

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Regular Meeting Held January 3, 1983

The meeting was called to order by Mayor Leidlein.

Present: Coms. Hoag, Hoff, Moseley, Seibold, Deems and Mayor Leidlein.

Absent: Com. Waters.

Also Present: City Manager Tholen, City Clerk Wielsma, City Attorney Richardson,
Assistant City Attorney Huff, Administrative Aide Bremer, City
Engineer McMann, Fire Chief Terpstra, City Assessor Norman.

285. The Clerk administered the oath of office to Nyal Deems as First Ward Commissioner.

286. The minutes of the regular meeting held December 20, 1982, were approved as written.

287. Moseley-Hoff. That expense vouchers in the amount of \$572,113.85, and payroll vouchers in the amount of \$41,424.32, as approved by the Ways & Means Committee, be allowed and the Controller be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Hoag, Hoff, Moseley, Seibold, Deems, Leidlein - 6
Nays: 0

288. The Ways and Means Committee reported that it met on December 20, 1982, and reviewed a proposed draft of audit specifications for East Grand Rapids' annual audit. The recommendation of the Committee is that the audit not be put out for bid in 1983, and that the present auditors, Ernst & Whinney, be retained. After much discussion, the Commission concurred in the recommendation of the Ways and Means Committee.

289. The Controller reported receipt of alternate and debt retirement schedules from the First of Michigan Corporation relating to the proposed \$300,000 bond issue and the potential \$3.2 million bond issue for the water and sewer rehabilitation program.

290. The City Controller submitted the electronic typewriter bids which were received December 27, 1982. Four bids were received and the Controller recommended that the bid of IBM Corporation for one Model 85 electronic typewriter be accepted and that a purchase order be issued in the amount of \$1,768.

290-A. Seibold-Moseley. That the bid of IBM Corporation be accepted and a purchase order be issued to it in the amount of \$1,768.

Yeas: Hoag, Hoff, Moseley, Seibold, Deems, Leidlein - 6
Nays: 0

291. The City Clerk reported that he has been notified by the Michigan Department of Social Services that Lawrence Treece has withdrawn his application for an adult foster care home at 2603 Lake Drive SE.

292. The City Clerk reported that an offer to purchase a City-owned vacant lot at 1771 Asbury Road SE, has been received from Jeffrey R. and Emily J. Azkoul. The Clerk requested direction from the City Commission as to whether or not to advertise this property for sale. The Commission determined that no action be taken at this time and that this matter be placed on the agenda for the February 7th City Commission meeting.

293. The Traffic Commission minutes of their meeting held December 14, 1982, were received for information. The City Manager brought to the attention of the City Commission Item 4 of the Traffic Commission minutes which relates to "Stop" signs at Lake Grove Avenue and Albert Drive intersection, and also at Lake Grove and Boston. He was advised to inform the Principal of Breton School of the change in the "Stop" signs on Lake Grove.

294. The report of the Fire Department for the month of December, 1982, was received for information.

295. The report from the Building Inspector for the month of December, 1982, was received for information.

296. The City Manager gave a progress report on the Capital Improvement Program and reported that the engineers are proceeding in the collection and analysis of data.

297. The City Manager reported that he has received a proposal for purchase of the Crosswell property. No change was made in the earlier decision that this property will be advertised for sale with bids to be received January 31, 1983.

298. The Mayor made the following appointments to the newly created East Grand Rapids Wish Book Committee: Commissioner Seibold - Chairman, Commissioner Hoag, and Commissioner Moseley. The Mayor recommended that the Committee consider obtaining volunteers from the advertising profession to assist them.

299. The Commissioners welcomed Nyal Deems as the newly appointed First Ward City Commissioner. Commissioner Deems responded that he welcomed the opportunity to serve on the City Commission.

300. Mayor Leidlein directed that election of a President of the Commission be placed on the January 17th agenda.

301. The meeting was adjourned, subject to the call of the Mayor, until January 17, 1983.



City Clerk

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Regular Meeting Held January 17, 1983

The meeting was called to order by Mayor Leidlein.

Present: Coms. Hoff, Moseley, Seibold, Deems, Waters and Mayor Leidlein.

Absent: Com. Hoag.

Also Present: City Manager Tholen, City Clerk Wielsma, City Attorney Richardson, Assistant City Attorney Huff, Administrative Aide Bremer, City Engineer McMann, Fire Chief Terpstra, City Assessor Norman, Recreation Director Rhodes, and Bond Counsel Cooper.

302. The minutes of the regular meeting held January 3, 1983, were approved as written.

303. Moseley-Hoff. That expense vouchers in the amount of \$2,057,975.07, and payroll vouchers in the amount of \$40,589.32, as approved by the Ways & Means Committee, be allowed and the Controller be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Hoff, Moseley, Seibold, Deems, Waters, Leidlein - 6

Nays: 0

304. Representatives of the Wealthy Pool Fund Raising Committee were present to discuss their activities with the City Commission. Mary-Ann Perry, speaking on behalf of the Committee, reported to the Commission the results of the Swimathon and stated that they had received contributions of \$3,800 thus far. She asked the Commission for its continued support of the Wealthy Pool.

304-A. Seibold-Waters. That this Commission endorse the efforts of the Wealthy Pool Fund Raising Committee.

Yeas: Hoff, Moseley, Seibold, Deems, Waters, Leidlein - 6

Nays: 0

305. The City Attorney submitted a proposed resolution regarding consideration of non-agenda items.

305-A. Waters-Moseley. Resolved, that any item which is not on the City Commission meeting agenda may be considered only upon resolution adopted by a 2/3 vote of the Commissioners present to give the non-agenda item immediate consideration.

Yeas: Hoff, Moseley, Seibold, Deems, Waters, Leidlein - 6

Nays: 0

306. Bonding Attorney Cooper submitted a proposed ordinance providing for the acquisition, construction, improvement, enlargement and extension of water supply and sewage disposal system facilities for the City of East Grand Rapids.

306-A. Waters-Deems. That the ordinance be introduced at this time for consideration at the next regular City Commission meeting.

Yeas: Hoff, Moseley, Seibold, Deems, Waters, Leidlein - 6

Nays: 0

307. The City Manager submitted a memorandum regarding the closure of Manhattan School, which work has now been completed at a cost of \$1,614.90. This report was received for information.

308. The City Manager submitted a memorandum regarding the salary of the Plant Engineer and recommended that his salary be increased from \$26,000 to \$28,444 per year, effective January 18, 1983.

308-A. Seibold-Deems. That the salary of the Plant Engineer be increased from \$26,000 to \$28,444 per year, effective January 18, 1983.

Yeas: Hoff, Moseley, Seibold, Deems, Waters, Leidlein - 6
Nays: 0

309. The City Manager submitted a memorandum regarding purchase of a sewer machine cleaning tool which has been requested by the Public Service Superintendent. Quotations were obtained from three manufacturers and the City Manager recommended the purchase of this equipment from O'Brien Tool, the low bidder, for \$1,891.51.

309-A. Moseley-Deems. That the City Manager be authorized to purchase the hydraulic sewer machine cleaning tool from O'Brien Tool for \$1,891.51.

Yeas: Hoff, Moseley, Seibold, Deems, Waters, Leidlein - 6
Nays: 0

310. The City Manager submitted a proposed spring street improvement program at an estimated cost of \$144,440. He reported that state revenue sharing estimates reflect deficiencies in the budgeted revenue from the State of \$36,500 and should the Governor postpone or cancel the February revenue sharing payments for income tax and Single Business Tax, the deficiency would increase to \$72,500. If the February sales tax distribution is canceled, the deficiency will increase to \$141,200. He recommended that no action be taken on the spring street improvement program until more definite information is obtained from the State. No action was taken on this item at this time.

311. The City Manager reported that a report on the Capital Improvement Program from Moore & Bruggink will be submitted to the City within a few days. He stated that it appears that upstream equalization basins will not be recommended and that enlargement of downstream sewers to improve gravity flows would more adequately handle the flow.

312. The City Manager reported that he has received information from the DNR that the Ordinary High Water Mark on Reeds Lake is 731.75 feet.

313. The minutes of the East Grand Rapids Planning Commission meeting held December 14, 1982, were received for information.

314. The report of the Police Department for the month of December, 1982, was received for information.

315. The Mayor requested nominations for the position of President of the City Commission. Commissioner Seibold nominated John Waters. Commissioner Deems nominated Lois Moseley.

A roll call vote was taken:

Commissioners Hoff, Deems and Waters voted for Commissioner Moseley.
Commissioners Moseley, Seibold and Mayor Leidlein voted for Commissioner Waters.

Commissioner Waters then nominated Barbara Hoag.

A roll call vote was taken:

Commissioners Hoff, Deems, Waters and Mayor Leidlein voted for Commissioner Moseley.
Commissioner Moseley voted for Commissioner Hoag.
Commissioner Seibold voted for Commissioner Waters.

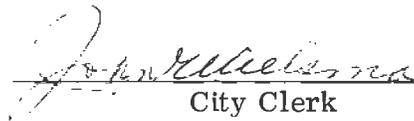
Commissioner Moseley was declared elected as President of the City Commission.

1/17/83

316. Notice of the Kent County Library Board meeting which is to be held January 19, at 7:00 p.m., in the Community Room, was received for information.

317. Commissioner Moseley stated that she is going to nominate Mayor Leidlein as Chairperson of Michigan Municipal League Region V.

318. The meeting was adjourned, subject to the call of the Mayor, until February 7, 1983.



City Clerk

UNOFFICIAL
Reference Only

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Regular Meeting Held February 7, 1983

The meeting was called to order by Mayor Leidlein.

Present: Coms. Hoag, Hoff, Moseley, Seibold, Waters, Deems and Mayor Leidlein.
Absent: None.

Also Present: City Attorney Richardson, Assistant City Attorney Huff, Administrative Aide Bremer, City Engineer McMann, Fire Chief Terpstra, City Assessor Norman, Public Service Superintendent Smith, Bond Counsel Cooper.

319. The minutes of the regular meeting held January 17, 1973 were approved as written.

320. Moseley-Hoff. That expense vouchers in the amount of \$261,899.07, and payroll vouchers in the amount of \$87,129.23, as approved by the Ways & Means Committee, be allowed and the Controller be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Hoag, Hoff, Moseley, Seibold, Waters, Deems, Leidlein - 7
Nays: 0

321. Bonding Attorney Cooper was present to discuss revisions of the proposed ordinance providing for the acquisition, construction, improvement, enlargement, and extension of water and sewage disposal system facilities. For the record, Mayor Leidlein listed the correspondence received regarding this matter as follows: City Attorney letter dated February 2nd; Clary, Nantz, Wood, Hoffius, Rankin & Cooper letter of January 27; City Attorney letter of January 20, and City Attorney letter of January 19. Bonding Attorney Cooper will further investigate the alternatives available with respect to the maintenance of the reserve fund provided for on page 17 of the ordinance draft and report to the Commission prior to the February 21st meeting.

322. The City Clerk submitted a resolution that would allow the Controller to invest City funds in seven types of investments. Mayor Leidlein corrected a spelling error. The City Attorney advised that investment under Option #2 would under Sec. 1.65(4) of the Ordinance Code require advance approval of each depository by the City Commission.

322-A. Waters-Moseley.

WHEREAS, the cash investment program is an important part of a sound cash management program, and

WHEREAS, the City of East Grand Rapids would be able to increase its investment yield without an undue increase in risk by using these additional areas of investment, now therefore,

BE IT RESOLVED, that the Controller of the City of East Grand Rapids, or his representatives, be allowed to invest City funds in the following types of investments as permitted by State Statute:

1. U.S. Government Agency.
2. Negotiable Certificates of Deposit - includes Banks, Credit Unions, and Savings and Loan Institutions.
3. Commercial Paper.
4. Bankers Acceptances.
5. Repurchase Agreements.
6. Daily Savings Accounts.
7. Money Market Accounts. (Banks and Savings and Loans)

Yeas: Hoag, Hoff, Moseley, Seibold, Waters, Deems, Leidlein - 7
Nays: 0

323. The City Clerk submitted a six-month financial report for period ending December 31, 1982.

324. The City Manager submitted a breakdown of the eight bids received for the Croswell property. Mayor Leidlein referred this matter to the Real Estate Committee for review and recommendation.

325. The status of the spring street improvement program was discussed at this time. The City Manager is to report all additional information regarding the status of State shared revenue.

326. A memorandum from the City Engineer recommended a change in the Standard Streetlighting Contract to correct a previous error. There is no cost associated with the change.

326-A. Waters-Hoag. That the City Commission approve the recommended change in the Standard Streetlighting Contract.

Yeas: Hoag, Hoff, Moseley, Seibold, Waters, Deems Leidlein - 7
 Nays: 0

327. The City Manager submitted a recommendation for the purchase of a 4-ton truck dump body, under-truck snow blade and hydraulics, a front end plow and hydraulics and a vacuum street sweeper.

327-A. Seibold-Hoag. That the City Commission authorize award of purchase orders in the amount of \$143,287.44 to the low bidders as follows with payment to be made from the Motor Equipment Revolving Fund:

Good G.M.C. - one 4-ton truck and chassis -----	\$ 32,681.44
Hoekstra Truck-Dump Body -----	2,971.00
Gregware Equipment Co.-Front end plow and hydraulics --	4,680.00
Shults Equipment Co., Inc.-Underbody blade and hydraulics	8,923.00
Bell Equipment Co.-Elgin Whirlwind Vacuum Street Sweeper	94,032.00

Yeas: Hoag, Hoff, Moseley, Seibold, Waters, Deems, Leidlein - 7
 Nays: 0

328. The City Manager submitted a recommendation on sewer repair work at 2320 Elmwood.

328-A. Hoag-Hoff. That the City reimburse Howard Larson, owner of the home at 2320 Elmwood, in the amount of \$1,529.82 for costs of sewer repairs and that the City be furnished with a release discharging the City from any further obligation in connection with the matter.

Yeas: Hoag, Hoff, Moseley, Seibold, Waters, Deems, Leidlein - 7
 Nays:

329. Mayor Leidlein reported for the Personnel Committee as regards the selection of a Police Chief/Public Safety Director.

330. The City Engineer reported that Moore & Bruggink will complete their report on Phase II of the Capital Improvement Program within two days. A copy of the report will be submitted to the firm of Hubble, Roth & Clark, a Detroit based firm, for a review which is expected to take two weeks.

331. The Fire Department annual report was submitted for the Commission's information.

332. Commissioner Moseley asked if something could be done about drainage problems on Maplewood west of Conlon. The City Engineer informed the Commission that he and Public Service Superintendent Smith are aware of the problem and are working on a plan to resolve the problem.

333. Commissioner Deems informed the Commission that at the next meeting he will be requesting funds for the Planning Commission's use in hiring a Planning Consultant.

334. Commissioner Seibold reported that the Recreation Commission approved the expenditure of \$1,800 for a heater for the Wealthy Pool. He requested that the City Commission authorize the expenditure.

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334-A. Seibold-Deems. That the City Commission authorize the expenditure of \$1,800 for a water heater for the Wealthy Pool.

Yeas: Hoag, Hoff, Moseley, Seibold, Waters, Deems, Leidlein - 7
Nays: 0

335. Mayor Leidlein reported the receipt of a letter from Charlotte Kudlicki requesting funds for the repair of a basement wall which she claims was damaged by a sewer backup.

336. Mayor Leidlein reported on the activities of AGRAG.

337. Mayor Leidlein reported on a solution from the City of Wyoming regarding natural gas price controls.

338. Mayor Leidlein-Waters. That the City Commission adjourn into executive session to consider a communication from the City Attorney.

Yeas: Hoag, Hoff, Moseley, Seibold, Waters, Deems, Leidlein - 7
Nays: 0

The Mayor reconvened the regular meeting following the meeting with the City Attorney.

