annual financial information and operating data, including audited financial statements for the preceding fiscal year, generally consistent with the information contained or cross-referenced in the Official Statement relating to the Bonds, (ii) timely notice of the occurrence of certain material events with respect to the Bonds, and (iii) timely notice of a failure by such entity to provide the required annual financial information on or before the date specified in (i) above.

**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 sole 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. Failure of the municipal bond insurer to issue such 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 identification numbers will be printed on the Bonds at the City's expense, but neither the failure to print the numbers nor any error with respect thereto shall constitute cause for refusal by the purchaser to accept delivery of the Bonds. The CUSIP Service Bureau charge for the assignment of numbers shall be the responsibility of and paid for by the purchaser of the Bonds.

**FURTHER INFORMATION** may be obtained from Stauder, BARCH & ASSOCIATES, Inc. at 3989 Research Park Drive, Ann Arbor, Michigan 48108 (734-668-6688).

**THE RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.**

**ENVELOPES** containing the bids should be plainly marked "Proposal for City of Lansing Limited Tax General Obligation Capital Improvement Bonds, Series 2009."

Chris Swope  
City Clerk, City of Lansing

**RESOLUTION #2009-135**

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

WHEREAS, pursuant to Resolution #2009-082 adopted by this council on April, 2, 2009, a public hearing was held on Monday, April, 27, 2009, in consideration of a request by the Public Service Department for issuance of a waiver of the noise ordinance for the Edgewood Blvd project; and

WHEREAS, the City of Lansing Department of Public Service, in participation with the Michigan Department of Transportation (MDOT), will be resurfacing Edgewood Blvd (between Washington Ave. and Martin Luther King Jr., Blvd.) in summer 2009; and

WHEREAS, the approximately 1.3 mile long project includes milling the existing asphalt surface and overlaying the road with an ultra-thin concrete overlay (white-topping) for which the technical specifications require pavement joints to be saw cut every four feet in a square grid pattern within 16 hours of concrete placement; and

WHEREAS, the Michigan Concrete Paving Association has determined that for a routine work day saw cutting operations often continue until late evening on white-topping projects; and

WHEREAS, the use of extended works hours will facilitate compliance with the technical specifications of the concrete overlay; and

WHEREAS this waiver will allow concrete placement and saw cutting in the extended hours, from 8:00 PM to 10:00 PM Monday through Friday and 8:00 AM to 10:00 PM on Saturdays, effective July 5, 2009 to October 30, 2009 (the anticipated construction period) with the following conditions:

- a) This waiver is requested only for an estimated period of twenty (20) days to occur during the above indicated dates depending on the paving schedule; and
- b) any work associated with this request will occur only once for each concrete placing and saw cutting operation in front of any one property;

NOW, THEREFORE, BE IT RESOLVED that City Council grant a noise waiver permit to the Public Service Department to allow the contractor to work in the extended hours, from 8:00 PM to 10:00 PM Monday through Friday and 8:00 AM to 10:00 PM on Saturdays, effective July 5, 2009 to October 30, 2009 (the anticipated construction period) with the following conditions:

- a) This waiver is requested only for an estimated period of twenty (20) days to occur during the above indicated dates depending on the paving schedule; and
- b) any work associated with this request will occur only once for each concrete placing and saw cutting operation in front of any one property.

By Councilmember Robinson

Motion Carried

**RESOLUTION #2009-136**

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

WHEREAS, Churchill Downs Community Association has requested \$500 to defray costs associated with the Carnival Picnic to be held on June 20, 2009; and

WHEREAS, the Committee of the Whole met on May 11, 2009 and reviewed the request; and

WHEREAS, the maximum total amount of Community Promotion Funds to be awarded an organization in one fiscal year is \$500.00;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves an allocation from the Community Promotion Account to Churchill Downs Community Association to defray costs associated with the Carnival Picnic to be held on June 20, 2009;

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$500 to the Council Community Promotion Account – 101.112101.741289.0;

BE IT FINALLY RESOLVED that Churchill Downs Community Association shall submit a written analysis of the event, including information regarding the number of attendees, a detailed account as to contributors, funds received, expended, and residual funds to the Lansing City Council within 60 days after the event.

