

June 17, 2013

**BAY CITY  
CITY COMMISSION**

**REGULAR MEETING  
OFFICIAL PROCEEDINGS**

**BAY CITY, MICHIGAN  
June 17, 2013**

The Commission met at 7:38 PM at Pere Marquette Depot, 1000 Adams Street and was called to order by Mayor Christopher Shannon.

Invocation was given by the Acting City Clerk.

The Commission and others present offered the Pledge of Allegiance.

Commissioners Present: Lynn Stamiris, Elizabeth Peters, Dennis Banaszak, Lori Dufresne, James Irving, Christopher Girard, Douglas Sommer, Chad Sibley, Larry Elliott, 9.  
Absent: None.

Commissioner Peters moved to allow public input on the consent agenda. There was no objection.

Chad Sibley, 804 Litchfield Street, requested that the issuance of revenue bonds for the Electric Department, be placed on the regular agenda.

On motion, minutes of the May 20, 2013, regular meeting, reported correct by the Acting City Clerk, were approved without reading.

**RECESS**

The Commission recessed at 7:54 PM for discussion of items on the informal agenda. The meeting reconvened at 7:55 PM. It was noted that attendance of the Commission remained the same as at the time of the recess.

**PUBLIC HEARING**

Commissioner Banaszak moved to allow citizens to address the Commission regarding the Millage Rate for FY 2013/2014 - 21.3365 Mills, 2013/2014 General Fund Budget - \$18,853,109, 2013/2014 Internal Service Funds Budget - \$22,425,576, 2013/2014 Capital Project Funds Budget - \$1,912,943, 2013/2014 Component Unit Funds Budget - \$1,325,024, 2013/2014 Debt Service Sinking Fund - \$2,491,109, 2013/2014 Enterprise Funds Budget - \$70,009,099, 2013/2014 Special Revenue Funds Budget - \$8,987,622, 2013/2014 Trust & Agency Funds Budget - \$1,024,971, Ordinance amendment to the Code of Ordinances, Chapter 106, Utilities, Article II, Section 106-302, regarding sewer rates and Ordinance amendment to the Code of Ordinances, Chapter 106, Utilities, Article III, Section 106-433, regarding water rates, or any item on the agenda or any other matter. There was no objection.

(Public comments on the public hearing items appear after those items).

Howard Heading, 121 Marsac Street, doesn't feel an item should be allowed to be reconsidered at the following meeting.

Richard Luczak, 1707 Fremont Street, feels that any vote on proposed water and sewer rate increases should be postponed until the public has been better informed regarding the purpose of the increases.

Gordon Webster, 206 Koehler Street, feels that the city roads are not being kept up and would like to know where the money is being spent.

Charles Congdon, 211 N. Dewitt Street, quoted Groucho Marx.

### **SPECIAL ORDER**

Of Commission as a Whole:

**Whereas** the requirements of Section 16 of the Uniform Budgeting and Accounting Act have been complied with; and

**Whereas** the City Commission of the City of Bay City has published the required notice and held the necessary public hearing relative to the 2013/2014 proposed budgets;

**Now Therefore Be It Resolved** that the following tax rates are hereby authorized to be levied for the 2013/2014 tax year against all taxable property for a total City levy of 21.3365 mills including authorized debt service summarized as follows:

15.4615 mills per \$1,000 based on taxable value for general operating, and  
1.5000 mills per \$1,000 based on taxable value for street improvements, and  
4.3750 mills per \$1,000 based on taxable value for debt retirement.

Commissioner Banaszak moved to allow public input. There was no objection.

Gordon Webster, 206 Koehler Street, spoke in opposition of the millage rate increase.

Commissioner Elliott moved adoption of resolution.

After debate, Commissioner Peters moved the previous question. There was no objection.  
Debate closed by unanimous consent.

Adopted by the following vote:

Yes, Commissioners Stamiris, Banaszak, Dufresne, Irving, Girard, Elliott, 6.

No, Commissioners Peters, Sommer, Sibley, 3.

### **SPECIAL ORDER**

Of Commission as a Whole:

**Whereas**, final consideration has been given to the GENERAL FUND Budget for fiscal year 2013/2014, the revenue and expenditures are submitted herewith for approval

#### **GENERAL FUND**

##### **REVENUES:**

Taxes	\$9,458,187		
Licenses and permits		436,725	
Intergovernmental			4,196,607
Interest and rents		91,667	
Charges for services	2,817,449		
Fines and forfeitures		84,900	
Miscellaneous	141,107		
Transfers in from other funds	164,795		
Appropriated fund balance	1,461,672		

TOTAL REVENUES	\$18,853,109		
EXPENDITURES:			
Legislative and executive	\$308,432		
Administration	3,726,239		
Finance	976,005		
Legal counsel	147,300		
Planning and zoning	292,404		
Economic development	192,614		
Public safety	10,559,665		
Public works	1,014,673	Environmental	
53,000 Parks		869,058	Transfers out to other
funds 713,719			
TOTAL EXPENDITURES			\$18,853,109

**Now Therefore Be It Resolved** by this Commission that the revenues and expenditures for the General Fund in the amount of \$18,853,109 are approved.

Commissioner Banaszak moved to allow public input. There was no objection. No one came forward.

Commissioner Banaszak moved adoption of resolution.

Commissioner Girard moved to amend the budget by adding \$8500 for Bay City Area Transportation Study membership. There was no objection. Amendment adopted by unanimous consent.

Resolution, as amended, adopted by the following vote:

Yes, Commissioners Stamiris, Banaszak, Dufresne, Irving, Girard, Elliott, 6.

No, Commissioners Peters, Sommer, Sibley, 3.

### **SPECIAL ORDER**

Of Commission as a Whole:

**Whereas**, final consideration has been given to the INTERNAL SERVICE FUND Budgets for fiscal year 2013/2014, the revenues and expenses are submitted herewith for approval:

#### **INTERNAL SERVICE FUNDS**

##### **RETIREMENT - DEFINED BENEFIT FUND:**

###### **REVENUES:**

Interest	\$2,433
Contributions	3,972,239

TOTAL REVENUES	\$3,974,672
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###### **EXPENSES:**

Cost of claims and benefits \$3,974,672

##### **RETIREMENT - DEFINED CONTRIBUTION FUND:**

###### **REVENUES:**

Interest	\$450
Contributions	771,423

TOTAL REVENUES	\$771,873
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EXPENSES:

Cost of claims and benefits \$771,873

INFORMATION TECHNOLOGIES FUND

REVENUES:

Interest

\$2,890

Charges for services 782,505

Miscellaneous 7,000

Transfers from other funds 518,032

Appropriated fund balance 479,576

TOTAL REVENUES \$1,790,003

EXPENSES:

Operation and maintenance

\$1,009,153

Capital 780,850

TOTAL EXPENSES \$1,790,003

MIDDLEGROUNDS REMEDIATION FUND:

REVENUES:

Transfer in from Waste

Management Fund \$60,458

Appropriated fund balance 63,642

TOTAL REVENUES \$124,100

EXPENSES:

Administration

\$124,100

MOTOR EQUIPMENT REVOLVING FUND:

REVENUES:

Charges for services \$665,940

Interest and rent 2,746,929

Miscellaneous 35,000

Appropriated fund balance 85,577

TOTAL REVENUES \$3,533,446

EXPENSES:

Operation and maintenance

\$2,337,446

Capital 1,196,000

TOTAL EXPENSES \$3,533,446

SELF-INSURANCE FUND:

REVENUES:

Interest \$8,164

Charges for services \$833,769

Claims/settlements 960,000

TOTAL REVENUES \$1,801,933

EXPENSES:

Cost of claims and benefits \$1,801,933

LIFE INSURANCE FUND:

REVENUES:

Charges for services \$29,101

EXPENSES:

Cost of claims and benefits \$29,101

WORKERS COMPENSATION FUND:

REVENUES:

Interest \$12,000

Appropriated fund balance 522,644

TOTAL REVENUES \$534,644

EXPENSES:

Cost of claims and benefits \$534,644

UNEMPLOYMENT INSURANCE FUND:

REVENUES:

Charges for services \$108,600

EXPENSES:

Cost of claims and benefits \$108,600

HEALTHCARE FUND:

REVENUES:

\$21,000

Interest

Charges for services 9,670,388

Miscellaneous 12,000

TOTAL REVENUES \$9,703,388

EXPENSES:

Cost of claims and benefits \$9,703,388

DISABILITY INSURANCE FUND:

REVENUES:

Charges for services \$14,248

EXPENSES:

Cost of claims and benefits \$14,248

HEALTHCARE SAVINGS FUND:

REVENUES:

Contributions \$39,568

EXPENSES:

Cost of claims and benefits \$39,568

**Now Therefore Be It Resolved** by this Commission that the revenues and expenses for the Internal Service Funds in the amount of \$22,425,576 are approved.

Commissioner Banaszak moved to allow public input. There was no objection. No one came forward.

Commissioner Banaszak moved adoption of resolution.

Adopted by the following vote:

Yes, Commissioners Stamiris, Banaszak, Dufresne, Irving, Girard, Elliott, 6.

No, Commissioners Peters, Sommer, Sibley, 3.