339. Waters-Hoag. That the City Commission retain independent counsel selected by the City Attorney in conjunction with the Mayor and City Manager for evaluation of the City's claim to the title of the property that was the subject of the litigation with John Gilmore and of the 1974 agreement with Mr. Gilmore.

Yeas: Hoag, Hoff, Moseley, Seibold, Waters, Deems, Leidlein - 7
Nays: 0

340. The meeting was adjourned, subject to the call of the Mayor, until February 21, 1983.


City Clerk

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Regular Meeting Held February 21, 1983

The meeting was called to order by Mayor Leidlein.

Present: Coms. Hoag, Hoff, Moseley, Seibold, Waters, Deems and Mayor Leidlein.

Absent: None.

Also Present: City Manager Tholen, City Attorney Richardson, Administrative Aide Bremer, City Engineer McMann, Fire Chief Terpstra, Bond Counsel Cooper.

341. The minutes of the regular meeting held February 7, 1983, were approved as written.

342. Moseley-Hoff. That expense vouchers in the amount of \$556,040.52, and payroll vouchers in the amount of \$44,979.11, as approved by the Ways & Means Committee, be allowed and the Controller be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Hoag, Hoff, Moseley, Seibold, Waters, Deems, Leidlein - 7
Nays: 0

343. The Mayor reported the resignations of C. Christopher Worfel and John A. Waters from the Planning Commission. The Mayor thanked Mr. Waters for his contributions as a member of the Planning Commission.

343-A. Mayor Leidlein-Hoff. That the City Commission accept the resignations of C. Christopher Worfel and John A. Waters from the Planning Commission.

Yeas: Hoag, Hoff, Moseley, Seibold, Waters, Deems, Leidlein - 7
Nays: 0

Mayor Leidlein submitted the names of Mike J. Taylor, 2730 Maplewood Drive SE, to fill the unexpired term of Mr. Worfel until June 30, 1984, and Mrs. Starr Waddell, 420 Cambridge SE, to serve until June 30, 1983. In addition, the Mayor announced that he would like to reappoint Linda S. Chervenka, whose term expired December 31, 1982, to the Board of Canvassers for a term of four years.

343-B. Mayor Leidlein-Moseley. That the City Commission appoint Mike J. Taylor and Mrs. Starr Waddell to the Planning Commission for terms ending June 30, 1984, and June 30, 1983 respectively, and that Linda S. Chervenka be reappointed to the Board of Canvassers for a term ending December 31, 1986.

Yeas: Hoag, Hoff, Moseley, Seibold, Waters, Deems, Leidlein - 7
Nays: 0

344. Pursuant to public notice, a hearing was then held on the zoning variance request of Lloyd J. Heibel, 1627 Breton Road SE, to permit construction of an addition to the rear of his residence which would be 13 feet from the rear property line rather than the required 25 feet. Mr. Heibel was present to discuss his request with the Commission. Objections to the request were raised by Sandra Lummen, 2340 Brighton Drive SE, and Mrs. Meilinger, 1634 Exeter Road SE.

344-A. Seibold-Waters. That this Commission, acting as the Board of Zoning Appeals, deny the variance requested by Lloyd Heibel.

Yeas: Hoag, Hoff, Moseley, Seibold, Waters, Deems, Leidlein - 7
Nays: 0

345. Robert Eleveld presented a report on the activities of the Committee on Consolidation of Local Governmental Services. He will furnish the City Commission with a list of the eight subcommittees.

346. The City Attorney reported that he has been in contact with John Jones, who has agreed to serve as independent counsel to review the City's claim with respect to the "Gilmore Property". He stated that the Mayor and Commissioner Waters have conferred with Mr. Jones, who also wishes to speak with the City Manager and will do so in the near future.

347. Bonding Attorney Cooper was present to further discuss the proposed Bond Ordinance. Mr. Cooper, the City Attorney, the City Manager, and the Mayor will meet to prepare a recommendation to the City Commission.

348. The City Manager reported to the Commission that those Commissioners interested in attending the Annual Legislative Conference should let the Clerk know on or before March 7, so that reservations can be made prior to the deadline.

349. The City Manager reported that the bid of Jeff and Emilie Azkoul, for the purchase of 1771 Asbury, has been withdrawn.

350. The City Manager reported on the recommended change in the Standard Streetlighting Contract.

350-A.

BY COMMISSIONERS HOAG-DEEMS:

RESOLVED, That it is hereby deemed advisable to authorize Consumers Power Company to make changes in the streetlighting service as provided in the Standard Streetlighting Contract between the Company and the City of East Grand Rapids, dated April 20, 1977, in accordance with the Authorization for Change in Standard Streetlighting Contract dated as of February 21, 1983, heretofore submitted to and considered by this Commission, and

RESOLVED, Further, That the Mayor and City Clerk be and are authorized to execute such authorization for change on behalf of the City.

Yeas: Hoag, Hoff, Moseley, Seibold, Waters, Deems, Leidlein - 7
Nays: 0

351. The City Manager reported on the renewal rates for the City's health insurance program and recommended renewal of the agreement at the new rates for the year beginning February 1, 1983.

351-A. Waters-Deems. That the City Commission authorize renewal of the City's health insurance program for the year beginning February 1, 1983, at the following rates:

Aggregate Premium	\$6,029.52/yr.
Specific Premium	\$14.45/emp./mo.
Administrative Fee	\$ 7.00/emp./mo.

Yeas: Hoag, Hoff, Moseley, Seibold, Waters, Deems, Leidlein - 7
Nays: 0

352. The City Manager reported the receipt of the report from Moore & Bruggink on Phase II of the Capital Improvement Program. The next step will be to send a copy of the report to Hubbell, Roth & Clark for an independent review.

353. The City Manager reported on the submission of the Plant Engineer's Ground Maintenance Program for discussion at a later date. The Mayor requested that the Plant Engineer incorporate equipment costs necessary to accomplish the program.

354. A memorandum from the City Assessor was received for information.

355. The report of the Police Department and the annual report were received for information.

356. The report of the Fire Department was received for information.

357. The report of the Building Inspector was received for information.

358. The report of the Animal Control Commission of its meeting held February 3, 1983, was received for information.

2/21/83

359. The report of the Real Estate Committee was considered at this time. The following letters were received regarding this matter: Norton Remes letter of February 14, 1983, Ann Bowman letter of February 16, 1983, Michael H. Jacobson letter of February 21, 1983. Commissioner Hoag reported that a bid from Dancers Corner was considered in addition to the other eight bids received.

359-A. Seibold-Moseley. That the City Commission accept the bid of Kennedy Floral in the amount of \$37,000 cash, with the buyer to assume the \$18,000 assessment subject to the preparation of an acceptable contract by the City Attorney.

A roll call vote was taken:

Yeas: Hoff, Moseley, Waters, Seibold, Hoag, Leidlein - 6

Nays: 0

Abstained: Waters - 1

The motion carried.

360. Commissioner Deems reported on the Planning Commission's request for additional funding for the purpose of retaining a planning consultant. He will submit additional information for discussion at the March 7, 1983, meeting.

361. The Mayor announced that a meeting of the City Commission will be held February 28, at 7:00 p.m., for the purpose of considering the selection of Police Chief/Public Safety Director, and of considering any other matters which may be presented for consideration by the Commission at that time.

362. The meeting was adjourned, subject to the call of the Mayor, until February 28, 1983, at 7:00 p.m.



City Clerk

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Meeting Held February 28, 1983

The meeting was called to order by Mayor Leidlein.

Present: Coms. Deems, Hoag, Hoff, Moseley, Waters, and Mayor Leidlein.

Absent: Com. Seibold.

Also Present: City Manager Tholen, City Clerk Wielsma, City Attorney Richardson, Assistant City Attorney Huff.

363. The Mayor presented the report of the Personnel Committee and recommended that the City Commission interview Mr. Peter J. Gallagher as candidate for the position of Police Chief/Public Safety Director. He then introduced Mr. Gallagher to the Commission after which the Commission interviewed the candidate.

363-A. Mayor Leidlein-Hoag. That Peter Gallagher be hired as Police Chief/Public Safety Director commencing April 4, 1983, at an annual salary of \$32,214.00.

A roll call vote was taken:

Yeas: Deems, Hoag, Hoff, Moseley, Waters, Leidlein - 6

Nays: 0

The motion carried.

364. The City Attorney submitted a memorandum summarizing certain provisions of the proposed Water and Sewer Bond Ordinance and recommended two amendments to the Ordinance as previously introduced.

364-A. Waters-Hoag. That the Water and Sewer Bond Ordinance be amended to include the following:

Insert on page 16 in subparagraph 2) the following:

" * * * which, together with investment earnings from investments of other money in said Fund and in the Bond Reserve Account, if any, is * * * "

and in the second paragraph under 2) on page 17, insert the word "annual" in the ninth line thereof and add the following sentence:

"Investment earnings of the monies in the Bond Reserve Account shall be credited to the Bond and Interest Redemption Fund for payment of principal and interest on the Bond."

Yeas: Deems, Hoag, Hoff, Moseley, Waters, Leidlein - 6

Nays: 0

364-B. Waters-Hoag. That the following Ordinance be adopted:

AN ORDINANCE TO AMEND THE CODE OF
THE CITY OF EAST GRAND RAPIDS BY
ADDING A NEW CHAPTER 25 OF TITLE II
ENTITLED CHAPTER 25 - WATER SUPPLY
AND SEWAGE DISPOSAL SYSTEM FACILITIES
REVENUE BONDS

Chapter 25
WATER SUPPLY AND SEWAGE DISPOSAL
SYSTEM FACILITIES REVENUE BONDS

AN ORDINANCE TO PROVIDE FOR THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, ENLARGEMENT AND EXTENSION OF THE WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM FACILITIES FOR THE CITY OF EAST GRAND RAPIDS, KENT COUNTY, MICHIGAN; TO AUTHORIZE THE ISSUANCE OF SELF-LIQUIDATING REVENUE BONDS BY THE CITY OF EAST GRAND RAPIDS, PURSUANT TO THE PROVISIONS OF ACT 94, PUBLIC ACTS OF MICHIGAN, 1933, AS AMENDED, FOR THE PURPOSE OF PAYING THE COST OF ACQUIRING,

CONSTRUCTING, IMPROVING ENLARGING AND EXTENDING SAID FACILITIES; TO PRESCRIBE THE FORM OF BONDS; TO PROVIDE FOR THE COLLECTION OF REVENUES FOR THE PURPOSE OF PAYING THE BONDS; TO PROVIDE FOR THE PAYMENT AND SECURITY OF SAID BONDS AND, TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF SAID BONDS IN ENFORCEMENT THEREOF AND OTHER MATTERS RELATIVE TO SAID BONDS AND SAID SYSTEM AND FOR THE USE THEREOF FOR THE PRESERVATION OF THE PUBLIC HEALTH, SAFETY AND WELFARE.

THE CITY OF EAST GRAND RAPIDS (KENT COUNTY, MICHIGAN)
ORDAINS:

Section 1. Definitions. Whenever used in this ordinance or in the bonds to be issued hereunder, except when otherwise indicated by context, the following definitions shall apply:

(a) "Acquired" shall include acquisition by purchase, construction or by any other method.

(b) "Bonds" or "Revenue Bonds" shall mean the City of East Grand Rapids 1983 Water Supply and Sewage Disposal System Revenue Bonds, Series A in the principal amount of \$300,000 and Series B in the principal amount of not to exceed \$3,200,000 authorized and issued pursuant to Act 94, P.A. 1933, as amended, and this Ordinance.

(c) "City" shall mean the City of East Grand Rapids, Kent County, Michigan.

(d) "Commission" shall mean the City Commission of the City of East Grand Rapids, the legislative and governing body thereof.

(e) "Government" shall mean the government of the United States of America.

(f) "Public improvements" shall mean the improvements authorized to be acquired pursuant to this Ordinance as described in Section 2 hereof.

(g) "Revenues", "net revenues" and "project costs" shall have the same meanings as defined in Section 3, Act 94, Public Acts of Michigan, 1933, as amended.

(h) "Water Supply and Sewage Disposal System" or "System" means the complete water supply and sewage disposal system of the City, including all wells, watermains, storage facilities, treatment facilities, collection facilities and other facilities used or useful in the supply and distribution of water, or the collection and treatment of sewage for domestic, commercial, or industrial uses and for fire protection purposes and all appurtenances and attachments thereto, including all such facilities now located in the City and owned by the City, the facilities to be acquired pursuant to this Ordinance, and all facilities which shall be in any way connected to the foregoing in the future.

Section 2. Necessity, Description of Project. It is hereby determined to be necessary for the public health, safety and welfare of the City of East Grand Rapids, Kent County, Michigan, to acquire and construct, in accordance with detailed maps, plans and specifications therefor prepared by Moore & Bruggink, Consulting Engineers of Grand Rapids, Michigan, repairs, improvements and extensions of the Water Supply and Sewage Disposal System to provide for greater capacity in both the water supply and sewage disposal system and eliminate infiltration (hereinafter called the "public improvements").

Section 3. Estimated Cost; Period of Usefulness. The cost of the public improvements has been estimated by the engineers to be Three Million, Five Hundred Thousand Dollars (\$3,500,000) including the payment of incidental expenses as are hereafter specified in Section 4 of this Ordinance, which estimate of cost is hereby approved and confirmed, and the period of usefulness of the public improvements is estimated to be greater than forty (40) years.

Section 4. Issuance of Bonds. To defray the cost of acquiring, constructing, improving, enlarging and extending said public improvements, including the payment of legal, engineering, financial and other project costs incident thereto and incident to the issuance and sale of the Bonds, it is hereby determined that the City of East Grand Rapids borrow a sum of not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000) and that revenue bonds be issued therefor pursuant to the provisions of Act 94, Public Acts of Michigan, 1933, as amended. Any balance of the cost of the public improvements shall be paid by local funds.

Section 5. Bond Information. The Bonds authorized to be issued and sold pursuant to the provisions of Act No. 94 and this Ordinance in the aggregate principal sum of not to exceed \$3,500,000 shall be issued in two (2) series and shall be designated "1983 Water Supply and Sewage Disposal System Revenue Bonds, Series A" (the "Series A Bonds") in the principal amount of \$300,000 and "1983 Water Supply and Sewage Disposal System Revenue Bonds, Series B" (the "Series B Bonds") in the principal amount of not to exceed \$3,200,000; shall not be general obligations of the City within any constitutional or statutory limitation, but revenue bonds payable out of the net revenues collected by the City from users of the Water Supply and Sewage Disposal System after provision has been made for the payment of expenses of administration, operation and maintenance.

The Series A Bonds shall be dated March 1, 1983; shall be issued as coupon bonds in denominations of \$5,000 each or integral multiples thereof, or as fully registered bonds; such bonds shall be substantially in the form as hereinafter set forth; shall bear interest at a rate or rates to be hereafter determined not exceeding 13.0% per annum, payable on October 1, 1983, and semi-annually thereafter on the first day of April and October of each year until the principal of and interest on the Series A Bonds are fully paid. The Series A Bonds shall mature serially on the first day of April of each year in the principal amounts as follows:

1984	\$50,000	1988	\$50,000
1985	\$50,000	1989	\$50,000
1986	\$50,000		
1987	\$50,000		

The Series B Bonds shall be dated December 1, 1983; shall be issued as coupon bonds in denominations of \$5,000 each or integral multiples thereof, or as fully registered bonds; such bonds shall be substantially in the form as hereinafter set forth; shall bear interest at a rate or rates to be hereafter determined not exceeding 18% per annum, payable semi-annually on the first day of April and October of each year, beginning April 1, 1984, until the principal of and interest on the Series B Bonds are fully paid. The Series B Bonds shall mature serially on the first day of April of each year in the principal amounts as follows:

1985	\$100,000	1993	\$225,000
1986	\$100,000	1994	\$250,000
1987	\$125,000	1995	\$250,000
1988	\$125,000	1996	\$300,000
1989	\$150,000	1997	\$325,000
1990	\$150,000	1998	\$350,000
1991	\$175,000	1999	\$375,000
1992	\$200,000		

Series A Bonds shall not be subject to redemption prior to maturity.