By Councilmember Robinson

Motion Carried

**FAILED**

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

WHEREAS, Lansing Community College has been working with the City for over a year on parking and other issues of mutual interest and had been proposing the construction of a parking ramp; and

WHEREAS, Lansing Community College negotiated with the City regarding purchasing the North Capitol Ramp to meet its parking needs instead of building a new parking structure adjacent to a residential area, thereby preserving the land for future development of an academic and/or cultural facility; and

WHEREAS, on March 20, 2008, the Planning Board held a public hearing regarding Act 1-2008; and

WHEREAS, on April 3, 2008, the Planning Board reviewed the request to sell the North Capitol Ramp and adjacent alley, in accordance with its Act 285 procedures and found, based on the testimony and evidence presented that:

1. City ownership of the North Capitol Parking Structure is not required to provide the necessary public parking at this location, and
2. The sale of the structure could improve the utilization and efficiency of the ramp, and could be a means to avoid the cost of an additional parking structure by LCC.
3. LCC ownership of the alley, assuming it also purchases the North Capitol Ramp, would give it more flexibility for improving or developing the entire block; and

WHEREAS, on April 3, 2008, the Planning Board voted unanimously (5-0) to recommend approval of Act 1 (Parts A and B) of 2008, to market

for or negotiate the sale of the City owned North Capitol Ramp and vacation of the adjacent public alley, subject to the following conditions:

1. The sale would only be to an entity that could improve the ground level space and partner with the City to foster development compatible with a revitalized downtown;
2. Approval of the vacation of the alley (Part B) is contingent upon purchase of the North Capitol Ramp by Lansing Community College;
3. Easements must be maintained for existing utilities and for fire department access within 150' of all points of the building; and

WHEREAS, Lansing Community College submitted an agreement to purchase certain real property titled in the name of the City of Lansing and more commonly referred to as the North Capitol Parking Ramp and adjacent alley; and

WHEREAS, if the sale were approved, Lansing Community College would invest approximately five million dollars in the facility to extend the useful life of the parking area and renovate and expand the ground floor retail and office space; and

WHEREAS, the sale of this property to Lansing Community College would eliminate the need for the College to construct a parking structure at the southwest corner of Capitol Avenue and Shiawassee Street, adjacent to residential properties; and

WHEREAS, the operations of the Planning & Neighborhood Development currently in the facility will remain in its current location subject to a lease agreement with Lansing Community College; and

WHEREAS, in accordance with the Lansing City Charter, Article 8, Chapter 4, and Section 208.08 of the Lansing Code of Ordinances, the documentation and details of the sale were placed on file in the Office of the City Clerk for a thirty (30) day period prior to the holding of a Public Hearing on the issue; and

WHEREAS, a Public Hearing was held on Monday, April 27, 2009, at 7:00 p.m. in the City Council Chambers, Tenth Floor, City Hall, 124 West Michigan Avenue, Lansing, Michigan, to receive public comment on and to consider the proposed sale of the property located in the City of Lansing, Michigan and legally described more particularly in the Purchase Agreement for the property, which was placed on file with the City Clerk on February 16, 2009;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approves the sale of the property described in the purchase agreement, more commonly known as the North Capitol Parking Ramp and the adjacent alley, to Lansing Community College for the amount of Two Million Seven Hundred Thousand and no/100 Dollars (\$2,700,000.00).

BE IT FURTHER RESOLVED that the proceeds of the sale will be placed in the fund balance of the Parking System, account 585.000000.679000.