### **SPECIAL ORDER**

Of Commission as a Whole:

**Whereas**, final consideration has been given to the CAPITAL PROJECT FUND Budgets for fiscal year 2013/2014, the revenues and expenditures are submitted herewith for approval:

#### **CAPITAL PROJECT FUNDS**

##### **PUBLIC IMPROVEMENT FUND:**

###### **REVENUES:**

Transfer in from General Fund

\$386,033

Claims/settlements 1,100,000

**TOTAL REVENUES \$1,486,033**

###### **EXPENDITURES:**

Capital \$1,486,033

##### **RIVERFRONT REDEVELOPMENT FUND:**

###### **REVENUES:**

Intergovernmental \$339,494

Appropriated fund balance 63,516

**TOTAL REVENUES \$403,010**

###### **EXPENDITURES:**

Operation and maintenance \$403,010

##### **ECONOMIC OPPORTUNITIES FUND:**

###### **REVENUES:**

Interest \$700

Miscellaneous 4,875

Appropriated fund balance 18,325

**TOTAL REVENUES \$23,900**

###### **EXPENDITURES:**

\$23,900 Operation and maintenance

**Now Therefore Be It Resolved** by this Commission that the revenues and expenditures for the Capital Project Funds in the amount of \$1,912,943 are approved. Commissioner Banaszak moved to allow public input. There was no objection. No one came forward.

Commissioner Banaszak moved adoption of resolution.

Adopted by the following vote:

Yes, Commissioners Stamiris, Banaszak, Dufresne, Irving, Girard, Elliott, 6.

No, Commissioners Peters, Sommer, Sibley, 3.

### **SPECIAL ORDER**

Of Commission as a Whole:

**Whereas**, final consideration has been given to the COMPONENT UNIT FUND Budgets for fiscal year 2013/2014, the revenues and expenditures are submitted herewith for approval:

#### **COMPONENT UNIT FUNDS**

##### **DOWNTOWN DEVELOPMENT AUTHORITY FUND:**

REVENUES:	Special assessments	\$66,530
Interest and rents	69,000	
Reimbursement for services	19,000	

TOTAL REVENUES	\$154,530
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##### **EXPENDITURES:**

Operation and maintenance	\$130,854
Transfers to Parking	
Enforcement Fund	23,676

TOTAL EXPENDITURES	\$154,530
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##### **MIDLAND STREET TAX INCREMENT FUND:**

REVENUES:	Taxes
\$93,635	
Interest	2,450
Appropriated fund balance	28,928

TOTAL REVENUES	\$125,013
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##### **EXPENDITURES:**

Operation and maintenance	\$16,520
Capital	27,492
Debt service	81,001

TOTAL EXPENDITURES	\$125,013
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##### **LANDMARK PLAZA DDA FUND:**

##### **REVENUES:**

Taxes	\$2,985
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##### **EXPENDITURES:**

Operation and maintenance                \$2,985

MARQUETTE DISTRICT TAX INCREMENT FUND:

REVENUES:

Taxes                                \$364,430  
Interest                                \$2,750  
Appropriated fund balance        327

TOTAL REVENUES                \$367,507

EXPENDITURES:

Operation and maintenance \$367,507

WATER STREET DDA FUND:

REVENUES:

Taxes                                \$384,867

EXPENDITURES:

Operation and maintenance        \$38,795  
Capital                                10,000  
Debt service                                288,302  
Fund Balance Reserve                47,770

TOTAL EXPENDITURES        \$384,867

KNEPP PROPERTY DDA #10 FUND:

REVENUES:

Appropriated fund balance        \$3,386

EXPENDITURES:

Operation and maintenance        \$3,386

MIDLAND STREET MANAGEMENT BOARD FUND:

REVENUES:

Special assessments                \$19,360  
Appropriated fund balance        9,500

TOTAL REVENUES                \$28,860

EXPENDITURES:

Operation and maintenance        \$28,860

COLUMBUS AVENUE MANAGEMENT BOARD FUND:

REVENUES:

Special assessments                \$12,920  
Local grants                                250  
Interest and rent                                100

TOTAL REVENUES                \$13,270

EXPENDITURES:



Operation and maintenance        \$13,270

**BROWNFIELD REDEVELOPMENT FUND:**

**REVENUES:**

Taxes	\$184,429
Interest	3,190
License and permits	1,000
Appropriated fund balance	55,987

**TOTAL REVENUES        \$244,606**

**EXPENDITURES:**

Operation and maintenance	\$214,700
Debt service	29,906

**TOTAL EXPENDITURES \$244,606**

**Now Therefore Be It Resolved**, by this Commission that the revenues and expenditures for the Component Unit Funds in the amount of \$1,325,024 are approved.

Commissioner Banaszak moved to allow public input. There was no objection. No one came forward.

Commissioner Irving moved adoption of resolution.

Adopted by the following vote:

Yes, Commissioners Stamiris, Banaszak, Dufresne, Irving, Girard, Elliott, 6.

No, Commissioners Peters, Sommer, Sibley, 3.

**SPECIAL ORDER**

Of Commission as a Whole:

**Whereas**, final consideration has been given to the DEBT SERVICE FUND Budget for fiscal year 2013/2014, the revenues and expenditures are submitted herewith for approval:

**DEBT SERVICE FUND**

**BAY CITY SINKING FUND:**

**REVENUES:**

Taxes	\$2,377,216
Interest	3,800
Transfers from General Fund	

110,093

**TOTAL REVENUES        \$2,491,109**

**EXPENDITURES:**

Operation and maintenanc	\$3,350
Debt service	\$2,399,093
Fund balance reserve	88,666

**TOTAL EXPENDITURES \$2,491,109**

**Now Therefore Be It Resolved** by this Commission that the revenues and expenditures for the Debt Service Fund in the amount of \$2,491,109 are approved.

Commissioner Banaszak moved to allow public input. There was no objection. No one came forward.

Commissioner Banaszak moved adoption of resolution.

Adopted by the following vote:

Yes, Commissioners Stamiris, Banaszak, Dufresne, Irving, Girard, Elliott, 6.

No, Commissioners Peters, Sommer, Sibley, 3.

### **SPECIAL ORDER**

Of Commission as a Whole:

**Whereas**, final consideration has been given to the ENTERPRISE FUND Budgets for fiscal year 2013/2014, the revenues and expenses are submitted herewith for approval:

#### **ENTERPRISE FUNDS**

##### **OAK RIDGE CEMETERY FUND:**

###### **REVENUES:**

Licenses and permits	\$53,500
Transfers from other funds	69,318

<b>TOTAL REVENUES</b>	<b>\$122,818</b>
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###### **EXPENSES:**

Operation and maintenance \$122,818

##### **JAMES CLEMENTS AIRPORT FUND:**

###### **REVENUES:**

Charges for services	\$72,875	
Intergovernmental		24,700
Interest and rent	45,925	
Transfers from General Fund	39,027	

<b>TOTAL REVENUES</b>	<b>\$182,527</b>
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###### **EXPENSES:**

Operation and maintenance	\$156,527
Capital	26,000

<b>TOTAL EXPENSES</b>	<b>\$182,527</b>
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##### **ELECTRIC FUND:**

###### **REVENUES:**

Intergovernmental		\$110,000
Charges for services	34,440,100	
Fines and forfeitures	183,334	
Interest and rent	60,000	
Miscellaneous	29,400	
Bond reserves	3,027,281	



Transfer to Information Technology Fund	164,516
Fund balance reserve	881,979
Debt service	993,615

TOTAL EXPENSES \$12,874,010

LIBERTY HARBOR MARINA FUND:	REVENUES:
Interest and rent	\$139,848
Miscellaneous	3,125
TOTAL REVENUES	142,973

EXPENSES:  
Operation and maintenance \$142,973

**Now Therefore Be It Resolved** by this Commission that the revenues and expenses for the Enterprise Funds in the amount of \$70,009,099 are approved.

Commissioner Banaszak moved to allow public input. There was no objection. No one came forward.

Commissioner Banaszak moved adoption of resolution.

Defeated by the following vote:

Yes, Commissioners Stamiris, Banaszak, Dufresne, Girard, 4.

No, Commissioners Peters, Irving, Sommer, Sibley, Elliott, 5.