Series B Bonds maturing in the years 1985 to 1992, both inclusive, shall not be subject to redemption prior to maturity.

Series B Bonds maturing in the years 1993 to 1999, both inclusive, shall be subject to redemption prior to maturity, as a whole or in part, in the order of maturity as determined by the City, at the option of the City, on any one or more interest payment dates, on or after October 1, 1992. Series B Bonds so called for redemption shall be redeemed at the par value thereof and accrued interest to the interest payment date fixed for redemption, plus a premium, determined as a percentage of the principal amount redeemed, as follows:

<u>Redemption Date</u>		<u>Premium</u>
<u>on or after</u>	<u>prior to</u>	
October 1, 1992	October 1, 1994	3%
October 1, 1994	October 1, 1996	2%
October 1, 1996	October 1, 1997	1%
October 1, 1997 and thereafter		0%

Notice of redemption of the Series B Bonds shall be given to the holders of the Series B Bonds to be redeemed by publication of such notice not less than thirty (30) days prior to the date fixed for redemption, at least once in a newspaper or publication circulated in Michigan, which carries as a part of its regular service, notices of the sale of municipal bonds. In the case of registered bonds, (unless registered to "Bearer") thirty (30) days notice shall be given by mail to the registered holder at the registered address and no publication shall be necessary. Series B Bonds so called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the paying agent to redeem the same.

The principal of the Bonds and the interest thereon shall be payable in lawful money of the United States of America; at a bank or trust company to be designated by the purchaser of the Bonds, upon presentation and surrender of said Bonds, or if registered, to the registered holder at the address shown on the registration books of the City.

Section 6. Registration and Execution. If the bonds are issued in coupon form, the Bonds and coupons shall be payable to bearer or at the option of the holder thereof, the Bonds may be registered as to principal only or registered as to both principal and interest on the books of the City, kept for that purpose by the City Treasurer, as registrar, or by an agent of the City who may act as registrar and/or paying agent. Registration as to both principal and interest may require detachment of the coupons from said bond, or issuance of a new registered bond. Registered bonds are transferable only upon presentation to the registrar with a written transfer by the registered holder or his attorney-in-fact. Bonds registered as to both principal and interest are subject to exchange for a negotiable coupon payable to bearer at the request and sole expense of the registered owner thereof upon surrender of the bond to the City. The Bonds shall be signed by manual or facsimile signature by the Mayor of the City and countersigned by manual or facsimile signature by the City Clerk, and they are hereby authorized and directed to execute said bonds for and on behalf of the City and to affix the seal of the City thereto, and to execute the interest coupons to be attached to said Bonds by causing to be affixed thereto their facsimile signatures; and that upon the execution of said Bonds and attached coupons, the same shall be delivered to the Treasurer of the City who is hereby authorized and directed to deliver said Bonds and attached coupons to the purchaser thereof, upon receipt of the purchase price thereof, plus the accrued interest, if any, to the date of delivery.

If, at the time of issuance of the Bonds, either State or Federal law requires that such bonds be issued and maintained in registered form only, the Bonds shall be issued in fully registered form.

(form of coupon bond)
UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF KENT
CITY OF EAST GRAND RAPIDS

1983 WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM REVENUE BONDS

Series _____

NO. _____

\$5,000.00

KNOW ALL MEN BY THESE PRESENTS that the City of East Grand Rapids, County of Kent, State of Michigan, for value received, hereby promises to pay to the bearer hereof, or, if registered, to the registered holder hereof, but only out of the revenues of the water supply and sewage disposal system of the City of East Grand Rapids, including all appurtenances, additions, extensions and improvements thereto, the sum of

FIVE THOUSAND DOLLARS

on the first day of April, A.D., _____, together with interest thereon from the date hereof until paid at the rate of _____ per cent (____%) per annum, payable on _____, and semi-annually thereafter on the first day of April and October of each year. Both principal of and interest on this bond are payable in lawful money of the United States of America at the

_____ Michigan upon presentation and surrender of this bond, or if registered, to the registered holder at the address shown on the registration books of the City and for the prompt payment thereof, the revenues of the water supply and sewage disposal system of the City, including all appurtenances, additions, extensions and improvements, less reasonable expenses of operation, administration and maintenance are hereby irrevocably pledged and a statutory first lien thereon is hereby created.

This Bond is one of a series of bonds of even date and like tenor, except as to date of maturity and the _____ aggregating the principal sum of \$ _____ consisting of _____ Bonds in the denomination of \$5,000 each, numbered in direct order of maturity from 1 to _____, both inclusive, issued pursuant to Ordinance No. _____, duly adopted by the City on _____, 1983, and under and in substantial 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 defraying part of the cost of acquiring, constructing, improving, enlarging and extending the water supply and sewage disposal facilities of the City consisting of wells, water mains, storage facilities and treatment facilities, together with the necessary appurtenances, attachments and equipment related thereto. 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 may hereafter be issued, and the general covenants and provisions pursuant to which this Bond is issued, reference is made to the above-described Ordinance.

The Bonds of this series shall not be subject to redemption prior to maturity.

Bonds of this series maturing in the years 1985 to 1992, both inclusive, shall not be subject to redemption prior to maturity. Bonds maturing in the years 1993 to 1999, both inclusive, shall be subject to redemption as a whole or in part, in the order of maturity, as determined by the City, at the option of the City prior to maturity on any interest payment dates on or after October 1, 1992, at par and accrued interest to the date fixed for redemption plus a premium, determined as a percentage of the principal amount of Bonds redeemed as follows:

Redemption Date		Premium
<u>on or after</u>	<u>prior to</u>	
October 1, 1992	October 1, 1994	3%
October 1, 1994	October 1, 1996	2%
October 1, 1996	October 1, 1997	1%
October 1, 1997	and thereafter	0%

Notice of redemption shall be given to the holders of the Bonds to be redeemed by publication of such notice not less than thirty (30) days prior to the date fixed for redemption, at least once in a newspaper or publication circulated in Michigan, which carries as a part of its regular service, notices of the sale of municipal bonds. In the case of registered bonds (unless registered to "bearer"), thirty (30) days' notice shall be given by mail to the registered holder at the registered address and no publication shall be necessary. Bonds so called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the paying agent to redeem the same.

Said Bonds may be registered as to principal only, or as to principal and interest on the books kept by the Treasurer of the City as registrar in the name of the holder and unmatured interest coupons detached from said Bond after which it shall be transferable only upon presentation to such registrar with a written transfer by the registered holder or his attorney-in-fact. Such transfer shall be noted upon the books of the City kept for that purpose. Said Bonds once registered are exchangeable at the request of the registered owner hereof and at his sole expense for a negotiable coupon bond payable to bearer, upon surrender of the bond to the borrower at the office of the Treasurer of the City.

This Bond is a self-liquidating Bond, and is not a general obligation of the City within any constitutional or statutory limitation, but is payable, both as to principal and interest solely from the net revenues of the water supply and distribution system of the City. The principal of and interest on this bond are secured by the statutory lien hereinbefore mentioned.

The City hereby covenants and agrees to fix and maintain at all times while any of such Bonds shall be outstanding, such rates for service furnished by said water supply and distribution system as shall be sufficient to provide for payment of the principal of and interest upon all such Bonds as and when the same become due and payable, and to create a bond and interest 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 said water supply and distribution system as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for said system as are required by said Ordinance.

It is hereby certified and recited that all acts, conditions and things required by law 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.

IN WITNESS WHEREOF, the City of East Grand Rapids, County of Kent, State of Michigan, by its City Commission has caused this Bond to be signed in the name of said City by its Mayor and to be countersigned by its City Clerk, and its corporate seal to be hereunto affixed and has caused the annexed interest coupons, if any, to be executed with the facsimile signatures of said Mayor and City Clerk, all as of March 1, 1983.

CITY OF EAST GRAND RAPIDS
COUNTY OF KENT

(SEAL)
Countersigned:

By _____
Mayor

City Clerk

REGISTRATION
NOTHING TO BE WRITTEN HEREON EXCEPT
BY THE CITY TREASURER AS REGISTRAR

Date of Registration : Name of Registered Owner : Registrar
: :
: :
: :

FORM OF COUPON

No. _____ \$ _____

On the first day of _____, A.D., _____, the City of East Grand Rapids, County of Kent, State of Michigan, will pay to the bearer hereof the sum of _____ Dollars, in the manner and out of the net revenues described in said Bonds at the _____, Michigan, being the semi-annual interest due that date on its 1983 Water Supply and Sewage Disposal System Revenue Bonds, Series _____ dated _____, 198_____, No. _____.

This coupon is not a general obligation of the City, but is payable out of certain revenues as set forth in the Bond to which it pertains.

City Clerk Mayor

(form of registered bond)
UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF KENT
CITY OF EAST GRAND RAPIDS
1983 WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM REVENUE BONDS
Series _____

NO. _____ \$ _____

KNOW ALL MEN BY THESE PRESENTS that the City of East Grand Rapids, County of Kent, State of Michigan, for value received, hereby promises to pay to _____ or to registered assigns, but only out of the revenues of the water supply and sewage disposal system of the City of East Grand Rapids, including all appurtenances, additions, extensions and improvements thereto, the sum of

_____ DOLLARS

on the first day of April, A.D., _____, together with interest thereon from the date hereof until paid at the rate of _____ per cent (____%) per annum, payable on _____, and semi-annually thereafter on the first day of April and October of each year. Both principal of and interest on this bond are payable in lawful money of the United States of America at the address shown on the registration books of the City and for the prompt payment thereof, the revenues of the water supply and sewage disposal system of the City, including all appurtenances, additions, extensions and improvements, less reasonable expenses of operation, administration and maintenance are hereby irrevocably pledged and a statutory first lien thereon is hereby created.

This Bond is one of a series of bonds of even date and like tenor, except as to date of maturity and the _____ aggregating the principal sum of \$ _____, issued pursuant to Ordinance No. _____, duly adopted by the City on _____, 1983, and under and in substantial 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 defraying part of the cost of acquiring, constructing, improving, enlarging and extending the water supply and sewage disposal facilities of the City consisting of wells, water mains, storage facilities and treatment facilities, together with the necessary appurtenances, attachments and equipment related thereto. 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 may hereafter be issued, and the general covenants and provisions pursuant to which this Bond is issued, reference is made to the above-described Ordinance.

Bonds of this series maturing in the years 1985 to 1992, both inclusive, shall not be subject to redemption prior to maturity. Bonds maturing in the years 1993 to 1999, both inclusive, shall be subject to redemption as a whole or in part, in the order of maturity, as determined by the City, at the option of the City prior to maturity on any interest payment dates on or after October 1, 1992, at par and accrued interest to the date fixed for redemption plus a premium, determined as a percentage of the principal amount of Bonds redeemed, as follows:

<u>Redemption Date</u>		<u>Premium</u>
<u>on or after</u>	<u>prior to</u>	
October 1, 1992	October 1, 1994	3%
October 1, 1994	October 1, 1996	2%
October 1, 1996	October 1, 1997	1%
October 1, 1997	and thereafter	0%

Notice of redemption of registered bonds (unless registered to "bearer"), thirty (30) days' notice shall be given by mail to the registered holder at the registered address and no publication shall be necessary. Bonds so called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the paying agent to redeem the same.

This Bond is a self-liquidating Bond, and is not a general obligation of the City within any constitutional or statutory limitation, but is payable, both as to principal and interest solely from the net revenues of the water supply and distribution system of the City. The principal and interest on this bond are secured by the statutory lien hereinbefore mentioned.

The City hereby covenants and agrees to fix and maintain at all times while any of such Bonds shall be outstanding, such rates for service furnished by said water supply and distribution system as shall be sufficient to provide for payment of the principal of and interest upon all such Bonds as and when the same become due and payable, and to create a bond and interest 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 said water supply and distribution system as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for said system as are required by said Ordinance.

It is hereby certified and recited that all acts, conditions and things required by law 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.

IN WITNESS WHEREOF, the City of East Grand Rapids, County of Kent, State of Michigan, by its City Commission has caused this Bond to be signed in the name of said City by its Mayor and to be countersigned by its City Clerk, and its corporate seal to be hereunto affixed all as of _____, 19_____.

CITY OF EAST GRAND RAPIDS
COUNTY OF KENT

By _____
Mayor

(SEAL)

Countersigned:

City Clerk

REGISTRATION
NOTHING TO BE WRITTEN HEREON EXCEPT
BY THE CITY TREASURER AS REGISTRAR

Date of Registration	Name of Registered Owner	Registrar
_____	_____	_____
_____	_____	_____
_____	_____	_____

Section 8. Revenue as Sole Security; No General Obligation of the City. The Bonds, including both principal and interest thereon, shall not be a general obligation of the City and shall not constitute an indebtedness of the City for purposes of any debt limitations imposed by any constitutional provision or any statutory or charter limitation. The principal of and interest on said Bonds shall be payable solely from the net revenues derived from the operation of the Water Supply and Sewage Disposal System, including future improvements, enlargements and extensions thereof. The net revenues from the System, including future enlargements, improvements, and extensions thereto, are hereby pledged to the payment of the principal of and interest on the Bonds. To secure the payment of the principal of and interest on the Bonds issued hereunder and on any additional Bonds of equal standing which may be issued as provided by the terms of this Ordinance, there is hereby created to and in favor of the holders of such Bonds, and any interest coupons pertaining thereto, a lien, considered a statutory first lien upon the net revenues from the said System, including future enlargements, improvements, and extensions thereof. The net revenues so pledged shall be deposited in the "Water Supply and Sewage Disposal System Revenue Bond and Interest Redemption Fund" and shall be and remain subject to said lien until the payment in full of the principal of and interest on said Bonds.

Section 9. Rights of Bondholders. The holder or holders of said Bonds representing in the aggregate not less than twenty percent (20%) of the entire issue then outstanding may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect and enforce said statutory lien and enforce and compel the performance of all duties of the officials of the borrower, including the fixing of sufficient rates, the collection of revenues, the proper segregation of revenues and the proper application thereof. Provided, however, that said statutory lien shall not be construed to give any holder or owner of any bond or coupon authority to compel the sale of the public improvement, the revenues of which are pledged thereto.

If there be any default in the payment of the principal of or interest upon any of said bonds, any court having jurisdiction in any proper action may appoint a receiver to administer and operate said System on behalf of the City and under the direction of said Court, and by and with the approval of said court, to fix and charge rates and collect revenues sufficient to provide for the payment of any bonds or other obligations outstanding against the revenues of the System and for the payment of the expenses of operating and maintaining the System and to apply the income and revenues of the System in conformity with Act 94 and this Ordinance.

The holder or holders, from time to time, of said Bonds herein authorized to be issued, shall have all the rights and remedies given by law and particularly by said Act No. 94 of the Michigan Public Acts of 1933, as amended, for the collection and enforcement of said Bonds and the security thereof.

Section 10. Management of System. Except as provided in Section 12, below, the construction, alteration, repair and management of the System shall be under the supervision and control of the City Commission. The City may employ such persons in such capacities as it deems advisable to carry on the efficient management and operation of the System. The City Commission may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the System.

Section 11. Supervised Bank Accounts. The Treasurer of the City shall be custodian of all funds belonging to and/or associated with the City's System and such funds shall be deposited in the Old Kent Bank and Trust Company, Grand Rapids, Michigan, which bank is a member of the Federal Deposit Insurance Corporation.

Section 12. Funds. The City Treasurer is hereby directed to create the following funds into which the bond proceeds and the revenues and income from the System shall be deposited, which accounts shall be established and maintained, except as otherwise provided, so long as any of the bonds hereby authorized remain unpaid. Money in the several funds established by this Section 13, except money in the Construction Fund and money in the Bond and Interest Redemption Fund, may be kept in one (1) bank account, in which case the money in said bank account shall be allocated on the books and records of the City to the separate funds.