BE IT FINALLY RESOLVED that the Mayor is hereby authorized to sign and execute any and all documents necessary to complete this transaction subject to prior approval as to form and content by the City Attorney.

By Councilmember Robinson

To place an affirmative roll on the Resolution

Motion Failed by the following Roll Call vote:

Yeas: Councilmembers Allen, Dunbar, Jeffries, Kaltenbach, Quinney

Nays: Councilmembers Hewitt, Robinson, Wood

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

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

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letter from the City Clerk submitting Applications for a license to Sell or Offer to Sell Retail Fireworks filed by American Promotional dba TNT fireworks on behalf of the following locations in the City of Lansing:

- Sam's Club #8137 located at 340 E. Edgewood Blvd
- Target #361 located at 500 E. Edgewood Blvd
- Aldi's #1519 located 6555 S. Pennsylvania Ave
- L & L Food Center #279 located at 1615 W. Mt Hope Ave
- L & L Food Center #275 located at 5016 S Martin Luther King Blvd
- Meijer #24 located at 6200 S. Pennsylvania Ave.
- Kroger #884 located at 921 W. Holmes St
- Kroger #852 located at 443 Mall Court

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- b. Letters from the Mayor re:

- i. Capital Improvement Budget; Planning Board Recommendations for FY 2010

REFERRED TO THE COMMITTEE OF THE WHOLE AND BUDGET

- ii. Z-2-2009; 600 W. Maple St., Planning Board recommendations re: a request filed by the Greater Lansing Housing Coalition to rezone the property located at 600 W. Maple St. from "B" Residential District to "D-1" Professional District to permit the building at this location to be used for 3 Head Start classrooms and offices that provide housing assistance and community support services

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iii. Traffic Control Request Report: Cedar St. and Paulson St.; and TCO 09-036; Installation of stop signs on Paulson St. at the intersection of Cedar St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- iv. Traffic Control Request Report: Burchfield Ave. and Lowcroft Ave.; and TCO 09-037; Installation of a yield sign on Washington Ave. at the intersection of Burchfield Ave. and Lowcroft Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- v. Traffic Control Request Report: Christopher St. and Cross St.; and TCO 09-038; Installation of stop signs on Cross St. at the intersection of Christopher St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- vi. Traffic Control Request Report: Creston Ave. and Thomas St.; and TCO 09-039; Installation of a stop sign on Creston Ave. at the intersection of Thomas St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- vii. Traffic Control Request Report: Risdale Ave. and Wainwright Ave.; and TCO 09-040; Installation of a stop sign on Wainwright Ave. at the intersection of of Risdale Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- viii. Traffic Control Request Report: Tecumseh Ave. and Windsor St.; and TCO 06-026; Installation of stop signs on Windsor St. at the intersection of Tecumseh Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- ix. Traffic Control Request Report: Palmer St. and Rosedale Ave.; and TCO 06-027; Installation of stop signs on Rosedale Ave. at the intersection of Palmer St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- x. Traffic Control Request Report: Creston Ave. and Fairfield Ave.; and TCO 09-035; Installation of stop signs on Frederick St. at the intersection of Walker Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- xi. Traffic Control Request Report: Frederick St. and Walker Ave.; and TCO 09-034; Installation of stop signs on Frederick St. at the intersection of Walker Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- xii. Traffic Control Request Report: Cross St. and Emerson St.; and TCO 09-033; Installation of stop signs on Emerson St. at the intersection of Cross St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- xiii. Traffic Control Request Report: Carrier St. and Felt St.; and TCO 09-041; Installation of stop signs on Carrier St. at the intersection of Felt St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- xiv. TCO 08-018; Regulation of the lane usage on Edgewood Blvd. between Georgetown Blvd. and Washington Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- xv. TCO 07-055; Traffic calming at the intersection of Lapeer St. and Pine St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- xvi. TCO 07-056; Traffic calming at the intersection of Saginaw St. and Sycamore St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- xvii. TCO 09-001; Parking regulations on Moores River Dr. between Mt. Hope Ave. and Cambridge Rd.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- xviii. Area 17 Traffic Control Reports