### SPECIAL ORDER

Of Commission as a Whole:

**Whereas**, final consideration has been given to the SPECIAL REVENUE FUND Budgets for fiscal year 2013/2014, the revenues and expenditures are submitted herewith for approval:

### SPECIAL REVENUE FUNDS

STREET FUNDS:	REVENUES:
Taxes	\$778,140
Intergovernmental	3,492,990
Charges for services	100
Interest and rents	5,350
Transfer in from CDBG	111,022
Miscellaneous	500

TOTAL REVENUES \$4,388,102

EXPENDITURES:	Personal services
\$1,486,725	
Operation and maintenance	
2,053,205	
Capital	848,172

TOTAL EXPENDITURES \$4,388,102

PARKING ENFORCEMENT FUND:

REVENUES:

Transfers from DDA	\$23,676
Fines and forfeits	22,000

TOTAL REVENUES	\$45,676
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EXPENDITURES:

Operation and maintenance	\$45,676
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CITY LOANS & COLLECTIONS FUND:

REVENUES:

Interest	\$400
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EXPENDITURES:

Administration	\$400
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SOLID WASTE MANAGEMENT FUND:

REVENUES:

Charges for services	\$2,083,010
Fines and forfeitures	14,000
Interest	1,000
Miscellaneous	5,000

TOTAL REVENUES	\$2,103,010
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EXPENDITURES:

Personal services	\$880,178
Operation and maintenance	1,155,792
Transfer out to Site	
Remediation Fund	60,458
Fund balance reserve	6,582

TOTAL EXPENDITURES \$2,103,010

COMMUNITY DEVELOPMENT BLOCK GRANT FUND:

REVENUES:

Intergovernmental	\$1,252,781
Transfers from other funds	40,000

TOTAL REVENUES	\$1,292,781
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EXPENDITURES:

Administration	\$148,973
Economic development	271,567
Capital	150,000
Debt Service	177,276
Transfers out to other funds	544,965

TOTAL EXPENDITURES \$1,292,781

REHABILITATION FUNDS:

REVENUES:

Interest	\$3,200
Transfers in from other funds	269,148
Loans/bonds proceeds	36,800
TOTAL REVENUES	\$309,148

EXPENDITURES:

Economic development	\$269,148
Transfers out to other funds	40,000

TOTAL EXPENDITURES \$309,148

BUILDING INSPECTION FUND:

REVENUES:

Interest	\$400
Charges for services	17,925
Licenses and permits	481,560
Fines and forfeits	20,000
Transfers from General Fund	110,398

TOTAL REVENUES \$630,283

EXPENDITURES:

Personal services	\$368,968
Operation and maintenance	261,315

TOTAL EXPENDITURES \$630,283

HUD HOME PROGRAM

REVENUES:

Intergovernmental	\$172,422
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EXPENDITURES:

Personal services	\$7,956
Capital	164,466

TOTAL EXPENDITURES \$172,422

NEIGHBORHOOD OPPORTUNITY FUND:

REVENUES:

Interest	\$800
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EXPENDITURES:

Fund balance reserve	\$800
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DRUG LAW ENFORCEMENT

REVENUES:

Miscellaneous	\$45,000
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EXPENDITURES:		Operation and maintenance	\$25,000
Capital	20,000		

TOTAL EXPENDITURES \$45,000

**Now Therefore Be It Resolved** by this Commission that the revenues and expenditures for the Special Revenue Funds in the amount of \$8,987,622 are approved.

Commissioner Banaszak moved to allow public input. There was no objection. No one came forward

Commissioner Banaszak moved adoption of resolution.

Adopted by the following vote:

Yes, Commissioners Stamiris, Banaszak, Dufresne, Irving, Girard, Sommer, Elliott, 7.

No, Commissioners Peters, Sibley, 2.

### **SPECIAL ORDER**

Of Commission as a Whole:

**Whereas**, final consideration has been given to the TRUST & AGENCY FUND Budgets for fiscal year 2013/2014, the additions and deductions are submitted herewith for approval:

#### **TRUST & AGENCY FUNDS**

##### **OAKRIDGE ENDOWMENT FUND:**

###### **ADDITIONS:**

Licenses and permits	\$3,500
Interest	1,150

TOTAL ADDITIONS	\$4,650
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###### **DEDUCTIONS:**

Fund balance reserve	\$3,500
Transfer to Oakridge Cemetery Fund	1,150

TOTAL DEDUCTIONS	\$4,650
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##### **HEALTHCARE INVESTMENT FUND - FD:**

###### **ADDITIONS:**

Interest	\$145,000
Contributions	540,547

TOTAL ADDITIONS	\$685,547
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###### **DEDUCTIONS:**

Fund balance reserve	\$685,547
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##### **HEALTHCARE INVESTMENT FUND - PF:**

###### **ADDITIONS:**

Interest	\$62,500
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Contributions                      272,274

TOTAL ADDITIONS              \$334,774

DEDUCTIONS:

Fund balance reserve        \$334,774

**Now Therefore Be It Resolved** by this Commission that the additions and deductions for the Trust and Agency Funds in the amount of \$1,024,971 are approved.

Commissioner Banaszak moved to allow public input. There was no objection. No one came forward.

Commissioner Banaszak moved adoption of resolution.

Adopted by the following vote:

Yes, Commissioners Stamiris, Banaszak, Dufresne, Irving, Girard, Sommer, Elliott, 7.

No, Commissioners Peters, Sibley, 2.

### **SPECIAL ORDER**

The following Ordinance was presented at the June 3, 2013, meeting and is herewith presented for second reading and possible adoption.

Of Commission as a Whole:

**Ordinance No: 2013-7**

Be It Ordained by the City of Bay City:

1. That the Code of Ordinances of the City of Bay City, Chapter 106, Utilities, Article II, Sec. 106-302 be amended to read as follows:

**Sec. 106-302. Monthly customer charge**

For all users of the wastewater facilities inside the city, there shall be a monthly customer charge in accordance with schedule A in section 106-303.

(a)When service is initiated, the city manager shall establish a charge prorated on the on the monthly customer charge set forth in schedule A in section 106-303.

(b)When any user of the wastewater facilities is not served by a public water supply, the user shall have the option of:

(1)Installing a water meter so that the charges shall be in accordance with schedule A in section 106-303.

(2)Paying a charge for service supplied by the wastewater facilities at a rate equal to the charge set forth in schedule A in section 106-303, plus 12 Ccf per month at the commodity rate set forth in schedule B in section 106-303, based on a meter size to be determined by the superintendent.

2. That the Code of Ordinances of the City of Bay City, Chapter 106, Utilities, Article II, Sec. 106-303, be amended to read as follows:

**Sec. 106-303. Sewage service charges.**

(a)The rates and charges for sewage service for domestic users are based upon the water consumption and water meter size or sewage flow consumption and flow meter size. The total



charge for domestic users is the sum of the monthly customer charge set forth in Schedule A in this section plus the commodity charge set forth in Schedule B in this section.

(b) For non-domestic users, the rates and charges for sewer service are based upon the water consumption, water meter size or sewage flow consumption and flow meter size, if any, and industrial cost recovery charges, if any, and non-domestic charge. The total charge for a non-domestic user is the sum of:

- (1) The sum of the monthly customer charge set forth in schedule A of this section plus the commodity charge set forth in schedule B in this section; and
- (2) The extra strength surcharges, if applicable, set forth in section 106-304; and
- (3) The non-domestic charges set forth in section 106-305.

#### SCHEDULE A.

##### Distribution of Monthly Customer Charge to Meter by Size - In City

All bills rendered on or after August 27, 2012

Meter Size (Inches)	Monthly Customer Charge
5/8	\$ 25.33
3/4	36.48
1	64.84
1-1/2	145.90
2	259.38
3	583.60
4	1037.52
6	2334.41
8	4150.07
10	6484.48
12	9337.65

#### SCHEDULE B. COMMODITY CHARGE

A. For all users of the wastewater facilities inside the city, there shall be a commodity charge per Ccf for all bills rendered on or after the effective date as follows:

Effective Date	Charge/Ccf
July 1, 2013	\$ 7.65

The commodity charges are composed of a charge for operation, maintenance, and replacement of treatment and interceptor facilities, plus a charge for operation, maintenance and replacement of collectors and storm facilities.

B. For all users of the wastewater facilities outside the city, with the exception of users in Portsmouth Township, there shall be a commodity charge per Ccf for all bills rendered on or after the effective date as follows:

Effective Date	Charge/Ccf
August 1, 2010	\$ 7.25

The commodity charges are composed of a charge for operation, maintenance and replacement of treatment and interceptor facilities, plus a charge for capital cost recovery.

C. For all users of the Portsmouth Township wastewater system, there shall be a commodity charge per Ccf for all bills rendered on or after the effective date as follows:

Effective Date	Charge/Ccf
August 1, 2010	\$ 1.42

The commodity charges are composed of a charge for operation, maintenance and replacement of treatment and interceptor facilities, plus a charge for capital cost recovery.

Commissioner Banazak moved to allow public input. There was no objection.

Rick Luczak, 1707 Fremont Street, spoke in opposition to the sewer rate increase.

Commissioner Banaszak moved adoption of Ordinance No. 2013-7.

Adopted by the following vote:

Yes, Commissioners Stamiris, Peters, Banaszak, Dufresne, Girard, 5.

No, Commissioners Irving, Sommer, Sibley, Elliott, 4.

#### **SPECIAL ORDER**

The following Ordinance was presented at the June 3, 2013, meeting and is herewith presented for second reading and possible adoption.

Of Commission as a Whole:

#### **Ordinance No: 2013-6**

##### **Be It Ordained by the City of Bay City:**

1. That the Code of Ordinances of the City of Bay City, Chapter 106, Utilities, Article III, Sec 106-433 be amended to read as follows:

#### **Sec. 106-433. – Rates and Billing for metered service inside City.**

(a)The rates for water service shall include volume charges on all bills rendered on or after the effective date as follows:

Effective date	Charge/Ccf
July 1, 2013	\$3.13

(b)The rates for water service shall include a monthly customer charge imposed in accordance with schedule A.