A. CONSTRUCTION FUND. After deducting a sum equal to the amount of any accrued interest from the date of the Bonds to the date of delivery thereof, which sum shall be deposited in the Bond and Interest Redemption Fund, the balance of the proceeds of the bonds hereby authorized shall be deposited in a separate depository account designated Construction Fund in the Old Kent Bank and Trust Company, Grand Rapids, Michigan. Said monies shall be used solely for the purpose for which the Bonds were issued.

Any unexpended balance in the Construction Fund remaining after completion of the Project herein authorized may, in the discretion of the City Commission to the extent of fifteen per cent (15%) of the amount of the Bonds authorized by this Ordinance, be used for further improvements, enlargements and extensions to the System, provided that at the time of such expenditure such use be approved by the Municipal Finance Commission. Any remaining balance after such expenditure shall be paid into the Bond and Interest Redemption Fund and shall be used for such purposes as allowed by law.

After completion of the Project and disposition of remaining bond proceeds, if any, pursuant to the provisions of this Section, the Construction Fund shall be closed.

B. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM RECEIVING FUND. As soon as the System becomes operative and revenue producing, the gross income and revenue shall be set aside into a separate depository fund to be designated the Water Supply and Sewage Disposal System Receiving Fund (the "Receiving Fund") and monies so deposited therein are pledged and shall be expended and used only in the manner and order as follows:

1). Operation and Maintenance Fund. There is hereby established a fund known as the Operation and Maintenance Fund. Prior to the beginning of each fiscal year, the City Commission shall prepare an annual budget of said System for the ensuing fiscal year itemized on the basis of monthly requirements. Out of the revenues in the Receiving Fund, there shall be set aside quarterly and deposited into the Operation and Maintenance Fund a sum sufficient to pay the reasonable and necessary current expenses of administering, operating and maintaining said System for the ensuing quarter.

2). Water Supply and Sewage Disposal System Revenue Bond and Interest Redemption Fund. There is hereby established as a separate depository account a fund known as the "Water Supply and Sewage Disposal System Revenue Bond and Interest Redemption Fund" (the "Bond and Interest Redemption Fund"). After transfer to the Operation and Maintenance Fund required in (1) above, there shall be transferred each quarter from the Receiving Fund, before any other expenditures or transfer therefrom, and deposited in the Bond and Interest Redemption Fund, for payment of principal and interest on the Bonds, a sum which, together with investment earnings from investments of other money in said Fund and in the Bond Reserve Account, if any, is equal to at least 1/2 of the amount of the interest due on the next ensuing interest payment date plus not less than 1/4 of the principal maturing on the next ensuing April 1 of each year. If for any reason there is a failure to make such monthly deposit or for any reason there is a deficiency in the Bond and Interest Redemption Fund, then an amount equal to the deficiency shall be set aside and deposited in the Bond and Interest Redemption Fund from the net revenues in the ensuing quarter or quarters, which amount shall be in addition to the regular quarterly deposit required during such succeeding quarter or quarters.

There is hereby established within the Bond and Interest Redemption Fund a separate account to be known as the Bond Reserve Account. The Bond Reserve Account established in connection with previous water revenue bonds has a present balance of Sixty Thousand Dollars (\$60,000.00). The Bond Reserve Account shall be maintained at \$60,000 for the Series A Bonds. Upon issuance of the Series B Bonds, or any subsequent series of revenue bonds for the improvement of the System, the Bond Reserve Account shall be increased to an amount equal to the maximum annual debt service of (i) the Series A Bonds outstanding, plus (ii) the Series B Bonds or such other subsequent series of revenue bonds for improvement of the System. The monies in the said Bond Reserve Account shall be used solely for the payment of the principal of and interest on the Bonds and other water revenue bonds as to which there would otherwise be default. Investment earnings of the moneys in the Bond Reserve Account shall be credited to the Bond and Interest Redemption Fund for payment of principal and interest on the Bonds.

If at any time it shall be necessary to use monies in the Bond Reserve Account for payment of principal and/or interest on said Bonds, then the monies so used shall be replaced from the revenues first received thereafter which are not required by this Ordinance to be used for operation and maintenance or for current principal and interest requirements.

No further payments need be made into the Bond and Interest Redemption Fund after the amount accumulated and held in said Fund (including the Bond Reserve Account), is sufficient to pay, when due, the entire amount of principal and interest which will be payable at the time of maturity or at an earlier redemption date of all the bonds then remaining outstanding.

3). Replacement Fund. There is hereby established a Replacement Fund, into which there shall be placed each quarter, after meeting the foregoing requirements, such sums as the City Commission shall determine to be used for the purpose of making major repairs and replacements to the System.

4). Improvement Fund. There is hereby established an Improvement Fund for the purpose of making improvements, extensions and enlargements to the System. There shall be deposited in said Fund each quarter after providing for all of the foregoing requirements such sum as the City Commission shall determine.

5). Surplus Moneys. All monies remaining in the Receiving Fund at the end of any operating year after satisfying the above requirements may be transferred to the Bond and Interest Redemption Fund and used as authorized in this Ordinance or at the option of the City transferred to the Replacement Fund or the Improvement Fund and used for the purposes for which said Funds were established: Provided, however, that if there should be a deficit in the Operation and Maintenance Fund or Bond and Interest Redemption Fund or the Bond Reserve Account, on account of defaults in setting aside therein the amounts hereinbefore required, then transfers shall be made from the monies remaining in the Receiving Fund at the end of any operating year to such funds in the priority and order named, to the extent of such deficits. Available surplus monies may be used to retire any outstanding obligations of the City incurred for the construction, expansion or addition to the System including additional bonds, the issuance of which is authorized by this Ordinance, or if no other disposition has been provided for, such monies may be used for such other purpose or purposes as the City Commission may deem to be for the best interest of the City.

Section 13. Investment of Funds. Monies in the several funds and accounts herein established, including the monies derived from the proceeds of sale of the Bonds, may be invested in any obligations authorized by, and subject to, Act 94, Public Acts of Michigan, 1933, as amended, and subject to the applicable limitations imposed by the Arbitrage regulations issued pursuant to Section 103(c) of the Internal Revenue Code. In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.

Section 14. Rates and Charges. Prior to the issuance of the Bonds, the City Commission shall have established rates and charges for the services of said System in an amount sufficient to pay the expenses of administration and the costs of operation and maintenance of said System; to provide an amount of revenues adequate for the payment of principal and interest, debt service, reserve, replacement and improvement requirements and all other requirements provided herein, and otherwise comply with the covenants herein provided. The rates and charges for all services and facilities rendered by the System shall be reasonable and just, taking into consideration the costs and value of said System and the cost of maintaining, repairing, and operating the same and the amounts necessary for the retirements of all Bonds and accruing interest on all Bonds, and there shall be charged such rates and charges as shall be adequate to meet the requirements of this and the preceding sections.

Section 15. Lien. The rates and charges for all services furnished by the System to any premises shall be a lien thereon. There is hereby created a lien made a statutory lien by Section 8 of Act 94, Public Acts of Michigan, 1933, as amended, upon the net revenues pledged to the payment of the principal of and interest upon said Bonds, to and in favor of the holders of such Bonds and the interest coupons pertaining thereto, which liens shall be a first lien upon such net reserves, except where there exists a prior lien.

The charges for water supply service furnished to any premises is, by Section 21, Act 94, Public Acts of Michigan, 1933, as amended, and by this Ordinance, made a lien thereon, and those charges delinquent for six (6) months or more shall be certified by the City annually on March 1 of each year to the City tax assessing officer who shall enter the same upon the next tax roll against the premises to which the service shall have been rendered, and the charges shall be collected and the lien shall be enforced in the same manner as provided for the collection of taxes assessed upon such roll and the enforcement of the lien therefor. However, in all cases where a tenant is responsible for the payment of the charges and the City is so notified in writing (including a true copy of any lease), then the charges shall not become a lien against the premises from and after the date of the notice. From and after such notice no further service shall be rendered to the premises until a cash deposit of not less than one full year's service shall have been made as security for payment of the charges.

Section 16. No Free Service. No free service shall be furnished by said System to the City or to any individual, firm or corporation, public or private or to any agency or instrumentality.

Section 17. Covenants. The City Covenants and agrees, so long as any of the Bonds hereby authorized remain unpaid, as follows:

A. That it will punctually perform all duties with reference to the System and comply with applicable State laws and regulations and continually operate and maintain the System in good condition.

B. That it will construct the Project herein provided, in substantial accordance with the plans and specifications hereinbefore referred to, and will have the same in operation at the earliest possible time and that it will not sell, lease, mortgage or in any manner dispose of the System, or any substantial part thereof until all Bonds payable from the revenues thereof shall have been paid in full or provision has been made for the payment of such Bonds.

C. That it will maintain complete books and records relating to the operation of the System and its financial affairs and will cause such books and records to be audited annually within 180 days after the end of each fiscal year and an audit report prepared, and furnish any holder of any Bonds a copy of such report upon written request.

D. That it will prepare, keep and file such records, statements and accounts as may be required by law and that, if required by law, it will file with the Municipal Finance Commission, or other State agency, each year, as soon as is possible, not later than ninety (90) days after the close of the fiscal year, a report, on forms prepared by the Commission, made in accordance with the accounting method of the municipality, completely setting forth the financial operation of such fiscal year for its own purposes.

E. That it will maintain and carry, for the benefit of the holders of the Bonds, insurance on all physical properties of the System, of the kinds and in the amounts normally carried by municipalities engaged in the operation of similar systems. All monies received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed, and to the extent not so used, shall be used for the purpose of calling Bonds.

Section 18. Additional Bonds. The right is reserved, in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended, to issue additional bonds payable from the revenues of the System which shall be of equal standing with the bonds herein authorized but only for the following purposes:

(a) To complete the public improvements in accordance with the plans and specifications therefor, and such bonds shall not be authorized unless the consulting engineers, or the successor engineers in charge of construction, shall execute a certificate evidencing the fact that additional funds are needed to complete the public improvements in accordance with the plans and specifications therefor. If such certificate shall be so executed and filed with the City Clerk, it shall be the duty of the City Commission to provide for and issue additional bonds in the amount stated in said certificate to be necessary to complete the public improvements in accordance with the plans and specifications.

(b) For subsequent enlargement, extension, improvement or repair to the System: Provided that no such additional bonds shall be issued unless the average annual net revenues for the last completed operating year, when supplemented by the net revenues estimated to accrue from an increase in rates to be put into effect at the time such additional bonds are authorized, shall be sufficient to pay the annual principal and interest requirements thereafter maturing on the bonds herein authorized, on any then previously issued bonds of equal standing with the bonds herein authorized, and on such additional bonds then being issued.

(c) To refund part or all of the Bonds authorized pursuant to Act 94, Public Acts of Michigan, 1933, as amended, and this Ordinance, as amended.

Permission of the Municipal Finance Commission (or such other State body having jurisdiction over the issuance of municipal bonds) to issue such additional bonds shall constitute a conclusive presumption of the existence of conditions permitting the issuance thereof.

Except as herein authorized, no additional bonds having equal standing with the bonds of this issue shall be authorized and issued.

Section 19. Ordinance Shall Constitute Contract. The provisions of the Ordinance shall constitute a contract between the City and the Bond holders and after the issuance of such Bonds this Ordinance shall not be repealed or amended in any respect which will adversely affect the rights and interests of the holders nor, except for the issuance of additional bonds as authorized by Section 19 hereof, shall the City adopt any law, ordinance or resolutions in any way adversely affecting the rights of the holders so long as said Bonds or interest thereon remains unpaid.

Section 20. Default of City. If there shall be default in the Bond and Interest Redemption Fund, provisions of this Ordinance or in the payment of principal or interest of any of the Bonds, upon the filing of a suit by twenty (20) percent of the holders of the Bonds any court having jurisdiction of the action may appoint a receiver to administer said System on behalf of the City with power to charge and collect rates sufficient to provide for the payment of the Bonds and for the payment of operation expenses and to apply income and revenues in accordance with this Ordinance and the laws of the State of Michigan.

The City hereby agrees to transfer to any bona fide receiver or other subsequent operator of the System, pursuant to any valid court order in a proceeding brought to enforce collection or payment of City obligations, all contracts and other rights of the City conditionally, for such time only as such receiver or operator shall operate by authority of the court.

The holders of twenty (20) percent of the Bonds in the event of default may require by mandatory injunction the raising of rates in a reasonable amount.

Section 21. Trustee. In the event that Federal law requires fully registered bonds, the City may appoint a Trustee, which shall be an institution having trust powers under Michigan or Federal law. The duties of the Trustee shall be to maintain the books and records of ownership of the Bonds; to act as transfer agent for the City; to act as paying agent for the Bonds and such other functions in relationship to payment, transfer, and administration of the bonds as the City may approve.

Section 22. Ordinance Subject to Michigan Law. The provisions of this Ordinance are subject to the laws of the State of Michigan.

Section 23. Fiscal Year of System. The fiscal year for operating the System shall coincide with the fiscal year of the City.

Section 24. Municipal Finance Commission Approval. In order to issue the Bonds, if required by law, the City Clerk is authorized and directed to make application to the Municipal Finance Commission of the State of Michigan for authority to issue and sell said Bonds and to do all other acts and take all other necessary procedure required to effectuate the sale, issuance and delivery of the Bonds in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended.

Section 25. Paragraph Headings. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of this Ordinance.

Section 26. Publication and Recordation. This Ordinance shall be published once in full in a newspaper of general circulation in the City of East Grand Rapids qualified under State law to publish legal notices, within twenty (20) days after its adoption and the same shall be recorded in the Ordinance Book of the City and such recording authenticated by the signatures of the acting Mayor and City Clerk.

Section 27. Severability. If any section, paragraph, sentence, clause or phrase of this Ordinance shall be held invalid, the same shall not affect any other part of this Ordinance.

Section 28. Conflict. All ordinances and resolutions or parts thereof, insofar as the same may be in conflict herewith, are hereby repealed; provided, that the foregoing shall not operate to repeal any provision thereof, the repeal of which would impair the obligation on the Bonds.

Section 29. Amendment. This Ordinance may be amended from time to time with regard to the issuance, maturity, amount, maximum interest rate, date and premium of the Series B Bonds.

Section 30. Effective Date. This Ordinance shall become effective upon the twentieth (20th) day following its adoption.

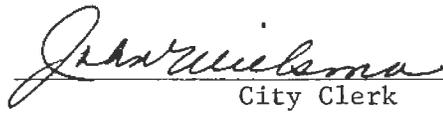
Yeas: Deems, Hoag, Hoff, Moseley, Waters, Leidlein - 6
Nays: 0

2/28/83

365. The City Attorney submitted a draft of a purchase agreement between Kennedy Floral and the City of East Grand Rapids. This was received to be considered at the next City Commission meeting.

366. The City Attorney reported that if the Commission wished to meet with Attorney John Jones, Mr. Jones will make himself available. The Commission decided not to meet with him at this time.

367. There being no further matters to be brought before the Commission, the meeting was adjourned until March 7, 1983, subject to the call of the Mayor.


City Clerk

UNOFFICIAL
Reference Only

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Regular Meeting Held March 7, 1983

The meeting was called to order by President Moseley.

Present: Coms. Deems, Hoag, Moseley, Waters and Seibold.

Absent: Com. Hoff and Mayor Leidlein.

Also Present: City Attorney Richardson, Assistant City Attorney Huff,
Fire Chief Terpstra, City Clerk Wielsma, City Assessor
Norman, Administrative Aide Bremer.

368. The minutes of the regular meeting held February 21, 1983,
and of the special meeting held February 28, 1983, were approved as written.

369. Moseley-Deems. That expense vouchers in the amount of \$1,692,025.78,
and payroll vouchers in the amount of \$41,477.03, as approved by the Ways
& Means Committee, be allowed and the Controller be authorized to draw
an order on the Treasurer for the respective amounts.