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- xix. Resignation of Shatina Clinton from the Memorial Review Board

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

• Communications and Petitions, and Other City Related Matters:

- a. Letter from the State of Michigan Liquor Control Commission providing notice to Cooper Corporation of the status of its request for the extension of the Escrowed 2005 Class C and Specially Designated Merchant licenses with Sunday Sales Permit, Dance Permit located at 1138-40-42-1146 S. Washington Ave.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- b. Contracts between the State of Michigan Department of Transportation and the City of Lansing to allow for:

i. PART A –FEDERAL PARTICIPATION

Reconstruction work along Grand Avenue from Ottawa St. to Shiawassee St.; including hot mix asphalt paving, concrete curb and gutter, and storm sewer work; and all together with necessary related work.

PART B –NO FEDERAL PARTICIPATION

Watermain work along Grand Ave. from Ottawa St. to Shiawassee St.; and all together with necessary related work.

PART C –FEDERAL PARTICIPATION

Streetscaping work along Grand Ave. from St. Joseph Hwy. to Shiawassee St.; including decorative brick paving, concrete sidewalk, benches, and landscaping work; and all together with necessary related work.

PART D –NO FEDERAL PARTICIPATION

Audiovisual taping and irrigation system work along Grand Ave. from St. Joseph Hwy. to Shiawassee St.; and all together with necessary related work.

RECEIVED AND PLACED ON FILE

ii. PART A – FEDERAL PARTICIPATION

Left-turn lane work at the intersection of Waverly Rd. and Holmes Rd.; including pavement removal, storm sewer, concrete curb and gutter, and hot mix asphalt paving work; and all together with necessary related work.

PART B – NO FEDERAL PARTICIPATION

Audiovisual taping and 84-inch culvert work at the intersection of Waverly Rd. and Holmes Rd.; and all together with necessary related work.

RECEIVED AND PLACED ON FILE

iii. PART A

Hot mix asphalt paving work for eastbound and westbound turnarounds to allow transit service on Edgewood Blvd. west of Washington Rd.; including concrete curb and gutter and storm sewer work; and all together with necessary related work.

PART B

Reconstruction work along Edgewood Blvd. from Martin Luther King Jr. Blvd. to Washington Rd.; including hot mix asphalt paving, concrete pavement, concrete curb and gutter, and pavement marking work.

RECEIVED AND PLACED ON FILE

- c. Request for Recognition of Non-Profit Status in the City of Lansing submitted by Linda Gobler, President and Trustee of Michigan Grocers Foundation, Inc.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- d. Affidavit of Disclosure submitted by Billie O'Berry, Assistant City Attorney

REFERRED TO THE BOARD OF ETHICS

- e. Claims appeal filed on behalf of James and Amy Haley for property located at 1112 Eaton Ct.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- f. Appeal of Trash and Debris fee submitted by Tri Doan for property located at 829 May St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- g. Letter from Marshaun Blake of 827 Fred St. regarding claim denials for property located at 825/827 Fred St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- h. Letter from Fred Williams of 350 E. Gier St. regarding street sweeping in the City of Lansing

RECEIVED AND PLACED ON FILE

**REMARKS BY COUNCILMEMBERS**

Council President Quinney stated that he received a parking refund voucher from the city.

**REMARKS BY THE MAYOR  
OR EXECUTIVE ASSISTANT**

Jerry Ambrose, Executive Assistant to Mayor Bernero, thanked the City Council for passing the Authorization of the Issuance of Bonds for Capital Improvement Projects and expressed his disappointment at its failure to pass the sale of the North Capitol Parking Ramp.

Council President Quinney announced upcoming budget hearings.

ADJOURNED TIME 10:26 P.M.

---

CHRIS SWOPE, CITY CLERK