Schedule A

Distribution of monthly Customer Charge by meter size on all bills rendered on or after July 1st, 2013

Meter size (inches)	Monthly Customer Charge (\$)
5/8	9.00
3/4	9.00
1	9.00
1.5	23.25
2	40.00

3	89.00
4	152.00
6	280.00
8	530.00

(c) A late payment charge of two percent of the unpaid balance, not compounded, net of taxes, shall be assessed to any bill which is delinquent. The two percent per month late payment charge may be waived for up to 15 days for qualifying senior citizens, upon receipt of a proper request and affidavit attesting to their current inability to pay, provided that they will receive their next social security check and make payment within the 15 day grace periods.

Commissioner Banazak moved to allow public input. There was no objection.

Howard Heading, 121 Marsac Street, spoke in opposition to the water rate increase.

Gordon Webster, 206 Koehler Street, spoke in opposition to the water rate increase.

Rick Luczak, 1707 Fremont Street, spoke in opposition to the water rate increase.

Commissioner Stamiris moved adoption of Ordinance No. 2013-6.

Adopted by the following vote:

Yes, Commissioners Stamiris, Peters, Banaszak, Dufresne, Girard, 5.

No, Commissioners Irving, Sommer, Sibley, Elliott, 4.

### **SPECIAL ORDER**

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF ELECTRIC UTILITY SYSTEM REVENUE BONDS TO PAY THE COST OF THE ACQUISITION AND CONSTRUCTION OF ADDITIONS, IMPROVEMENTS AND EXTENSIONS TO THE SYSTEM; TO PRESCRIBE THE FORM OF THE BONDS; TO PROVIDE FOR THE COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM AND TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS; TO PROVIDE AN ADEQUATE RESERVE FUND FOR THE BONDS; TO PROVIDE FOR THE SEGREGATION AND DISTRIBUTION OF THE REVENUES; TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE BONDS IN ENFORCEMENT THEREOF; AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE SYSTEM AND THE BONDS.

THE CITY OF BAY CITY ORDAINS:

Section 1. Definitions. Whenever used in this Ordinance, except when otherwise indicated by the context, the following terms shall have the following meanings:

(a)"Act 94" means Act 94, Public Acts of Michigan, 1933, as amended.

(b)"Authorized Officers" means the Mayor, the City Manager, the Deputy City Manager, the City Clerk or the Treasurer.

(c)"Bonds" mean the Series 2013 Bonds, the Outstanding Bonds and any additional Bonds presently of equal standing or hereafter issued.

(d)"Bond Purchase Agreement" means the Bond Purchase Agreement relating to the purchase of the Series 2013 Bonds by and between the City and the Underwriter.

(e)"Issuer" or "City" means the City of Bay City, County of Bay, State of Michigan.

(f) "Outstanding Bonds" mean the Series 2008 Bonds.

(g) "Outstanding Ordinances" means Ordinance No. 2008-2, as amended of the City.

(h) "Project" means the additions, extensions and improvements to the System, together with all necessary appurtenances and additions thereto.

(i) "Revenues" and "Net Revenues" mean the revenues and net revenues of the System and shall be construed as defined in Section 3 of Act 94, including with respect to "Revenues", the earnings derived from the investment of moneys in the various funds and accounts established by the Outstanding Ordinances and this Ordinance.

(j) "Sale Order" means the Sales Order to be executed by an Authorized Officer of the Issuer respecting the sale of the Series 2013 Bonds.

(k) "Series 2008 Bonds" means the Issuer's Electric Utility System Revenue Refunding and Improvement Bonds, Series 2008, dated May 29, 2008, in the outstanding principal amount of Two Million Fifty-Five Thousand Dollars (\$2,055,000).

(l) "Series 2013 Bonds" means the Electric Utility System Revenue Bonds, Series 2013, of the Issuer authorized pursuant to this Ordinance.

(m) "System" means the entire Electric Utility System of the City as defined in the Outstanding Ordinances.

(n) "Transfer Agent" means U.S. Bank National Association, Detroit, Michigan.

(o) "Underwriter" means Robert W. Baird & Co. as the purchaser of the Series 2013 Bonds.

Section 2. Necessity; Public Purpose; Estimated Cost. It is hereby determined to be a necessary public purpose of the Issuer to acquire and construct the Project. The estimated cost of acquiring and constructing the Project, including contingencies, engineering, legal and financing expenses, in an amount not to exceed Fifteen Million Dollars (\$15,000,000) is hereby approved. The Issuer does hereby estimate the period of usefulness of the Project to be at least thirty (30) years.

Section 3. Payment of Cost; Bonds Authorized. To pay the costs associated with the acquisition and construction of the Project, including legal, financial and other expenses incident thereto and incident to the issuance and sale of the Series 2013 Bonds, the Issuer shall borrow the sum of not to exceed Fifteen Million Dollars (\$15,000,000), as finally determined in the Sale Order and issue the Series 2013 Bonds therefor pursuant to the provisions of Act 94. The remaining costs, if any, shall be defrayed from System funds on hand and legally available for such use.

Section 4. Bond Details. The Series 2013 Bonds shall be designated ELECTRIC UTILITY SYSTEM REVENUE BONDS, SERIES 2013, shall be payable solely and only out of the Net Revenues, as set forth more fully herein, shall consist of bonds of the denomination of \$5,000, or integral multiples of \$5,000 not exceeding in any one year the amount maturing in that year, dated as of the date of delivery or such other date as shall be determined in the Sale Order, numbered in order of authentication, and shall mature or be subject to redemption on July 1st in the years 2014 to 2033, inclusive, or such other years and in such amounts as shall be determined in the Sale Order.

The Series 2013 Bonds shall bear interest at a rate or rates determined on the sale thereof, but in any event not exceeding 6% per annum, payable on January 1 and July 1 of each year, commencing January 1, 2014, or such later date as determined in the Sale Order, by check by check or draft mailed by the Transfer Agent to the person or entity who or which is, as of the 15th day of the month preceding the interest payment date, the registered owner at the registered address as shown on the registration books of the Issuer maintained by the Transfer Agent. The date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the Issuer to conform to market practice in the future. The principal of the Series 2013 Bonds shall be payable at the principal office of the Transfer Agent.

In case less than the full amount of an outstanding bond is called for redemption, the Transfer Agent upon presentation of the bond called in part for redemption shall register, authenticate and deliver to the registered owner a new bond in the principal amount of the portion of the original bond not called for redemption. Notice of redemption shall be given in the manner specified in the form of the bonds contained in Section 14 of this Ordinance.

Section 5. Execution of Bonds. The Series 2013 Bonds shall be executed in the name of the Issuer with the manual or facsimile signatures of the Mayor and the City Clerk and shall have the Issuer's seal impressed or imprinted thereon. No Bond shall be valid until authenticated by an authorized signer of the Transfer Agent. The Series 2013 Bonds shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the purchaser thereof in accordance with instructions from the Treasurer of the Issuer upon payment of the purchase price for the Series 2013 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.

Section 6. Registration and Transfer. 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 Issuer shall execute and the transfer agent shall authenticate and deliver a new bond or bonds, for like aggregate principal amount. The Transfer Agent shall require payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer. The Transfer Agent shall not be required (i) to issue, register the transfer of or exchange any bond during a period beginning at the opening of business 15 days before the day of the giving of a notice of redemption of bonds selected for redemption as described in the form of bonds contained in Section 14 of this Ordinance and ending at the close of business on the day of that giving of notice, or (ii) to register the transfer of or exchange any bond so selected for redemption in whole or in part, except the unredeemed portion of bonds being redeemed in part. The Issuer shall give the Transfer Agent notice of call for redemption at least 20 days prior to the date notice of redemption is to be given.

The Transfer Agent shall keep or cause to be kept, at its principal office, sufficient books for the registration and transfer of the Series 2013 Bonds, which shall at all times be open to inspection by the Issuer; and, upon presentation for such purpose, the Transfer Agent shall, under such reasonable regulations as it may prescribe, transfer or cause to be transferred, on said books, bonds as hereinbefore provided.

If any bond shall become mutilated, the Issuer, at the expense of the holder of the bond, shall execute, and the Transfer Agent shall authenticate and deliver, a new bond of like tenor in exchange and substitution for the mutilated bond, upon surrender to the Transfer Agent of the mutilated bond. If any bond issued under this Ordinance shall be lost, destroyed or stolen, evidence of the loss, destruction or theft may be submitted to the Transfer Agent and, if this evidence is satisfactory to both and indemnity satisfactory to the Transfer Agent shall be given, and if all requirements of any applicable law including Act 354, Public Acts of Michigan, 1972, as amended ("Act 354"), being sections 129.131 to 129.135, inclusive, of the Michigan Compiled Laws have been met, the Issuer, at the expense of the owner, shall execute, and the Transfer Agent shall thereupon authenticate and deliver, a new bond of like tenor and bearing the statement required by Act 354, or any applicable law hereafter enacted, in lieu of and in substitution for the bond so lost, destroyed or stolen. If any such bond shall have matured or shall be about to mature, instead of issuing a substitute bond the Transfer Agent may pay the same without surrender thereof.