Yeas: Deems, Hoag, Moseley, Waters, Seibold - 5
Nays: 0

370. Pursuant to public notice, a hearing was then held upon the
request of Mr. & Mrs. Stephen Turkal, 1147 Kenesaw Drive SE, for a zoning
variance to permit construction of a detached garage one foot from the
rear and side lot lines rather than the required three feet. Mr. & Mrs.
Turkal were present to discuss their request with the Commission. There
were no objections raised.

370-A. Seibold-Waters. That this Commission, acting as the Board
of Zoning Appeals, grant the variance requested by Mr. & Mrs. Turkal.

Yeas: Deems, Hoag, Moseley, Waters, Seibold - 5
Nays: 0

371. Pursuant to public notice, a hearing was then held upon the
request of Mr. & Mrs. Paul E. Bruhnke, 210 Lakewood Drive SE, for a zoning
variance to permit construction of a 24' x 24' addition to their residence
to a point three feet three inches from the side lot line rather than
the required ten feet. Mr. & Mrs. Bruhnke were present to discuss their
request with the Commission. The City Clerk reported that he had received
a telephone call from Mrs. Zand, 2910 Cascade Road SE, objecting to
this request. There were no other objections raised.

371-A. Seibold-Waters. That this Commission, acting as the Board
of Zoning Appeals, grant the variance requested by Mr. & Mrs. Bruhnke.

Yeas: Deems, Hoag, Moseley, Waters, Seibold - 5
Nays: 0

372. The City Attorney reported on the resolution submitted by Bond
Counsel relative to the \$300,000 Water and Sewer Bond Issue.

372-A.
BY COMMISSIONERS SEIBOLD-HOAG:

WHEREAS, the City Commission of the City of East Grand Rapids,
Kent County, Michigan has, by action of February 28, 1983, adopted
an Ordinance to provide for the improvement of the water supply,
and sewage disposal system and for the issuance of 1983 Water
Supply and Sewage Disposal System Revenue Bonds, Series A.

3/7/83

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Clerk make application to the Municipal Finance Commission for approval to issue 1983 Water Supply and Sewage Disposal System Revenue Bonds, Series A, in the principal amount of Three Hundred Thousand Dollars (\$300,000).

BE IT FURTHER RESOLVED that when the form of the Official Notice of Sale has been approved by the Municipal Finance Commission, the City Clerk shall cause said Notice to be published in accordance with law in the Michigan Investor, a publication printed in the English language and circulated in the State of Michigan, which carries as a part of its regular service, notices of the sale of municipal bonds, and which has been approved by the Municipal Finance Commission, and in a newspaper of general circulation in the City at least fourteen (14) days before the date fixed for sale of said bonds, which notice shall be in substantially the following form:

OFFICIAL NOTICE OF SALE

\$300,000

CITY OF EAST GRAND RAPIDS

COUNTY OF KENT

1983 WATER SUPPLY AND SEWAGE DISPOSAL
SYSTEM REVENUE BONDS, SERIES A

SEALED BIDS for the purchase of the above Bonds will be received by the undersigned at the City Hall located at 750 Lakeside Drive, SE, East Grand Rapids, Michigan, 49506, on _____, the _____ day of _____, 1983, until _____ o'clock _____ .m. Eastern _____ Time, at which time and place said bids will be publicly opened and read.

BOND DETAILS: The Bonds will be coupon bonds, registerable as to principal only or as to principal and interest, of the denomination of \$5,000.00 each, dated March 1, 1983, numbered in direct order of maturity from 1 upwards and will bear interest from their date payable on October 1, 1983, and semi-annually thereafter.

Said bonds will mature on the 1st day of April in each year as follows:

1984	\$	50,000
1985	\$	50,000
1986	\$	50,000
1987	\$	50,000
1988	\$	50,000
1989	\$	50,000

PRIOR REDEMPTION: The Bonds of this issue are not subject to redemption prior to maturity.

INTEREST RATE AND BIDDING DETAILS: The Bonds shall bear interest at a rate or rates not exceeding 13.0% 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, all bonds maturing in any one year must carry the same interest rate and each coupon period shall be represented by one interest coupon. The difference between the highest and lowest interest rate on the Bonds shall not exceed 2 percentage points. No proposal for the purchase of less than all of the Bonds or at a price less than 100% of their par value will be considered.

PAYING AGENT: Both principal and interest shall be payable at a bank or trust company located in Michigan qualified to act as paying agent under State or United States law, to be designated by the original purchaser of the Bonds, who may also designate a co-paying agent, which may be located outside of Michigan, qualified to act as paying agent under the laws of the State in which located or of the United States, both of which shall be subject to approval of the undersigned.

Bonds may be registered as to principal only or as to prin-

cipal and interest. In the case of registered bonds payment of principal and interest (if registered) shall be made to the registered holder at the address shown on the registration books of the City.

PURPOSE AND SECURITY: The Bonds are issued under the provisions of Act 94, Public Acts of Michigan, 1933, as amended, and an Ordinance of the City of East Grand Rapids adopted February 28, 1983 and for the purpose of constructing improvements to the existing water supply and sewage disposal system of the City together with the necessary appurtenances and attachments thereto. The Bonds are payable solely from the net revenues of the water supply and sewage disposal system of the City and any additions thereto, and a statutory first lien on said revenues has been established by said Ordinance. The Bonds are self-liquidating revenue bonds, do not constitute a general obligation of the City of East Grand Rapids or of any public corporation and do not constitute an indebtedness of the City within any constitutional, statutory or charter limitation. The City of East Grand Rapids has covenanted and agreed to fix and maintain at all times while any of such bonds shall be outstanding such rates for service furnished by the water supply and sewage disposal system as shall be sufficient to provide for payment of the necessary expenses of operation, maintenance and administration of said System, of the principal and interest on said bonds when due, to maintain a bond reserve account therefor, and to provide for such other expenditures and funds for said System as are required by said Ordinance.

ADDITIONAL BONDS: For the terms upon which additional bonds of equal standing as to revenues of said System may be issued, reference is made to the above described Ordinance.

GOOD FAITH: A certified or cashier's check in the amount of \$6,000.00 drawn upon an incorporated bank or trust company 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 be accepted and the bidder fails to take up and pay for the bonds. No interest shall be allowed on the good faith checks, and checks of the unsuccessful bidders will be promptly returned to each bidder's representative or by registered mail. The good faith check of the successful bidder will be immediately cashed and payment for the balance of the purchase price of the bonds shall be made at the closing.

AWARD OF BONDS: The Bonds will be awarded to the bidder whose bid produces the lowest interest cost computed by determining, at the rate or rates specified in the bid, the total dollar value of all interest on the Bonds from _____, 198____, to their maturity and deducting therefrom any premium.

LEGAL OPINION: Bids shall be conditioned upon the unqualified approving opinion of Clary, Nantz, Wood, Hoffius, Rankin & Cooper, attorneys, 500 Calder Plaza, Grand Rapids, Michigan 49503, a copy of which opinion will be printed on the reverse side of each bond, and the original of which will be furnished without expense to the purchaser of the Bonds at the delivery thereof.

DELIVERY OF BONDS: The City will furnish the Bonds ready for execution at its expense. Bonds will be delivered without expense to the purchaser at a place to be agreed upon by the purchaser and the City. 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 the delivery of the Bonds. If the Bonds are not tendered for delivery by twelve o'clock noon, Eastern _____ Time, on the 45th day following the date of sale, or the first business day thereafter if said 45th day is not a business day, the successful bidder may on that day, or any time thereafter until delivery of the bonds, withdraw his proposal by serving notice of cancellation, in writing, on the undersigned, in

which event the City Treasurer shall promptly return the good faith deposit. 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.

FINANCIAL CONSULTANT: Further information with respect to the bonds may be obtained from First of Michigan Corporation, 26th Floor, 100 Renaissance Center, Detroit, Michigan 48226, Telephone (313) 259-2600, financial consultant to the City.

CUSIP: CUSIP numbers will be imprinted on all Bonds of this issue at the expense of the issuer. An improperly imprinted number will not constitute a basis for the purchaser to refuse to accept delivery and pay the balance of the purchase price therefor.

THE RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.

ENVELOPES containing the bids should be plainly marked "Proposal for Revenue Bonds."

John Wielsma
City Clerk

APPROVED: _____
STATE OF MICHIGAN
MUNICIPAL FINANCE COMMISSION

Yeas: Deems, Hoag, Moseley, Waters, Seibold - 5
Nays: 0

373. The City Attorney presented a proposed agreement between the City of East Grand Rapids and Kennedy Floral as it relates to the Baxter property.

373-A. Deems-Seibold. That the agreement as presented be approved.

373-B. Hoag-Seibold. That paragraph 5 of this agreement be amended to provide that in the event the surface of the parking lot is disturbed in making repairs of said water and sewer lines, that the repair project be coordinated with the City Engineer and the City will repair the surface of the parking lot at City expense.

Yeas: Hoag, Moseley, Seibold - 3
Nays: Deems - 1
Commissioner Waters abstained.

A vote was taken on approving the agreement as amended:

Yeas: Hoag, Moseley, Seibold - 3
Nays: Deems - 1
Commissioner Waters abstained.

The motion carried.

374. The City Attorney distributed a proposed ordinance to amend the Uniform Traffic Code.

374-A. Waters-Hoag. That the proposed ordinance entitled as follows be introduced at this time for consideration at a subsequent meeting:

AN ORDINANCE TO AMEND SECTIONS 10.3 AND 10.5 OF CHAPTER 101 OF TITLE X
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS AND TO
ADD SECTION 10.6 OF CHAPTER 101 OF TITLE X
OF SAID CODE

Yeas: Deems, Hoag, Moseley, Waters, Seibold - 5
Nays: 0

376. The City Clerk submitted the report of the Board of Canvassers for the City Primary Election held February 21, 1983.

377. The resolution regarding the investing of City funds which was adopted at the City Commission meeting of February 7, 1983, was discussed. The City Attorney and Commissioner Deems were asked to review this matter and report back to the City Commission.

378. Commissioner Deems submitted a proposal which had been reviewed by the Planning Commission and which was presented by W.B.D.C. for updating the zoning plan for the City of East Grand Rapids. This matter was referred to the next City Commission meeting.

379. Mr. James Campbell was present to inquire about the process used by the Commissioners reviewing the applications for the position of Police Chief/Public Safety Director. He stated that he was one of the persons who had applied and expressed concern in the manner in which his application was handled.

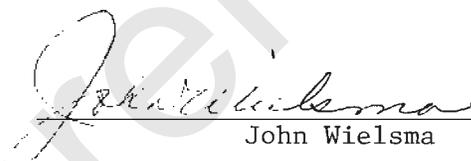
380. The City Assessor reported that she heard approximately 300 appeals regarding the 1983 real property assessments and that she is hopeful that letters will go out by Thursday or Friday of this week informing the citizens of her decision relative to the assessment on their properties. By law, the Board of Review will meet the 14th, 15th, and 16th of March to hear appeals. This report was received for information.

381. A memorandum from the City Manager on behalf of the Mayor was received recommending reappointment of Mr. Bruce Kellogg to the Local Officers Compensation Commission, for a term extending to December 31, 1987, and requesting that the Commissioners present suggestions to him regarding an appointment of a citizen representative to the East Beltline Board of Directors for a term of office to expire on January 1, 1986.

381-A. Seibold-Waters. That the appointment of Mr. Bruce Kellogg to the Local Officers Compensation Commission be approved.

Yeas: Deems, Hoag, Moseley, Waters, Seibold - 5
Nays: 0

382. The meeting was adjourned, subject to the call of the Mayor, until March 21, 1983.



John Wielsma

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Regular Meeting Held March 21, 1983

The meeting was called to order by Mayor Leidlein.

Present: Coms. Deems, Hoag, Hoff, Moseley, Seibold and Mayor Leidlein.

Absent: Com. Waters.

Also Present: City Manager Tholen, City Clerk Wielsma, Administrative Aide Bremer, Assistant City Attorney Huff, City Engineer McMann, Fire Chief Terpstra.

383. The minutes of the regular meeting held March 7, 1983, were amended by correcting the reference in Item 378 from "W.D.B." to "W.B.D.C." The minutes were then approved as amended.

384. Moseley-Hoff. That expense vouchers in the amount of \$71,046.42, and payroll vouchers in the amount of \$44,036.41, as approved by the Ways & Means Committee, be allowed and the Controller be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Deems, Hoag, Hoff, Moseley, Seibold, Leidlein - 6
Nays: 0

385. Pursuant to public notice, a hearing was then held upon the request of Carl and Sharyn Kubek, 2746 Oakwood Drive SE, for a zoning variance to permit construction of a fence not to exceed 7 feet rather than the required 6 feet, along the side and rear property line. Mr. & Mrs. Kubek were present to discuss their request with the Commission. Mr. Richard Mickley, designer of the fence, was present to discuss the design with the Commission. The City Clerk reported receipt of a letter from Mr. & Mrs. Burke Porter, 2754 Oakwood Drive SE, requesting that the Board of Zoning Appeals defer action on this request until they have returned from Florida and have had an opportunity to review this request. Commissioner Seibold reported that he had made an effort to check with the immediate neighbors and he was able to contact only one of three, and that party had no objection to the variance request.

(Commissioner Waters arrived at this time.)

385-A. Seibold-Moseley. That this Commission, acting as the Board of Zoning Appeals, grant the variance requested by Mr. & Mrs. Kubek.

Yeas: Deems, Hoff, Moseley, Seibold, Waters, Leidlein - 6
Nays: Hoag - 1

386. A proposed ordinance to amend the Uniform Traffic Code which was introduced at the last City Commission meeting was discussed.

386-A. Moseley-Deems. That the following ordinance be adopted:

AN ORDINANCE
TO AMEND SECTIONS 10.3 AND 10.5 OF CHAPTER 101
OF TITLE X OF THE CODE OF THE CITY OF EAST GRAND RAPIDS
AND TO ADD SECTION 10.6 OF CHAPTER 101 OF TITLE X
OF SAID CODE

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Section 10.3 of Chapter 101 of Title X of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 10.3. Changes from Uniform Code - Deletions.

The following sections and subsections of said Uniform Traffic Code are hereby deleted: Sections 2.32, 2.33, 2.34, 2.35, 2.36, 2.53, 4.3, 5.2, 5.3, 5.4, 5.4a, 5.5, 5.6, 5.15, 5.15a, 5.15b, 5.15c, 5.15d, 5.15e, 5.15f, 5.69, 8.8, and 9.3."

Section 2. Section 10.5 of Chapter 101 of Title X of the Code of the City of East Grand Rapids is amended by adding the following new subsection to Section 5.62a of said Uniform Traffic Code, to read as follows:

"5.62a(6). This section shall not apply to a person who operates a vehicle solely for the purpose of protecting human life or property, if the life or property is endangered and the summoning of prompt aid is essential."

Section 3. Chapter 101 of Title X of the Code of the City of East Grand Rapids is amended by adding the following new Section:

Sec. 10.6. Same--Additions, Drinking and Driving Offenses.

The following sections and subsections are hereby added to said Uniform Traffic Code:

5.15. Driving while under the influence of intoxicating liquor or controlled substance.

(1) A person, whether licensed or not, who is under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, shall not operate a vehicle upon a highway or other place open to the general public, including an area designated for the parking of vehicles, within the state. A peace officer may, without a warrant, arrest a person when the peace officer has reasonable cause to believe that the person was, at the time of an accident, the driver of a vehicle involved in the accident and was operating the vehicle upon a public highway or other place open to the general public, including an area designated for the parking of vehicles, in the state while in violation of this subsection or of subsection (2).

Driving with certain percentage of alcohol in blood.