The Series 2013 Bonds may be issued in book-entry-only form through The Depository Trust Company in New York, New York ("DTC") and any Authorized Officer of the City is authorized to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of the Series 2013 Bonds in bookentryonly form and to make such changes in the Bond form with the parameters of this ordinance as may be required to accomplish the foregoing.

Section 7. Payment of Series 2013 Bonds. The Series 2013 Bonds and the interest thereon shall be payable solely and only from the Net Revenues, and to secure such payment, there is hereby recognized a statutory lien upon the whole of the Net Revenues which shall be a first lien to continue until payment in full of the principal of and interest on all bonds payable from the Net Revenues. The statutory first lien referred to herein shall be of equal standing and priority with the City's Outstanding Bonds.

Section 8. Bondholders' Rights; Receiver. The holder or holders of the Series 2013 Bonds representing in the aggregate not less than twenty percent (20%) of the entire principal amount thereof then outstanding, may, by suit, action, mandamus or other proceedings, protect and enforce the statutory lien upon the Net Revenues of the System, and may, by suit, action, mandamus or other proceedings, enforce and compel performance of all duties of the officers of the Issuer, including the fixing of sufficient rates, the collection of Revenues, the proper segregation of the Revenues of the System and the proper application thereof. The statutory lien upon the Net Revenues, however, shall not be construed as to compel the sale of the System or any part thereof.

If there is a default in the payment of the principal of or interest on the Series 2013 Bonds, any court having jurisdiction in any proper action may appoint a receiver to administer and operate the System on behalf of the Issuer and under the direction of the court, and by and with the approval of the court to perform all of the duties of the officers of the Issuer more particularly set forth herein and in Act 94.

The holder or holders of the Series 2013 Bonds shall have all other rights and remedies given by Act 94 and law, for the payment and enforcement of the Series 2013 Bonds and the security therefor.

Section 9. Rates and Charges. The rates and charges for service furnished by and the use of the System and the methods of collection and enforcement of the collection of the rates shall be those in effect on the date hereof, as the same shall be increased from time to time.

Section 10. No Free Service or Use. No free service or use of the System, or service or use of the System at less than the reasonable cost and value thereof, shall be furnished by the System to any person, firm or corporation, public or private, or to any public agency or instrumentality, including the Issuer.

Section 11. Fixing and Revising Rates. The rates presently in effect in the City are estimated to be sufficient to provide for the payment of the expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the System in good repair and working order, to provide for the payment of the principal of and interest on the Series 2013 Bonds as the same become due and payable, and the maintenance of the debt service reserve therefor and the Purchase Power Stabilization Fund and to provide for all other obligations, expenditures and funds for the System required by law and this Ordinance. In addition, the rates shall be set from time to time so that there shall be produced Net Revenues in an amount equal to 110% of the principal of and interest on the Bonds coming due in each fiscal year. The rates shall be reviewed not less than once a year and shall be fixed and revised from time to time as may be necessary to produce these amounts, and it is hereby covenanted and agreed to fix and maintain rates for services furnished by the System at all times sufficient to provide for the foregoing.

Section 12. Funds and Accounts; Flow of Funds; Bond Reserve Fund. The funds and accounts established by the Outstanding Ordinances are hereby continued, the flow of funds established by the Outstanding Ordinances is hereby continued and the applicable sections of the Outstanding Ordinances relating to funds and accounts and flow of funds are incorporated herein by reference as if fully set forth.

The Reserve Account in the Bond and Interest Redemption Fund, as established by the Outstanding Ordinances shall be adjusted in such amounts, so that upon issuance of the Series 2013 Bonds, the Bond Reserve Account shall total a sum equal to the lesser of (a) the maximum annual principal and interest requirements on the Bonds outstanding after issuance of the additional Bonds, (b) 125% of the average annual debt service on the Bonds after issuance of the additional Bonds, or (c) an amount equal to 10% of the principal amount of the Bonds. In the event that the amount in said Reserve Account is greater than such largest annual debt service requirement, such excess amount shall be transferred to the Bond and Interest Redemption Fund described herein. If it is necessary to increase the amount in the Bond Reserve Account, the City shall deposit a sum from the moneys on hand in the System or from proceeds of the Series 2013 Bonds prior to or concurrently with the delivery of the Series 2013 Bonds so that the Bond Reserve Account is fully funded as of the delivery of the Series 2013 Bonds.

The Purchase Power Stabilization Fund created under the Outstanding Ordinances shall only be maintained so long as the Series 2008 Bonds remain outstanding. Following the defeasance or maturity of the Series 2008 Bonds, the amounts on deposit in the Purchase Power Stabilization Fund shall be treated as surplus moneys and utilized in accordance with the Outstanding Ordinances.

Section 13. Bond Proceeds; Construction Fund. First, from the proceeds of the sale of the Series 2013 Bonds there shall be immediately deposited in the Redemption Fund an amount equal to the premium, if any, received on the delivery of the Series 2013 Bonds.

Second, an amount necessary to fully fund the Bond Reserve Account in the amounts set forth in Section 12 of this Ordinance shall be deposited into the Bond Reserve Account.

Third, the amount of funds necessary to pay the costs of the Project, as set forth in the Sale Order, shall be deposited in a separate depository account established by the Treasurer of the Issuer to be designated "Electric Utility System Series 2013 Construction Fund" (the "Construction Fund"). Remaining proceeds of the Series 2013 Bonds shall be used to pay the costs of issuance of the Series 2013 Bonds. Moneys in the Construction Fund shall be applied solely to payment of the costs of the acquisition and construction of the Project, and any legal, engineering, financial and other expenses incident thereto and to the financing thereof, and shall be fully expended on Project costs within three years after the date of delivery of the Bonds. Payments for construction, either on account or otherwise, shall not be made unless the registered engineer in charge of such work shall file with the City Commission a signed statement to the effect that the work has been completed in accordance with the plans and specifications therefor; that it was done pursuant to and in accordance with the contract therefor (including properly authorized change orders), that such work is satisfactory and that such work has not been previously paid for.

Any unexpended balance of the proceeds of sale of the Bonds remaining after completion of the Project in the Construction Fund shall in the discretion of the City Commission be used either for further improvements, enlargements and extension to the System, if, at the time of such expenditures, such use is approved by the Michigan Department of Treasury, if such permission is then required by law, or for the purpose of purchasing bonds on the open market at not more than the fair market value thereof, but not more than the price at which bonds may next be called for redemption, or used for the purpose of paying principal of the bonds upon maturity or calling bonds for redemption.

Section 14. Bond Form. The Series 2013 Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF MICHIGAN  
COUNTY OF BAY

CITY OF BAY CITY

ELECTRIC UTILITY SYSTEM REVENUE BOND, SERIES 2013

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
____%	January 1, 20__	_____, 2013	

Registered Owner:

Principal Amount:

The City of Bay City, County of Bay, State of Michigan (the "Issuer"), acknowledges itself to owe and for value received hereby promises to pay, solely and only out of the hereinafter described Net Revenues of the Issuer's System (hereinafter defined), the Principal Amount shown above in lawful money of the United States of America to the Registered Owner shown above, or registered assigns, on the Maturity Date shown above, unless prepaid prior thereto as hereinafter provided, with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) from the Date of Original Issue shown above or such later date to which interest has been paid, until paid, at the Interest Rate per annum shown above, payable on January 1, 2014,



and semiannually thereafter. Principal of this bond is payable upon surrender of this bond at the designated corporate trust office of U.S. Bank National Association, Detroit, Michigan (the "Transfer Agent"), or such other Transfer Agent as the Issuer may hereafter designate by notice mailed to the registered owner not less than 60 days prior to any interest payment date. Interest on this bond is payable by check or draft mailed by the Transfer Agent to the person or entity who or which is, as of the 15th day of the month preceding the interest payment date, the registered owner of record, at the registered address as shown on the registration books of the Issuer kept by the Transfer Agent. For prompt payment of principal and interest on this bond, the Issuer has irrevocably pledged the revenues of the Electric Utility System of the Issuer (the "System"), including all appurtenances, extensions and improvements thereto, after provision has been made for reasonable and necessary expenses of operation, maintenance and administration (the "Net Revenues"), and a statutory first lien thereon is hereby recognized and created.

This bond is one of a series of bonds of even Date of Original Issue aggregating the principal sum of \$\_\_\_\_\_, issued pursuant to Ordinance No. 2008-2, as amended, and Ordinance No. \_\_\_\_ of the Issuer, duly adopted by the City Commission of the Issuer (collectively, the "Ordinances"), and under and in full compliance with the Constitution and statutes of the State of Michigan, including specifically Act 94, Public Acts of Michigan, 1933, as amended, for the purpose of paying the cost of acquiring and constructing additions, extensions and improvements to the System.

For a complete statement of the revenues from which and the conditions under which this bond is payable, a statement of the conditions under which additional bonds of equal standing as to the Net Revenues may hereafter be issued and the general covenants and provisions pursuant to which this bond is issued, reference is made to the abovedescribed Ordinances. The bonds of this issue are of equal standing and priority of lien as to the Net Revenues with the Issuer's Electric Utility System Revenue Refunding and Improvement Bonds, Series 2008, dated May 29, 2008, in the outstanding principal amount of \$2,055,000 (the "Outstanding Bonds").

[Insert redemption provisions.]

This bond is a self-liquidating bond and is not a general obligation of the Issuer and does not constitute an indebtedness of the Issuer within any constitutional, statutory or charter debt limitation of the Issuer but is payable solely and only, both as to principal and interest, from the Net Revenues of the System. The principal of and interest on this bond are secured by the statutory lien hereinbefore mentioned.

The Issuer has covenanted and agreed, and does hereby covenant and agree, to fix and maintain at all times while any bonds payable from the Net Revenues of the System shall be outstanding, such rates for service furnished by the System as shall be sufficient to provide for payment of the interest on and the principal of the bonds of this issue, the Outstanding Bonds and any additional bonds of equal standing as and when the same shall become due and payable, and to create and maintain a bond redemption fund (including a bond reserve account) therefor, to provide for the payment of expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the System as are required by the Ordinances.

This bond is transferable only upon the books of the Issuer 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 Ordinances authorizing the bonds, and the Outstanding Bonds, and upon the payment of the charges, if any, therein prescribed.

It is hereby certified and recited that all acts, conditions and things required by law to be done precedent to and in the issuance of this bond and the series of bonds of which this is one have been done and performed in regular and due time and form as required by law.

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 Issuer, by its City Commission, has caused this bond to be executed with the facsimile signatures of its Mayor and its City Clerk and a facsimile of its corporate seal to be printed on this bond, all as of the Date of Original Issue.

CITY OF BAY CITY

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

(Seal)

Countersigned:

By \_\_\_\_\_  
Its City Clerk

Certificate of Authentication

This bond is one of the bonds described in the within-mentioned Ordinances.

U.S. Bank National Association  
Detroit, Michigan  
Transfer Agent

By \_\_\_\_\_  
Authorized Signatory

Date of Registration: \_\_\_\_\_  
{INSERT STANDARD FORM OF ASSIGNMENT}

Section 15. Adjustment of Bond Terms. The Authorized Officers are each hereby authorized to adjust the final bond details as set forth herein to the extent necessary or convenient to complete the sale of the Series 2013 Bonds and in pursuance of the forgoing is each authorized to exercise the authority and make the determinations pursuant to Sections 7a(1)(c)(i) and (v) of Act 94, including but not limited to determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, date of issuance, interest payment dates, redemption rights, designation as qualified tax-exempt obligations and other matters within the parameters established by this Ordinance.

Section 16. Bond Purchase Agreement and Award; Authorization for Negotiated Sale. The Authorized Officers are each hereby authorized on behalf of the City to negotiate and execute a bond purchase agreement with the Underwriter, to execute a Sale Order evidencing the final terms for the Series 2013 Bonds, and to take all other necessary actions required to effectuate the sale, issuance and delivery of the Series 2013 Bonds within the parameters authorized in this Ordinance.

The City has considered the option of selling the Series 2013 Bonds through a competitive sale and a negotiated sale and determines that a negotiated sale of the Series 2013 Bonds will allow

more flexibility in accessing the municipal bond market, and to price and sell the Series 2013 Bonds at the time that is expected to best achieve the most advantageous interest rates and costs to the City, and will provide the City with greater flexibility in structuring bond maturities and adjust terms for the Series 2013 Bonds.

In the alternative, the Authorized Officers are authorized to solicit proposals from sophisticated investors and select a purchaser for the Series 2013 Bonds, and to award the sale of the Series 2013 Bonds to the purchaser, subject to the parameters set forth in this Ordinance. If this method of financing is determined to be in the best interest of the Issuer, the Issuer hereby appoints Robert W. Baird & Co. as placement agent for the Series 2013 Bonds.

Section 17. Covenants. The Issuer covenants and agrees with the holders of the Outstanding Bonds that so long as any of the Outstanding Bonds or the Series 2013 Bonds remain outstanding and unpaid as to either principal or interest, that it will keep and maintain each of the covenants and agreements set forth in Outstanding Ordinances. The Issuer shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Series 2013 Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended, including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditures and investment of Series 2013 Bond proceeds and moneys deemed to be Series 2013 Bond proceeds.

Section 18. Continuing Disclosure. The City covenants to enter into a continuing disclosure undertaking for the benefit of the holders and beneficial owners of the Series 2013 Bonds in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, and the Authorized Officers are each hereby authorized to execute such undertaking prior to delivery of the Series 2013 Bonds.

Section 19. Other Matters. The Authorized Officers are each authorized and directed to (a) approve the circulation of a preliminary official statement describing the Series 2013 Bonds and to deem the preliminary official statement "final" for purposes of Rule 15c2-12 of the SEC; (b) solicit bids for and approve the purchase of a municipal bond insurance policy for the Series 2013 Bonds; (c) apply for ratings on the Series 2013 Bonds; and (d) do all other acts and take all other necessary procedures required to effectuate the sale, issuance and delivery of the Series 2013 Bonds.

Section 20. Appointment of Bond Counsel. The representation of the City by Miller, Canfield, Paddock and Stone, P.L.C. as bond counsel is hereby approved, notwithstanding its periodic representation in unrelated matters of parties to the transaction, including the Underwriter.

Section 21. Savings Clause. The Outstanding Ordinances shall continue in effect, except as specifically supplemented or altered herein.

Section 22. Severability; Paragraph Headings; and Conflict. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be part of this Ordinance.

Section 23. Publication and Recordation. This Ordinance shall be published in full in ***The Bay City Times***, a newspaper of general circulation in the City, qualified under State law to publish

legal notices, promptly after its adoption, and shall be recorded in the Ordinance Book of the Issuer and such recording authenticated by the signatures of the Mayor and the City Clerk.

Section 24. Effective Date. Pursuant to the provisions of Section 6 of Act 94, this Ordinance shall be approved on the date of first reading and accordingly this Ordinance shall immediately be effective upon its adoption.

Commissioner Banaszak moved to allow public input. There was no objection. No one came forward.

Commissioner Stamiris moved adoption of ordinance.

Commissioner Stamiris left the meeting at 9:23 PM.

Adopted by the following vote:

Yes, Commissioners Peters, Banaszak, Dufresne, Irving, Girard, Sommer, Sibley Elliott, 8.

No, None.

Commissioner Stamiris returned to the meeting at 9:30 PM

### **RECESS**

Mayor Christopher Shannon requested a ten minute recess. There was no objection. Adopted by unanimous consent. The Commission recessed at 9:30 PM and reconvened at 9:42 PM. It was noted that attendance of the Commission remained the same as at the time of the recess.

### **PETITIONS**

Of Elf Khurafeh Shrine Center: Requesting permission to hold a parade on August 10, 2013, with street closures on 2nd Street, Saginaw Street and 6th Street.

It is further recommended that the Mayor and Clerk be authorized and directed to execute a Special Events Permit on behalf of the City.

Commissioner Banaszak moved adoption of recommendation.

Adopted by the following vote:

Yes, Commissioners Stamiris, Peters, Banaszak, Dufresne, Irving, Girard, Sommer, Sibley, Elliott, 9.

No, None.

Of Bay City Fireworks Festival: Requesting permission to hold the Bay City Fireworks Festival, July 4, 5, 6, 2013, using Veterans and Wenonah Parks, and requesting waiver of Police and Fire overtime charges in the amount of \$25,190.88.

It is further recommended that the Mayor and Clerk be authorized and directed to execute a Special Events Permit on behalf of the City.

Commissioner Banaszak moved adoption of recommendation.

Adopted by the following vote:

Yes, Commissioners Stamiris, Peters, Banaszak, Dufresne, Irving, Girard, Sommer, Sibley, Elliott, 9.

No, None.

### **ACCOUNTS, CLAIMS, INVESTMENTS & WIRE TRANSFERS**

Of Acting City Manager:

Accounts and claims in the amount of \$632,144.25 and investments and wire transfers in the amount of \$333,058.91, less adjustments in the amount of \$20,155.93 (6/10/13) and accounts and claims in the amount of \$795,410.13 and investments and wire transfers in the amount of \$313,990.41 (6/17/13) have been examined, found correct, and are hereby referred to you for your approval.

Commissioner Banaszak moved adoption of recommendation.

Adopted by the following vote:

Yes, Commissioners Stamiris, Peters, Banaszak, Dufresne, Irving, Girard, Sommer, Sibley, Elliott, 9.

No, None.

## **PAYROLL**

Of Acting City Manager:

Reporting payroll in the amount of \$907,269.47 (5/29/13).

Commissioner Banaszak moved adoption of recommendation.

Adopted by the following vote:

Yes, Commissioners Stamiris, Peters, Banaszak, Dufresne, Irving, Girard, Sommer, Sibley, Elliott, 9.

No, None.

## **REPORTS OF OFFICERS**

Of Acting City Manager:

It is recommended that the miscellaneous services contract with Do-All, Inc., Bay City, for the Columbus Avenue, Midland Street, and Downtown Management Boards in the submitted bid amounts be approved.

It is further recommended that the Mayor and Clerk be authorized and directed to execute on behalf of the City of Bay City.