(2) A person, whether licensed or not, whose blood contains 0.10% or more by weight of alcohol, shall not operate a vehicle upon a highway or other place open to the general public, including an area designated for the parking of vehicles, within the state.

Responsibility of owner or person in control of vehicle.

(3) The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated upon a highway or other place open to the general public, including an area designated for the parking of vehicles, within the state by a person who is under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance.

Violation; misdemeanor, penalty, suspension of license; restricted license.

(4) Except as otherwise provided in this section, a person who is convicted of a violation of subsection (1), (2), or (3) is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than \$100.00 nor more than \$500.00, or both, together with costs of the prosecution. As part of the sentence for a violation of subsection (1) or (2), the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for a period of not less than 6 months nor more than 2 years. The court may order the secretary of state to issue to the person a restricted license permitting the person during all or a specified portion of the period of suspension to drive only to and from the person's residence and work location; in the course of the person's employment or occupation; to and from an alcohol or drug education program or treatment program as ordered by

the court; to and from the person's residence and an educational institution at which the person is enrolled as a student; or pursuant to a combination of these restrictions. The court shall not order the secretary of state to issue a restricted chauffeur's license which would permit a person to operate a truck or truck tractor, including a trailer, which hauls hazardous material. The court shall not order the secretary of state to issue a restricted license unless the person states under oath and the court finds that the person is unable to take public transportation to and from his or her work location, place of alcohol or drug education or treatment, or educational institution, and does not have any family members or others able to provide transportation. The court order and license shall indicate the person's work location and the approved route or routes and permitted times of travel. For purposes of this subsection, "work location" includes, as applicable, either or both of the following:

- (i) The specific place or places of employment.
- (ii) The territory or territories regularly visited by the person in pursuance of the person's occupation.

Performance of community service as part of sentence.

(5) As part of the sentence for a violation of subsection (1) or (2) the court may order the person to perform service to the community, as designated by the court, without compensation, for a period not to exceed 12 days. The person shall reimburse the state or appropriate local unit of government for the cost of insurance incurred by the state or local unit or government as a result of the person's activities under this subsection.

Screening and assessment as to alcohol or drug abuse; rehabilitative services.

(6) Before imposing sentence for a violation of subsection (1) or (2) the court shall order the person to undergo screening and assessment by a person or agency designated by the office of substance abuse services, to determine whether the person is likely to benefit from rehabilitation services, including alcohol or drug treatment programs. As part of the sentence, the court may order the person to participate in and successfully complete 1 or more appropriate rehabilitative programs. The person shall pay for the costs of the screening, assessment, and rehabilitative services.

Duty of court before accepting plea of guilty.

(7) Before accepting a plea of guilty under this section, the court shall advise the accused of the statutory consequences possible as the result of a plea of guilty in respect to suspension or revocation of an operator's or chauffeur's license, the penalty imposed for violation of this section, and the limitation on the right of appeal.

Surrender and suspension of license; appeal.

(8) The operator's or chauffeur's license of a person found guilty of violating subsection (1) or (2) shall be surrendered to the court in which the person was convicted, and the court shall immediately forward the surrendered license and an abstract of conviction to the secretary of state. The abstract of conviction shall indicate the sentence imposed. Upon receipt of, and pursuant to the abstract of

conviction, the secretary of state shall suspend or revoke the person's license and, if ordered by the court and the person is otherwise eligible for a license, issue to the person a restricted license stating the limited driving privileges indicated on the abstract. If the license is not forwarded to the secretary of state, an explanation of the reason why the license is absent shall be attached. If the conviction is appealed to circuit court, that court may, ex parte, order the secretary of state to rescind the suspension, revocation, or restricted license issued pursuant to this section.

5.15(a). Driving while ability visibly impaired by consumption of liquor or controlled substance.

(1) A person shall not operate a vehicle upon a highway or other place open to the general public, including an area designated for the parking of vehicles, within the state when, due to the consumption of an intoxicating liquor, controlled substance, or a combination of an intoxicating liquor and a controlled substance, the person has visibly impaired his or her ability to operate the vehicle. If a person is charged with violating section 5.15(1) or (2), a finding of guilty is permissible under this section.

Violation; misdemeanor; penalty; suspension of license; restricted license.

(2) Except as otherwise provided in this section, a person convicted of a violation of this section is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$300.00, or both, together with costs of the prosecution. As a part of the sentence, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for a period of not less than 90 days nor more than 1 year. The court may order the secretary of state to issue to the person a restricted license permitting the person during all or a specified portion of the period of suspension to drive only to and from the person's residence and work location; in the course of the person's employment or occupation; to and from an alcohol or drug education program or treatment program as ordered by the court; to and from the person's residence and an educational institution at which the person is enrolled as a student; or pursuant to a combination of these restrictions. The court shall not order the secretary of state to issue a restricted chauffeur's license which would permit a person to operate a truck or truck tractor, including a trailer, which hauls hazardous material. The court shall not order the secretary of state to issue a restricted license unless the person states under oath and the court finds that the person is unable to take public transportation to and from his or her work location, place of alcohol or drug education or treatment, or educational institution, and does not have any family member or others able to provide transportation. The court order and license shall indicate the person's work location and the approved route or routes and permitted times of travel. For purposes of this subsection, "work location" includes, as applicable, either or both of the following:

- (i) The specific place or places of employment.
- (ii) The territory or territories regularly visited by the person in pursuance of the person's occupation.

Performance of community service as part of sentence.

(3) As part of the sentence for a violation of this section the court may order the person to perform service to the community, as designated by the court, without compensation, for a period not to exceed 12 days. The person shall reimburse the state or appropriate local unit of government for the cost of insurance incurred by the state or local unit of government as a result of the person's activities under this subsection.

Screening and assessment as to alcohol or drug abuse; rehabilitative services.

(4) Before imposing sentence for a violation of this section the court shall order the person to undergo screening and assessment by a person or agency designated by the office of substance abuse services, to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. As part of the sentence, the court may order the person to participate in and successfully complete 1 or more appropriate rehabilitative programs. The person shall pay for the costs of the screening, assessment, and rehabilitative services.

Duty of court before accepting plea of guilty.

(5) Before accepting a plea of guilty under this section, the court shall advise the accused of the statutory consequences possible as a result of a plea of guilty in respect to suspension or revocation of an operator's or chauffeur's license, the penalty imposed for violation of this section, and the limitation on the right of appeal.

Surrender and suspension of license; appeal.

(6) The operator's or chauffeur's license of a person found guilty of violating this section, shall be surrendered to the court in which the person was convicted. The court shall immediately forward the surrendered license and an abstract of conviction to the secretary of state. The abstract of conviction shall indicate the sentence imposed. Upon receipt of and pursuant to the abstract of conviction, the secretary of state shall suspend or revoke the person's license and, if ordered by the court and the person is otherwise eligible for a license, issue the person a restricted license stating the limited driving privileges indicated on the abstract. If the license is not forwarded to the secretary of state, an explanation of the reason why the license is absent shall be attached. If the conviction is appealed to circuit court, the court may, ex parte, order the secretary of state to rescind the suspension, revocation, or restricted license issued pursuant to this section.

5.15(b). Tests to determine presence of alcohol or controlled substance in blood; admissibility into evidence.

(1) The amount of alcohol or presence of a controlled substance or both in the driver's blood at the time alleged as shown by chemical analysis of the person's blood, urine, or breath shall be admissible into evidence in a criminal prosecution for any of the following:

(a) A violation of section 5.15(1), (2), (3), or 5.15(a).

(b) Felonious driving, negligent homicide, or manslaughter resulting from the operation of a motor vehicle while the driver is alleged to have been impaired by or under the influence of intoxicating liquor or a controlled substance or a combination of intoxicating liquor and a controlled substance, or to have had a blood alcohol content of 0.10% or more by weight of alcohol.

Report of test results.

(2) If a test is given, the results of the test shall be made available to the person charged or the person's attorney upon written request to the prosecution, with a copy of the report filed with the court. The prosecution shall furnish the report at least 2 days before the day of the trial and the results shall be offered as evidence by the prosecution in a criminal proceeding. Failure to comply with the request shall bar the admission of the results into evidence by the prosecution.

Presumptions.

(3) Except in a prosecution relating solely to a violation of section 5.15(2), the amount of alcohol in the driver's blood at the time alleged as shown by chemical analysis of the person's blood, urine, or breath shall give rise to the following presumptions.

(a) If there was at the time 0.07% or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor.

(b) If there was at the time in excess of 0.07% but less than 0.10% by weight of alcohol in the defendant's blood, it shall be presumed that the defendant's ability to operate a vehicle was impaired within the provisions of section 5.15(a) due to the consumption of intoxicating liquor.

(c) If there was at the time 0.10% or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

Collection of samples.

(4) A sample or specimen of urine or breath shall be taken and collected in a reasonable manner. Only a licensed physician, or licensed nurse or medical technician under the direction of a licensed physician and qualified to withdraw blood acting in a medical environment, at the request of a peace officer, may withdraw blood for the purpose of determining the amount of alcohol or presence of a controlled substance or both in the person's blood, as provided in this act. Liability for a crime or civil damages predicated on the act of withdrawing blood and related to procedures shall not attach to a qualified person who withdraws blood or assists in the withdrawal in accordance with this act unless withdrawal is performed in a negligent manner.

Administration of test; rights of person charged.

(5) The tests shall be administered at the request of a peace officer having reasonable grounds to believe the person has committed a crime described in subsection (1). A person who takes a chemical test administered at the request of a peace officer, as provided in this section, shall be given a reasonable opportunity to have a person of his or her own choosing administer 1 of the chemical tests described in this section within a reasonable time after his or her detention, and the results of the test shall be admissible and shall be considered with other competent evidence in determining the innocence or guilt of the defendant. If the person charged is administered a chemical test by a person of his or her own choosing, the person charged shall be responsible for obtaining a chemical analysis of the test sample. The person charged shall be informed that he or she has the right to demand that a person of his or her choosing administer 1 of the tests provided for in subsection (1), that the results of the test shall be admissible and shall be considered with other competent evidence in determining the innocence or guilt of the defendant, and that the person charged shall be responsible for obtaining a chemical analysis of the test sample.

Refusal to take test.

(6) The person charged shall be advised that if the person refuses the request of a peace officer to take a test described in this section, a test shall not be given without a court order. The person charged shall also be advised that the person's refusal of the request of peace officer to take a test described in this section shall result in suspension of his or her operator's or chauffeur's license or operating privilege, and in the addition of 6 points to his or her driver record.

Admissibility of other competent evidence.

(7) This section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the person was impaired by or under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, or whether the person had a blood alcohol content of 0.10% or more by weight of alcohol.

Jury instruction on refusal to take test.

(8) If a jury instruction regarding a defendant's refusal to submit to a chemical test under this section is requested by the prosecution or the defendant, the jury instruction shall be given as follows:

Evidence was admitted in this case which, if believed by the jury, could prove that the defendant had exercised his or her right to refuse a chemical test. You are instructed that such a refusal is within the statutory rights of the defendant and is not evidence of his guilt. You are not to consider such a refusal in determining the guilt or innocence of the defendant.

Blood withdrawn for post-accident medical treatment; admissibility into evidence of test results.

(9) If after an accident the driver of a vehicle involved in the accident is transported to a medical facility and a sample of the driver's blood is withdrawn at that time for the purpose of medical treatment, the results of a chemical analysis of that

sample shall be admissible in a criminal prosecution for a crime described in subsection (1) to show the amount of alcohol or presence of a controlled substance or both in the person's blood at the time alleged, regardless of whether the person has been offered or had refused a chemical test. The medical facility or person performing the chemical analysis shall disclose the results of the analysis to a prosecuting attorney who requests the results for use in a criminal prosecution as provided in this subsection. A medical facility or person disclosing information in compliance with this subsection shall not be civilly or criminally liable for making the disclosure.

Withdrawal of blood from deceased driver.

(10) If after a highway accident the driver of the vehicle involved in the accident is deceased, a sample of the decedent's blood shall be withdrawn in a manner directed by the medical examiner for the purpose of determining blood alcohol content or presence of a controlled substance or both.

5.15(c). Consent to tests.

(1) A person who operates a vehicle upon a public highway or other place open to the general public, including an area designated for the parking of vehicles, in the state is considered to have given consent to chemical tests of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in his or her blood if:

(a) The person is arrested for a violation of section 5.15(1) or (2) or 5.15(a).

(b) The person is arrested for felonious driving, negligent homicide, or manslaughter resulting from the operation of a motor vehicle, and the peace officer had reasonable grounds to believe that the person was operating the vehicle while impaired by or under the influence of intoxicating liquor or a controlled substance or a combination of intoxicating liquor and a controlled substance, or while having a blood alcohol content of 0.10% or more by weight of alcohol.

(2) A person who is afflicted with hemophilia, diabetes, or a condition requiring the use of an anticoagulant under the direction of a physician shall not be considered to have given consent to the withdrawal of blood.

(3) The tests shall be administered as provided in section 5.15(b).

5.15(d). Refusal to submit to test; advice as to rights; report.

If a person refuses the request of a peace officer to submit to a chemical test offered pursuant to section 5.15(b), a test shall not be given without a court order. A written report shall be forwarded to the secretary of state by the peace officer. The report shall state that the officer had reasonable grounds to believe that the person had committed a crime described in 5.15(c)(1), and that the person had refused to submit to the test upon the request of the peace officer and had been advised of the consequences of the refusal. The form of the report shall be as prescribed and furnished by the secretary of state.

5.15(e). Preliminary chemical breath analysis; arrest based on results, admissible into evidence; effect of refusal.

(1) A peace officer who has reasonable cause to believe that a person was operating a vehicle upon a public highway or other place open to the general public, including an area designated for the parking of vehicles, in the state, and that the person by the consumption of intoxicating liquor may have affected his or her ability to operate a vehicle, may require the person to submit to a preliminary chemical breath analysis;

(2) A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis.

(3) The results of a preliminary chemical breath analysis shall be admissible in a criminal prosecution for a crime enumerated in section 5.15(b)(1) or in an administrative hearing under section 5.15(f), solely to assist the court or hearing officer in determining a challenge to the validity of an arrest. This subsection does not limit the introduction of other competent evidence offered to establish the validity of an arrest.

(4) A person who submits to a preliminary chemical breath analysis shall remain subject to the requirements of sections 5.15(b), 5.15(c), and 5.15(d) for the purposes of chemical tests described in those sections.

(5) A person who refuses to submit to a preliminary chemical breath analysis upon a lawful request by a peace officer is responsible for a civil infraction.

(6) Section 257.625g of the Michigan Compiled Laws as amended shall apply to a preliminary chemical breath analysis."

Section 4. This ordinance amendment shall be effective on April 1, 1983.

Section 5. Pursuant to Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids, a digest of the ordinance shall be published within 10 days after its enactment.

Further, that the following digest of said ordinance be published within ten (10) days as required by the City Charter:

"NOTICE

On March 21, 1983, the East Grand Rapids City Commission enacted an ordinance amending certain sections of Chapter 101 - Traffic of the East Grand Rapids Code. The amendments conform with amendments to the Michigan Vehicle Code by Public Acts 309 and 310 of 1982 which made a number of changes in state law relating to operating a vehicle while under the influence of or while visibly impaired by alcohol or a controlled substance. Under the amended ordinance, offenders will be subject to the same penalties as provided by state law. The ordinance adds to the East Grand Rapids Code the provision contained in Public Act 309 of 1982 that a person whose blood contains 0.10% or more by weight of alcohol and who operates a vehicle is in violation of the law.

The amendment becomes effective on April 1, 1983.

Printed copies of the full text of the ordinance are available for inspection by and distribution to the public, at the office of the City Clerk."

Yeas: Deems, Hoag, Hoff, Moseley, Seibold, Waters, Leidlein - 7
Nays: 0

387. A proposed amendment to the Marihuana Ordinance as it relates to the possession of marihuana, which was introduced at the last City Commission meeting, was discussed.