Commissioner Banaszak moved to allow public input. There was no objection. No one came forward.

Commissioner Dufresne moved adoption of recommendation.

Adopted by the following vote:

Yes, Commissioners Stamiris, Peters, Banaszak, Dufresne, Irving, Sommer, Sibley, Elliott, 8.

No, None.

Abstain, Commissioner Girard, 1.

Of Acting City Manager:

It is recommended that the contract with Hastings Air Energy Control, Inc., New Berlin, WI, for repair of Plymo Vent Systems at Fire Stations 1, 2, 4, and 5 in the amount of \$56,807.17 be approved.

It is further recommended that the Mayor and Clerk be authorized and directed to execute on behalf of the City of Bay City.

Commissioner Banaszak moved to allow public input. There was no objection. No one came forward.

Commissioner Irving moved adoption of recommendation.

Adopted by the following vote:

Yes, Commissioners Stamiris, Peters, Banaszak, Dufresne, Irving, Girard, Sommer, Sibley, Elliott, 9.

No, None.

Of Acting City Manager:

It is recommended that the Memorandum of Understanding with the Bay City Public School District for two Liaison Police Officers in the amount of \$139,857 be approved.

It is further recommended that the Mayor and Clerk be authorized and directed to execute on behalf of the City of Bay City. Commissioner Banaszak moved adoption of recommendation.

Adopted by the following vote:

Yes, Commissioners Stamiris, Peters, Banaszak, Dufresne, Irving, Girard, Sommer, Sibley, Elliott, 9.

No, None.

Of Acting City Manager:

It is recommended that the purchase of a Chevrolet Malibu from Berger Chevrolet, through the State of Michigan Purchasing Program, for the Fire Department, in the amount of \$19,991 be approved.

Commissioner Banaszak moved to allow public input. There was no objection. No one came forward.

Commissioner Dufresne moved adoption of recommendation.

Adopted by the following vote:

Yes, Commissioners Stamiris, Banaszak, Dufresne, Irving, Girard, Sommer, Elliott, 7.

No, Commissioners Peters, Sibley, 2.

Of Acting City Manager:

It is recommended that the purchase of a Toro Groundmaster 360 mower for the Wastewater Treatment Plant from Spartan Distributors, Inc, Sparta, MI, in the amount of \$24,171.62 be approved.

Commissioner Banaszak moved to allow public input. There was no objection. No one came forward.

Commissioner Banaszak moved adoption of recommendation.

Adopted by the following vote:

Yes, Commissioners Stamiris, Banaszak, Dufresne, Irving, Girard, Sommer, Sibley, Elliott, 8.

No, Commissioner Peters, 1.

Of Acting City Manager:

It is recommended that the purchase of four Cooper Power Systems 250 kVa voltage regulators for an additional circuit from the new Saginaw Street Substation for service to Uptown Development for the Electric Department in the amount of \$59,291.20 be approved.

Commissioner Banaszak moved adoption of recommendation.

Adopted by the following vote:

Yes, Commissioners Stamiris, Peters, Banaszak, Dufresne, Irving, Girard, Sommer, Sibley, Elliott, 9.

No, None.

Of Acting City Manager:

It is recommended that the purchase of forty-nine LED Holophone Roadway Street Light Fixtures and forty-nine LED Photocontrols for the Liberty Bridge from Standard Electric Company, Bay City, in the amount of \$23,662.02 be approved.

Commissioner Banaszak moved adoption of recommendation.

Adopted by the following vote:

Yes, Commissioners Stamiris, Peters, Banaszak, Dufresne, Irving, Girard, Sommer, Sibley, Elliott, 9.

No, None.

Of Acting City Manager:

It is recommended that the contract with J. Ranck Electric, Inc., Mt. Pleasant, MI, for the Street Department for traffic signal system maintenance for five years in the total estimated cost of \$191,766 be approved.

It is further recommended that the Mayor and Clerk be authorized and directed to execute on behalf of the City of Bay City. Commissioner Banaszak moved to allow public input. There was no objection. No one came forward.

Commissioner Banaszak moved adoption of recommendation.

Adopted by the following vote:

Yes, Commissioners Stamiris, Peters, Banaszak, Dufresne, Girard, Elliott, 6.

No, Commissioners Irving, Sommer, Sibley, 3.

Of the Mayor:

It is recommended that Terry Spencer, Bay City, be appointed to the Downtown Development Authority, term to expire August 16, 2016.

Commissioner Banaszak moved adoption of appointment.

Adopted by the following vote:

Yes, Commissioners Stamiris, Peters, Banaszak, Dufresne, Irving, Girard, Sommer, Sibley, Elliott, 9.

No, None.

Of Commission as a Whole:

#### **Ordinance No. 2013-8**

#### **Be It Ordained by the City of Bay City:**

1. That the Code of Ordinances of the City of Bay City, Chapter 110, Vegetation, Section 110-29, be amended to read as follows:

#### **Sec. 110-29. Cutting and destroying noxious weeds by the city - Generally.**

If any noxious weeds have not been cut or destroyed by May 1, or as often thereafter as necessary, the city manager or his designee or any duly authorized contractor engaged by the city may enter upon the land and cause all weeds within 150 feet of the front lot line to be cut down and destroyed. Express power to so enter upon such land and to destroy such noxious weeds is hereby conferred. All expenses of such cutting or destroying, including any and all costs incurred in the removal or relocation of debris, junk, or other miscellaneous obstructions which would be necessary or convenient for carrying out the requirements of this article shall be paid by the owner of such land plus an administrative service fee per parcel, per cutting or destroying. The city manager or his designee may enter upon such lands as often as necessary to cut and destroy weeds and shall not be liable for damages in any action of trespass therefor.

2. That the Code of Ordinances of the City of Bay City, Chapter 110, Vegetation, Section 110-31, be amended to read as follows:

#### **Sec. 110-31. Appeal.**

Any owner, possessor or occupier of land who receives an invoice for expenses, costs or administrative services charges pursuant to section 110-29 shall have an opportunity to meet with

the city manager or designee to request a review and modification of assessable expenses, costs, and charges. The responsible party shall submit a written request for such a review with seven calendar days of the date of invoice. After a responsible party has been granted an opportunity to meet with the city manager or designee, the city manager or designee shall promptly determine whether to confirm, modify, or void any of the expenses, costs, or charges.

3. That the Code of Ordinances of the City of Bay City, Chapter 110, Vegetation, Section 110-32, be added to read as follows:

**Sec. 110-32. Fee.**

The administrative service fee required under this article shall be the fee on file with the city clerk which has been approved and filed by the city manager and which the city commission has been notified of for at least 30 days in compliance with section 2-1.

4. That the Code of Ordinances of the City of Bay City, Chapter 110, Vegetation, Section 110-33, be added to read as follows:

**Sec. 110-33. Prohibited.**

No person shall maintain, allow or permit to be maintained any land within the city in violation of section 110-21.

5. That the Code of Ordinances of the City of Bay City, Chapter 110, Vegetation, Section 110-34, be added to read as follows:

**Sec. 110-34. Violation.**

Any person who violates a provision of this article is responsible for a municipal civil infraction pursuant to section 2-421 punishable by a Class F fine. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense. In addition to any fine a person in violation of this article shall remain subject to all other legal and equitable remedies available in the courts of this state.

Commissioner Stamiris moved to receive for first reading and refer to the next meeting for second reading and possible adoption. Received and referred to the next meeting for second reading and possible adoption by unanimous consent.

Commissioner Irving moved to suspend the rules to take the item referred from tonight's informal agenda before the remaining items on the agenda. There was no objection.

**REFERRED FROM TONIGHT'S INFORMAL AGENDA**

Of Acting City Manager:

It is recommended that the Memorandum of Agreement /Transition and Memorandum of Agreement/Incentive with the International Association of Fire Fighters, Local #116 be approved.

It is further recommended that the Mayor and Clerk be authorized and directed to execute on behalf of the City of Bay City.

Commissioner Banaszak moved to allow public input. There was no objection. No one came forward.

Commissioner Irving moved adoption of recommendation.

Commissioner Peters moved to refer back to staff.



Commissioner Banaszak objected.

Motion defeated by the following vote:

Yes, Commissioners Peters, Sibley, 2.

No, Commissioners Stamiris, Banaszak, Dufresne, Irving, Girard, Sommer, Elliott, 7.

After debate, Commissioner Irving moved the previous question. There was no objection.

Debate closed by unanimous consent.

Recommendation adopted by the following vote:

Yes, Commissioners Stamiris, Banaszak, Dufresne, Irving, Girard, Sommer, Elliott, 7.

No, Commissioners Peters, Sibley, 2.

The meeting was called back to the regular order of business.

## **REPORTS OF OFFICERS**

Of Acting City Manager:

It is recommended that the budget amendments for various funds in the amount of \$474,654 and transfers within various funds in the amount of \$321,061 within the Fiscal Year 2012/2013 budget be approved.

Commissioner Banaszak moved adoption of recommendation.

Adopted by the following vote:

Yes, Commissioners Stamiris, Peters, Banaszak, Dufresne, Irving, Girard, Sommer, Sibley, Elliott, 9.

No, None.

Of Acting City Manager:

It is recommended that the purchase of a Truck Cab & Chassis w/Aerial Lift for the Electric Department from Altec Industries, Inc, Indianapolis, IN, through the State of Michigan Purchasing Program, in the amount of \$104,000 be approved.

Commissioner Banaszak moved adoption of recommendation.

Adopted by the following vote:

Yes, Commissioners Stamiris, Peters, Banaszak, Dufresne, Irving, Girard, Sommer, Sibley, Elliott, 9.

No, None.

Of Acting City Manager:

It is recommended that the professional services agreement with Hubbell Roth & Clark, Inc, Bloomfield Hills, MI, for engineering, design, construction and consulting services expiring June 30, 2018 for the Wastewater Division at unit prices be approved.

It is further recommended that the Mayor and Clerk be authorized and directed to execute on behalf of the City of Bay City.

Commissioner Banaszak moved adoption of recommendation.

Adopted by the following vote:

Yes, Commissioners Stamiris, Peters, Banaszak, Dufresne, Irving, Girard, Sommer, Sibley, Elliott, 9.

No, None.

Of Acting City Manager:

It is recommended that the purchase of a Chevrolet 4500 Cutaway vehicle for Water Distribution from Berger Chevrolet, Grand Rapids, MI, through the State of Michigan Extended Purchasing Program, in the amount of \$48,257 be approved.

Commissioner Banaszak moved to allow public input. There was no objection. No one came forward.

Commissioner Banaszak moved adoption of recommendation.

Adopted by the following vote:

Yes, Commissioners Stamiris, Banaszak, Dufresne, Irving, Girard, Sommer, Sibley, Elliott, 8.

No, Commissioner Peters, 1.

Of Acting City Manager:

It is recommended that the Revision to the General Fund-Fund Balance Policy be approved.

Commissioner Banaszak moved to allow public input. There was no objection. No one came forward.

Commissioner Dufresne moved adoption of recommendation.

Adopted by the following vote:

Yes, Commissioners Stamiris, Peters, Banaszak, Dufresne, Irving, Girard, Sommer, Sibley, Elliott, 9.

No, None.

Of Acting City Manager:

It is recommended that the Amended 2013/2014 Community Development Block Grant and HOME Grant budget be approved.

Commissioner Banaszak moved to allow public input. There was no objection. No one came forward.

Commissioner Irving moved adoption of recommendation.

Commissioner Sibley moved to amend the budget by moving \$10,000 from emergency weatherization to demolition.

Commissioner Irving objected.

Amendment defeated by the following vote:

Yes, Commissioners Peters, Sommer, Sibley, 3.

No, Commissioners Stamiris, Banaszak, Dufresne, Irving, Girard, Elliott, 6.

Recommendation adopted by the following vote:

Yes, Commissioners Stamiris, Peters, Banaszak, Dufresne, Irving, Girard, Sommer, Elliott, 8.

No, Commissioner Sibley, 1.

## REPORTS OF COMMITTEES

Of Historic District commission: Presenting minutes of meeting held April 24, 2013.

Received.

Of Downtown Development Authority: Presenting minutes of meeting held April 10, 2013.

Received.

## RESOLUTIONS

Of Commission as a Whole:

**Whereas**, the City of Bay City through its existing water system supplies potable water to out-city municipal customers; and

**Whereas**, the City as the supplier of potable wholesale water uses the Rate Tribunal Ruling for the purpose of fixing the rate for the water it supplies to its out-city water customers; and

**Whereas**, applying the rate methodology based on the 2013/14 fiscal year budget as instructed in the Rate Tribunal Ruling, now results in an amended rate change to \$2.41 per ccf; and

**Whereas**, the rate of \$2.41 per ccf represents a twenty one cent per ccf decrease in the rate presently charged for water supplied by the City to its out-city municipal water customers; and

**Now Therefore Be It Resolved** that the rate to be charged for water supplied to out-city municipal water customers of the City's water system for the 2013/2014 fiscal year shall be and is hereby fixed at \$2.41 per ccf.

Commissioner Banaszak moved adoption of resolution.

Adopted by the following vote:

Yes, Commissioners Stamiris, Peters, Banaszak, Dufresne, Irving, Girard, Sommer, Sibley, Elliott, 9.

No, None.

Of Commission as a Whole:

**Whereas**, the City of Bay City has the ongoing responsibility and obligation to make its best efforts to assure and secure a reliable and competitively priced wholesale supply of electricity for its utility and for the convenience and benefit of its customers; and

**Whereas**, the City of Bay City presently must rely on purchases of electric capacity and energy from other utilities or power marketers for that portion of its electric supply not provided by generating facilities owned by the utility; and

**Whereas**, the City of Bay City has determined that a purchase of up to 20 mega-watts of installed capacity for five (5) years is necessary to partially meet its purchased power requirements; and

**Whereas**, purchases will be made from approved suppliers and will fulfill all requirements of the utility's Risk Policy; and

**Now Therefore Be It Resolved** that the purchased power transaction for up to 20 megawatts of base load power for a five (5) year term is authorized at a price per megawatt not to exceed \$2,100 per megawatt-month or a total cost not-to-exceed \$504,000 per year and

**Be It Further Resolved** that the Mayor and City Clerk City are authorized and directed to execute the confirmation agreement for this transaction.

Commissioner Banaszak moved adoption of resolution.

Adopted by the following vote:

Yes, Commissioners Stamiris, Peters, Banaszak, Dufresne, Irving, Girard, Sommer, Sibley, Elliott, 9.

No, None.

## **RECONSIDER**

Commissioner Peters moved to reconsider Special Order Item 7, resolution approving the Enterprise Fund Budgets for Fiscal Year 2013/2014. There was no objection.

Motion to reconsider was adopted by the following vote:

Yes, Commissioners Stamiris, Peters, Banaszak, Dufresne, Irving, Girard, Elliott, 7.

No, Commissioners Sommer, Sibley, 2.

Of Commission as a Whole::

**Whereas**, final consideration has been given to the ENTERPRISE FUND Budgets for fiscal year 2013/2014, the revenues and expenses are submitted herewith for approval:

## ENTERPRISE FUNDS

### OAK RIDGE CEMETERY FUND:

#### REVENUES:

Licenses and permits	\$53,500
Transfers from other funds	69,318

TOTAL REVENUES	\$122,818
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#### EXPENSES:

Operation and maintenance	\$122,818
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### JAMES CLEMENTS AIRPORT FUND:

#### REVENUES:

Charges for services	\$72,875
Intergovernmental	24,700
Interest and rent	45,925
Transfers from General Fund	39,027

TOTAL REVENUES	\$182,527
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#### EXPENSES:

Operation and maintenance	\$156,527
Capital	26,000

TOTAL EXPENSES	\$182,527
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### ELECTRIC FUND:

#### REVENUES:

Intergovernmental	\$110,000
Charges for services	34,440,100
Fines and forfeitures	183,334
Interest and rent	60,000
Miscellaneous	29,400
Bond reserves	3,027,281

TOTAL REVENUES	\$37,850,115
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#### EXPENSES:

Operation and maintenance	\$31,822,680
Capital	3,995,720
Transfers to Information Technology Fund	223,016
Fund balance reserve	1,104,630
Debt service	704,069

TOTAL EXPENSES	\$37,850,115
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### SEWER FUND:

#### REVENUES:

Charges for services	\$12,092,348	
Intergovernmental		13,500
Licenses and permits	5,000	
Interest and rent	61,800	
Miscellaneous	48,000	
Bond reserves	2,249,100	Appropriated fund balance
	4,366,908	

TOTAL REVENUES \$18,836,656

EXPENSES:

Operation and maintenance		\$7,170,572
Capital	7,231,604	
Transfer to Information Technology Fund	130,500	
Debt service		4,303,980

TOTAL EXPENSES \$18,836,656

WATER FUND:

REVENUES:

Charges for services	\$10,231,052	
Intergovernmental		13,500
Interest and rent		45,000
Miscellaneous	40,000	
Loan/bond proceeds	1,436,770	
Bond reserves		1,107,688

TOTAL REVENUES \$12,874,010

EXPENSES:

Operation and maintenance		\$8,093,766
Capital		2,740,134
Transfer to Information Technology Fund	164,516	
Fund balance reserve	881,979	
Debt service	993,615	

TOTAL EXPENSES \$12,874,010

LIBERTY HARBOR MARINA FUND:

REVENUES:

Interest and rent	\$139,848
Miscellaneous	3,125

TOTAL REVENUES \$142,973

EXPENSES:

Operation and maintenance \$142,973

**Now Therefore Be It Resolved** by this Commission that the revenues and expenses for the Enterprise Funds in the amount of \$70,009,099 are approved.

Commissioner Banaszak moved adoption of resolution.

Approved by the following vote:

Yes, Commissioners Stamiris, Peters, Banaszak, Dufresne, Irving, Girard, 6.

No, Commissioners Sommer, Sibley, Elliott, 3.

The Commission adjourned at 10:56 PM.

CHRISTOPHER SHANNON, MAYOR

JAMIE C. MCFARLAND, ACTING CITY CLERK