387-A. Moseley-Hoff. That the following ordinance be adopted:

AN ORDINANCE TO AMEND SECTION 9.55 OF CHAPTER 93
OF TITLE IX OF THE CODE OF THE
CITY OF EAST GRAND RAPIDS

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Section 9.55 of Title IX of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 9.55 Use of possession of marihuana.

(1) Definition of marihuana. "Marihuana" means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, cake, or the sterilized seed of the plant which is incapable of germination.

(2) Definition of practitioner. The definition "practitioner" shall include:

(a) A physician, dentist, veterinarian or pharmacist as defined in Subdivisions (o), (p), (q) and (w) of Section 1 of Act No. 151 of the Public Acts of 1962, as amended, being Section 338.1101 of the Compiled Laws of the State of Michigan, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(b) A pharmacy, hospital or other institution or place of professional practice licensed, registered, or otherwise permitted to distribute, prescribe, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(3) Prohibited use or possession. It is unlawful for a person to use or to knowingly or intentionally possess the substance known as marihuana unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by the laws of this state.

(4) Penalty for violation. Any person found guilty under the provisions of subsection (3) of this section shall be punishable as set forth in Section 1.13 of this Code, or may be placed on probation under the provisions of Section 7911 of Act 368 of 1978, being Michigan Compiled Laws, Section 333.7411.

Section 2. This ordinance amendment shall be effective on April 1, 1983.

Section 3. Pursuant to Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids, this ordinance amendment shall be published within 10 days after its enactment.

Yeas: Deems, Hoag, Hoff, Moseley, Seibold, Waters, Leidlein - 7
Nays: 0

388. The Assistant City Attorney submitted a proposed resolution relative to deposit of City funds:

388-A.
BY COMMISSIONERS WATERS-MOSELEY:

RESOLVED, that the City Controller be authorized to deposit City funds, for investment purposes, in any federally insured financial institution chartered by either the United States of America or by the State of Michigan, provided that a report of such action shall be submitted to the Ways & Means Committee on at least a quarterly basis.

Yeas: Deems, Hoag, Hoff, Moseley, Waters, Leidlein - 6
Nays: Seibold - 1

389. The City Manager submitted a memorandum regarding added costs for Grounds Maintenance Program and recommended that the City Commission authorize staff to prepare bid specifications and obtain proposals to contract the work. There were no objections raised by the Commissioners to the City Manager's recommendation.

390. The City Manager commended David Cory for the work he and other Cub Scouts have done on the Manhattan Nature Trail which was part of his earning the Eagle Scout badge.

391. The City Manager reported that the oil recycling tank has been placed at the Public Service Department for the purpose of receiving waste oil.

392. The minutes of the East Grand Rapids Planning Commission meeting held February 8, 1983, were received for information.

393. The monthly report for February, 1983, was received from the Police Department.

394. A report for the month of February regarding building activities was received from the Building Inspector.

395. The Fire Department report for the month of February was received.

396. Commissioner Deems reported that the Planning Commission recommends acceptance of the proposal from W.B.D.C. for updating the comprehensive plan for the City of East Grand Rapids at a cost not to exceed \$20,000.

396-A. Waters-Hoff. That the Planning Commission be authorized to contract with W.B.D.C. at a cost not to exceed \$20,000 for the purpose of updating the comprehensive plan for the City of East Grand Rapids.

Yeas: Deems, Hoag, Hoff, Moseley, Seibold, Waters, Leidlein - 7
Nays: 0

397. Commissioner Deems requested that the Commission meet with the Special Counsel Jones at the next regular City Commission meeting.

3/21/83

398. Commissioner Hoff commented on his experience while sitting on the Board of Review and stated that it appeared to him that people who came to appeal their assessments were more prepared than they were in the prior year.

399. Mayor Leidlein thanked the Commissioners who sat on the Board of Review during the past week.

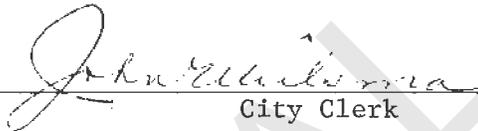
400. Mayor Leidlein recommended the appointment of Thomas E. Curran, 1705 Pontiac Road SE, to serve as the citizen member of the East Beltline Association.

400-A. Mayor Leidlein-Waters. That Thomas E. Curran be appointed to serve as citizen member on the East Beltline Association.

Yeas: Deems, Hoag, Hoff, Moseley, Seibold, Waters, Leidlein - 7

Nays: 0

401. The meeting was adjourned, subject to the call of the Mayor, until April 4, 1983.



City Clerk

UNOFFICIAL
Reference Only

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Regular Meeting Held April 4, 1983

The meeting was called to order by Mayor Leidlein.

Present: Coms. Deems, Hoag, Hoff, Seibold, and Mayor Leidlein.

Absent: Coms. Moseley and Waters.

Also Present: City Manager Tholen, City Clerk Wielsma, Administrative Aide Bremer, City Engineer McMann, Fire Chief Terpstra, City Assessor Norman, and Assistant City Attorney Huff.

402. The minutes of the regular meeting held March 21, 1983, were amended by adding to Item 385 the notation that Commissioner Seibold made an effort to check with the immediate neighbors and that he was able to contact only one of three and that party had no objection to the variance request. The minutes were then approved as amended.

403. Hoff-Seibold. That expense vouchers in the amount of \$51,613.71, and payroll vouchers in the amount of \$42,042.76, as approved by the Ways & Means Committee, be allowed and the Controller be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Deems, Hoag, Hoff, Seibold, Leidlein - 5
Nays: 0

404. The Assistant City Attorney reviewed a proposed ordinance which deals with obscene or harassing telephone calls.

404-A. Deems-Hoag. That the following ordinance be introduced at this time:

AN ORDINANCE TO AMEND THE CODE OF THE
CITY OF EAST GRAND RAPIDS BY ADDING TWO NEW SECTIONS,
WHICH NEW SECTIONS SHALL BE DESIGNATED AS
SECTIONS 9.52(52) and 9.52(53) OF
CHAPTER 93 OF TITLE IX OF SAID CODE

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Section 9.52 of Chapter 93 of Title IX of the Code of the City of East Grand Rapids is amended by adding thereto subsections (52) and (53) as follows:

"No person shall:

* * *

"(52) Telephone another person in such manner as to harass or molest such other person or his family, whether or not conversation ensues.

(53) Use any threatening, vulgar, indecent, obscene, immoral or insulting language in talking to another person over any telephone."

Section 2. This amendatory ordinance shall be effective on _____, 1983.

Section 3. This amendatory ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

Yeas: Deems, Hoag, Hoff, Seibold, Leidlein - 5
Nays: 0

4/4/83

405. The City Manager submitted a memorandum regarding operation of the two businesses holding tavern licenses and reported that no complaints have been filed with the City. This report was received for information. The Assistant City Attorney submitted a proposed resolution to amend and clarify the standards for liquor licensees.

405-A. Deems-Hoff. That this Commission review the resolution as submitted by the Assistant City Attorney and that this matter be placed on the next regular City Commission agenda.

Yeas: Deems, Hoag, Hoff, Seibold, Leidlein - 5
Nays: 0

406. The City Manager submitted material to the Commissioners announcing the 1983 Region V meeting of the Michigan Municipal League which will be held April 21, 1983, and requested that those Commissioners interested in attending this meeting contact the City Clerk this week.

407. Commissioner Hoag submitted a memorandum relating to the work which had been done on the Manhattan Nature Trail and recommended additional work which needed to be done. She also recommended that a letter of recognition be sent to David Corey, who so willingly did the work as a part of his community service for a scouting Eagle Badge. The City Manager is to submit costs of the further work needed on the Manhattan Nature Trail.

408. Commissioner Deems reported that he has received a proposed contract from the City Planner, Dennis Larkin of W.B.D.C., and that copies will be submitted to the Commission for its review at the next regular City Commission meeting.

409. The City Manager submitted a memorandum regarding the sale of the Crowell property which related to the plans submitted by Kennedy Floral Shop, Inc., contemplating reconstruction of the building. The City Attorney submitted a letter which set forth his opinion that the use by Kennedy Floral Shop, Inc., should be conditioned on either the repair and restoration of the building now located on the premises without adding to the retail floor space thereof, or, upon additional parking at the rate of one space per 150 square feet of usable floor space being provided as required by the City Zoning Ordinance. He also attached a copy of a letter received from Michael H. Jacobson, representing Remes Drug Stores, Inc., raising objections and expressing concern over the proposed use of the premises by Kennedy Floral Shop, Inc. Mr. Sousley, President of Kennedy Floral Shop, Inc., was present to discuss his plans with the Commission. Mr. Norton Remes was present to object to any addition being placed on the "carriage house".

409-A. Seibold-Hoff. That this Commission approve the plans submitted by Kennedy Floral Shop, Inc., for renovation of the Crowell property and authorize the Mayor to sign the agreement.

A roll call vote was taken:

Yeas: Hoag, Hoff, Seibold - 3
Nays: Deems, Leidlein - 2

The motion carried.

Mr. Sousley stated that he has contacted Mr. Gilmore to lease three additional parking spaces from him to comply with the zoning requirement of one parking space for each 150 square feet of retail space. Assistant City Attorney Huff stated that Mr. Sousley should submit an agreement providing the additional parking spaces.

410. The Traffic Commission minutes of their meeting held March 22, 1983, were received for information.

411. The City Manager reported that a public meeting will be held at the East Grand Rapids Municipal Offices on Wednesday, April 13, at 7:30 p.m., to discuss the Reeds Lake Restoration Project. Items to be discussed will include the proposed work plan and the type of alternatives proposed to protect the water quality in Reeds and Fisk Lakes.

4/4/83

412. The City Manager reported that he has received two variance requests from Blodgett Hospital relating to construction of a mechanical building and installation of outside lighting for the south side of Wealthy and the south side of the Medical Building. These requests will be considered at the next regular City Commission meeting.

413. The City Manager reported on an informational meeting which will be held on Thursday, April 14, at Gerribee's, in Grandville, regarding the Grand Rapids & Environs Transportation Study. Anyone wishing to attend this meeting should contact the City Manager as soon as possible.

414. The Mayor requested that the City Commission go into executive session to discuss legal proceedings relative to City-owned property.

414-A. Hoff-Deems. That the City Commission go into executive session at this time to consider material exempt from disclosure by State statute as subject to the attorney-client privilege.

A roll call vote was taken:

Yeas: Deems, Hoag, Hoff, Seibold, Leidlein - 5
Nays: 0

The motion carried.

415. The meeting was adjourned, subject to the call of the Mayor, until April 18, 1983.

City Clerk

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Regular Meeting Held April 18, 1983

The meeting was called to order by Mayor Leidlein.

Present: Coms. Deems, Moseley, Seibold, and Mayor Leidlein.

Absent: Coms. Hoag, Hoff, and Waters.

Also Present: City Manager Tholen, City Clerk Wielsma, Administrative Aide Bremer, City Engineer McMann, Assistant City Attorney Huff, and Commissioners-Elect Mehney, Chezick, and Mertz.

416. The minutes of the regular meeting held April 4, 1983, were amended by changing the final sentence in Item 405 to read as follows: "The Assistant City Attorney submitted a proposed resolution to amend and clarify the standards for liquor licensees." The minutes were then approved as amended.

417. Moseley-Seibold. That expense vouchers in the amount of \$76,527.89, and payroll vouchers in the amount of \$37,234.49, as approved by the Ways & Means Committee, be allowed and the Controller be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Deems, Moseley, Seibold, Leidlein - 4
Nays: 0

(Commissioners Waters and Hoag arrived at this time.)

418. The hearings which were scheduled for the zoning variance requests of Blodgett Memorial Medical Center to permit construction of a mechanical room and placement of lighting in parking lots were adjourned until the next regular City Commission meeting which will be held May 2, 1983. Mr. Patrick Garrett, representing Blodgett Memorial Medical Center, was present to request the adjournment in order to obtain additional information. The Mayor asked if anyone present wished to speak on these issues, at which time no one responded. He then directed that the hearings be adjourned until the next regular City Commission meeting.

419. Pursuant to public notice, a hearing was then held upon the request of James Sanford for a zoning variance to permit construction of a home and detached garage on a vacant lot located at 1535 Breton Road SE, which is 66 feet wide rather than 72 feet wide as required by the Zoning Ordinance for A-2 residential districts. Mr. Sanford was present to discuss his request with the Commission. The City Clerk reported that Maribeth Baker and Margaret Thomas called to express their objection to this zoning variance and that Mr. Rudyard Abbott reviewed the plot plan and stated that he had no objection to the granting of this variance. Mr. and Mrs. Robert Coble, 1530 Rosalind Road SE, objected to the granting of this variance. Mrs. Sally Charnley expressed concern for the trees and requested that the driveway be placed on the north side of the property. Melissa Walker, of 1536 Breton Road SE, asked whether the home would be occupied by the owner and Mr. Sanford responded in the affirmative.

419-A. Waters-Deems. That this Commission, acting as the Board of Zoning Appeals, grant the variance requested by Mr. Sanford subject to the condition that the actual site plan, building plan, and egress plan be submitted to this Commission for its approval prior to issuance of a building permit.

A roll call vote was taken:

Yeas: Deems, Waters - 2
Nays: Hoag, Moseley, Seibold, Leidlein - 4

The motion failed.

420. The Assistant City Attorney submitted a revised resolution to amend and clarify the standards for liquor licensees. This matter was held over to the next City Commission meeting to permit the Commissioners to review the revised resolution.

421. The proposed ordinance dealing with obscene or harassing telephone calls, which was introduced at the regular City Commission meeting held April 4, 1983, was discussed.

421-A. Waters-Moseley. That the following ordinance be adopted:

AN ORDINANCE TO AMEND THE CODE OF THE
CITY OF EAST GRAND RAPIDS BY ADDING TWO NEW SECTIONS,
WHICH NEW SECTIONS SHALL BE DESIGNATED AS
SECTIONS 9.52(52) and 9.52(53) OF
CHAPTER 93 OF TITLE IX OF SAID CODE

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Section 9.52 of Chapter 93 of Title IX of the Code of the City of East Grand Rapids is amended by adding thereto subsections (52) and (53) as follows:

"No person shall:

* * *

"(52) Telephone another person in such manner as to harass or molest such other person or his family, whether or not conversation ensues.

(53) Use any threatening, vulgar, indecent, obscene, immoral or insulting language in talking to another person over any telephone".

Section 2. This amendatory ordinance shall be effective on April 28, 1983.

Section 3. This amendatory ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

Yeas: Deems, Hoag, Moseley, Seibold, Waters, Leidlein - 6
Nays: 0

422. The Assistant City Attorney recommended that the City Commission go into executive session prior to the close of this meeting to review material exempt from disclosure by State statute as subject to the attorney-client privilege.

423. The financial report for the 9-month period ended March 31, 1983, was received for information.

424. The Controller reported on the leasing of an IBM TC at a cost of \$134.16 per month, to which there were no objections. There are several applications which the department heads are considering for such equipment such as fringe benefit distribution, MERF costs and parts inventory, water inventory, police parking tickets and complaint reports, recreation budgeting and programming, cash management, and Assessor's functions. This report was received for information.

425. A letter from Charles F. Anderson, representing Remes Drug Store, Inc. and the Gaslight Village Merchants Association, voicing his clients' concerns and objections over the proposed sale and utilization of the "Carriage House" was received. Mr. Anderson was present to discuss this letter with the City Commission. This letter was received for information.

426. A letter was received from Mr. G. F. Hughes regarding his proposal to the City for use of a natural water quality control system which he has invented for rooftop runoff into footing drains. Mr. Hughes was present to discuss this matter with the Commission. The City Manager and City Engineer were asked to meet with Mr. Hughes to provide the Commission with further information regarding this matter.

427. A revised agreement between the City of East Grand Rapids and W.B.D.C. was discussed.

427-A. Waters-Hoag. That the Mayor be authorized to sign the revised agreement as submitted and that it become effective April 19, 1983.

Yeas: Deems, Hoag, Moseley, Seibold, Waters, Leidlein - 6
Nays: 0

428. The City Manager submitted a memorandum regarding bids which were received for contracting for park maintenance and recommended the acceptance of the low bid from Gootjes Associates in the amount of \$28,914.

428-A. Waters-Hoag. That the contract for park maintenance be awarded to Gootjes Associates in the amount of \$28,914.

Yeas: Deems, Hoag, Moseley, Seibold, Waters, Leidlein - 6
Nays: 0

429. The City Manager submitted a memorandum regarding the estimated cost for the Manhattan Trail work which is yet to be done. The estimated cost is \$3,400.

429-A. Hoag-Waters. That the work as outlined in the City Manager's memorandum be completed and should costs exceed budget, that the excess be taken from Contingencies.

Yeas: Deems, Hoag, Moseley, Seibold, Waters, Leidlein - 6
Nays: 0

430. The City Manager reported on bids which were solicited from six firms for the purpose of cleaning and televising sanitary sewers and storm drains where problems exist and recommended that a contract be awarded to Sewer Specialists for cleaning and televising 4,053 lineal feet of pipe for the sum of \$2,290.00, and that grouting, as necessary, be applied at the hourly rate of \$80.00, and \$5.00 per gallon.

430-A. Waters-Hoag. That the Commission concur with the recommendation of the City Manager and award a contract to Sewer Specialists, Inc. to complete the necessary work in the sanitary sewers and the storm drains.

Yeas: Deems, Hoag, Moseley, Seibold, Waters, Leidlein - 6
Nays: 0

431. The City Manager requested that a purchase order be issued to Gregware Equipment Company in the amount of \$2,485 for the purchase of a lane marker to be used for painting crosswalks, lane markings, and curbs.

431-A. Waters-Moseley. That the City Manager be authorized to issue a purchase order to Gregware Equipment Company in the amount of \$2,485 for the purchase of a lane marker.

Yeas: Deems, Hoag, Moseley, Seibold, Waters, Leidlein - 6
Nays: 0

432. The City Manager reported that he had received an invoice from the East Grand Rapids Public Schools in the amount of \$1,024 which is reimbursement for a Michigan Consolidated Gas Company fee for hook-up of the gas line for Wealthy Pool.

432-A. Deems-Hoag. That this Commission authorize the payment to the East Grand Rapids Public Schools in the amount of \$1,024 for the gas hook-up to Wealthy Pool, the funds to be taken from monies contributed for this purpose.

Yeas: Deems, Hoag, Moseley, Seibold, Waters, Leidlein - 6
Nays: 0

433. Fred H. Tholen requested a permit for the 4th of July fireworks display.

4/18/83

433-A. Deems-Hoag. That Fred H. Tholen be issued a fireworks permit as requested.

Yeas: Deems, Hoag, Moseley, Seibold, Waters, Leidlein - 6
Nays: 0

434. The City Manager requested authorization to advertise for bids on Contract #1 for the sewer rehabilitation work on Wealthy Street.

434-A. Mayor Leidlein-Seibold. That the City Manager be authorized to advertise for bids for the Wealthy Street sewer rehabilitation program.

Yeas: Deems, Hoag, Moseley, Seibold, Waters, Leidlein - 6
Nays: 0

435. The Planning Commission minutes of the meeting held March 8, 1983, were received for information. Commissioner Deems reported that there were some amendments to these minutes which will be forthcoming as to Items 61 and 65.

436. The Fire Department report for the month of March, 1983, was received for information.

437. The Building Inspector's report for the month of March, 1983, was received for information.

438. The Police Department's report for the month of March, 1983, was received for information.

439. Commissioner Hoag reported on the March 28th issue of the League of Cities publication which reported on monies available for urban park grants.

440. Deems-Hoag. That the City park land located south of the channel of Reeds and Fisk Lakes, east of Reeds Lake Blvd. and west of Reeds Lake be named "Waterfront Park".

Yeas: Deems, Hoag, Seibold, Waters, Leidlein - 5
Nays: Moseley - 1

441. Commissioner Waters informed the new Commissioners that at one time there was consideration given to closing the Silver Creek storm sewer with drainage tiles, but it was decided to leave the storm sewer in its natural state.

442. Mayor Leidlein stated that this meeting concluded his first term as Mayor of the City of East Grand Rapids and thanked the Commissioners for their patience, tolerance, and cooperation. He also commended Commissioners Hoff, Waters and Hoag for the hard work and time they spent on their jobs as City Commissioners.

443. Moseley-Waters. That this Commission go into executive session to discuss material exempt from disclosure by State statute as subject to the attorney-client privilege.

A roll call vote was taken:

Yeas: Deems, Hoag, Moseley, Seibold, Waters, Leidlein - 6
Nays: 0

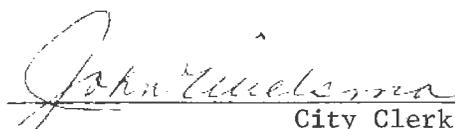
The motion carried.

444. Following the executive session, the Mayor called the meeting to order.

444-A. Deems-Waters. That this Commission authorize Special Counsel John Jones to prepare and mail two letters regarding Waterfront Park.

Yeas: Deems, Hoag, Moseley, Seibold, Waters, Leidlein - 6
Nays: 0

445. The meeting was adjourned, subject to the call of the Mayor, until May 2, 1983.


City Clerk

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Regular Meeting Held May 2, 1983

The meeting was called to order by Mayor Leidlein.

Present: Coms. Deems, Hoag, Moseley, Seibold, Waters, Mayor Leidlein, and
Commissioners-Elect Mehney, Chezick, and Mertz.

Absent: Com. Hoff.

Also Present: City Manager Tholen, City Clerk Wielsma, City Assessor Norman,
City Engineer McMann, City Attorney Richardson, and Assistant
City Attorney Huff.

446. The minutes of the regular meeting held April 18, 1983, were approved
as written.

447. The Clerk administered the oath of office to Commissioners-Elect
Mehney, Chezick, and Mertz, who then took their seats as Commissioners.

448. Moseley-Deems. That expense vouchers in the amount of \$1,317,591.21,
and payroll vouchers in the amount of \$37,405.58, as approved by the Ways & Means
Committee, be allowed and the Controller be authorized to draw an order on the
Treasurer for the respective amounts.

Yeas: Chezick, Seems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays:

449. The adjourned hearing on the zoning variance request of Blodgett Memorial
Medical Center to permit construction of a mechanical room was then held. Mr. Downer,
President of the Blodgett Memorial Medical Center, was present to discuss the request
with the Commission. He introduced Mr. Garrett, Vice-President of Blodgett Memorial
Medical Center, and Mr. Douglas Brandt, Planner with W.B.D.C. He also submitted a
letter addressed to Mr. John Pestle regarding noise level being no greater than noise
that presently exists. Mr. John Pestle was present, representing the members of the
Blodgett Neighborhood Association, and stated that they had no objections.

449-A. Chezick-Moseley. That this Commission, acting as the Board of Zoning
Appeals, grant the variance request of Blodgett Memorial Medical Center.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

450. The adjourned hearing on the zoning variance request of Blodgett Memorial
Medical Center to permit the erection of one light in Lot A at the corner of Wealthy
and Plymouth and the erection of six lights on the top of the Professional Office
Building of Blodgett Memorial Medical Center to illuminate the top of the parking
ramp was then held. Mr. Downer was present to discuss this request with the
Commission. There were no objections raised from the audience. Mr. Pestle reported
that there was a problem for residents on the Sherman Street side; however, the
problem was pretty well under control with the placement of the shields on the
lighting fixtures.

450-A. Moseley-Chezick. That this Commission, acting as the Board of Zoning
Appeals, grant the variance of Blodgett Memorial Medical Center to permit erection
of one light in Lot A, and six lights on the top of the Professional Office Building.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

451. Pursuant to public notice, a hearing was then held upon the zoning
variance request of John J. Shepard, 1104 Monterey Drive SE, to construct an addition
16 feet 2 inches from the rear lot line rather than the required 25 feet. There
were no objections.

451-A. Seibold-Chezick. That this Commission, acting as the Board of Zoning
Appeals, grant the request of John J. Shepard.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

452. The Assistant City Attorney submitted a resolution setting forth tavern license operation standards.

452-A.

BY COMMISSIONERS DEEMS-MOSELEY:

WHEREAS Section 17 of the Michigan Liquor Control Act (MCL Sec.436.17, MSA Sec. 18.988) provides that local legislative bodies may object to the renewal or ask for the revocation of an on-premise liquor license; and

WHEREAS the Michigan Court of Appeals has held that due process requires that such action by a local legislative body be based upon standards which inform such licensees of the criteria to be applied by the legislative body;

RESOLVED That the City of East Grand Rapids hereby establishes the following standards, the violation of any of which may result in action by the City to prevent renewal of an on-premise license or to seek the revocation of an on-premise license:

1. The licensed premises shall comply with all state and local fire codes and regulations.
2. The licensed premises shall comply with all state and local building codes and regulations.
3. The licensed premises shall comply with all state and local health regulations.
4. The licensee and all owners thereof shall pay all business and personal taxes as they become due.
5. The owners of the license shall not be convicted of any criminal violations.
6. Alcoholic beverages shall not be sold or served to minors.
7. The licensee shall at all times be in conformance with all requirements of the Michigan Liquor Control Act, being Public Act 8 of the Extra Session of 1933, as amended, and all regulations promulgated thereunder.
8. The licensee shall comply with all representations made during the hearings on the on-premise application with regard to:
 - a. Type of establishment
 - b. Design of the licensed premises
 - c. Maintenance of the licensed premises
 - d. Hours of operation
 - e. Entertainment
 - f. Application for other liquor licenses

The licensee shall be provided with a summary of such representations and shall have access to the minutes of all hearings which were held on the on-premise license application.

FURTHER RESOLVED That a copy of this resolution shall be published in a newspaper of general circulation in the City of East Grand Rapids. Copies shall also be provided to all current and future on-premise licensees.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

453. Letters written by Special Counsel Jones regarding the Waterfront Park property were received for information.

5/2/83

454. The Assistant City Attorney reported on a complaint which was filed by Remes Drug Stores, Jordan Sheperd, and Gaslight Village Merchants Association against Kennedy Floral, Inc. There is a hearing scheduled before Judge Boucher on Friday, May 6th, for which the complaintants have asked for a restraining order and a permanent injunction to be issued against Kennedy Floral to prohibit the construction and occupation of the Croswell property. The City Manager reported on receipt of a letter from Mr. Gilmore agreeing to give Kennedy Floral an easement for three parking spaces. The Assistant City Attorney stated that the City has not been named as a defendant in the suit.

454-A. Deems-Seibold. That the City Attorney be given authorization to monitor the litigation and to appear at the hearing on May 6th and, if necessary, to represent the City's interest in this matter.

A roll call vote was taken:

Yeas: Seibold, Moseley, Deems, Mehney, Leidlein - 5

Nays: Chezick, Mertz - 2

The motion carried.

455. A memorandum was received from the Traffic Commission recommending that the position of Temporary Parking Officer be continued until April 30, 1984. Inasmuch as there were no objections to this request, the Mayor ordered that this request be granted.

456. The City Manager read a letter of resignation to be effective June 30, 1983, from Fire Chief John F. Terpstra.

456-A. Mayor Leidlein-Deems. That the letter of resignation from Fire Chief John F. Terpstra be accepted with regret.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7

Nays: 0

457. The City Manager reported on plans which were submitted by the East Grand Rapids Merchants Association for the placement of planter boxes on the curb protrusions on Wealthy Street.

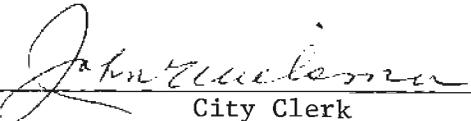
457-A. Deems-Mehney. That this request be referred to the Planning Commission at its next meeting and that members of the Traffic Commission and East Grand Rapids Merchants Association be invited to attend this meeting and that a report be made at the next regular City Commission meeting.

Yeas: Deems, Mehney, Mertz, Seibold, Leidlein - 5

Nays: Chezick, Moseley - 2

458. Commissioner Deems reported that W.B.D.C. has been working with staff regarding conducting an inventory and that a report will be available at the end of the month.

459. The meeting was adjourned, subject to the call of the Mayor, until May 16, 1983.


City Clerk

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Special Meeting Held May 10, 1983

Pursuant to public notice, the Mayor called the meeting to order.

Present: Coms. Chezick, Mehney, Mertz, Moseley, Seibold and Mayor Leidlein.

Absent: Com. Deems.

Also Present: City Manager Tholen, City Clerk Wielsma, City Attorney Richardson, and Administrative Aide Bremer.

460. Moseley-Chezick. That this Commission go into executive session to discuss with legal counsel the status of the pending suit between the merchants and Kennedy Floral, Inc., a subject within the attorney-client privilege and, therefore, exempt from disclosure under Michigan statute.

A roll call vote was taken:

Yeas: Chezick, Mehney, Mertz, Moseley, Seibold, Leidlein - 6

Nays: 0

The motion carried.

Following the executive session, the Mayor reconvened the Special Meeting.

There being no business to come before this meeting, the meeting was adjourned, subject to the call of the Mayor, until May 16, 1983.


City Clerk

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Regular Meeting Held May 16, 1983

The meeting was called to order by Mayor Leidlein.

Present: Coms. Chezick, Deems, Mehney, Mertz, Moseley, Seibold and Mayor Leidlein.
Absent: None.

Also Present: City Manager Tholen, City Clerk Wielsma, City Engineer McMann,
City Attorney Richardson, Assistant City Attorney Huff, Fire
Chief Terpstra, Deputy Fire Chief Kroes, Public Safety Director
Gallagher, Administrative Aide Bremer.

461. The minutes of the regular meeting held May 2, 1983, and the Special Meeting held May 10, 1983, were approved as written.

462. Mayor Leidlein presented a recognition award to Mr. James R. Warner, Sr., for his timely action in reporting a fire at one of our resident's home while delivering papers in the early morning hours on May 8, 1983, and thereby preventing possible loss of lives to occupants of the home.

463. Moseley-Deems. That expense vouchers in the amount of \$226,301.08, and payroll vouchers in the amount of \$51,837.28, as approved by the Ways & Means Committee, be allowed and the Controller be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

464. The City Attorney submitted a proposed ordinance regarding non-residential off-street parking to serve the Central Business District of the city.

464-A. Deems-Chezick. That the following ordinance be introduced at this time:

WHEREAS, the City of East Grand Rapids has established a lot for non-residential off-street parking to serve the central business district of the City as herein described, and

WHEREAS the final cost figures are now available with respect thereto and it is desired to designate the parking area, the area to be served by the parking program and to allocate the cost of the program pursuant to Sec. 5.57 of the Code of the City of East Grand Rapids,

NOW, THEREFORE, the City of East Grand Rapids ordains:

Section 1. Community parking is hereby established pursuant to Sec. 5.57 of the Code of the City of East Grand Rapids.

Section 2. The parking area of such community parking is described as:

Lots 12 and 13 and the South 15 feet of Lots 15 and 16 of Paul's Subdivision, except the Westerly 44 feet of the Northerly 45 feet of said Lot 13.

Section 3. The area to be served by such community parking is described as follows:

Parcel 1 W. H. Gilbert's Subdivision, the North 70 feet of West 32 feet of Lot 3.

Parcel 2 W. H. Gilbert's Subdivision, the North 70 feet of Lot 2 except the East 5 feet; also the North 70 feet of East 12 feet of Lot 3.

- Parcel 3 W. H. Gilbert's Subdivision, the North 70 feet of Lot 1 and East 5 feet of North 70 feet of Lot 2.
- Parcel 4 Paul's Subdivision, the North 52 feet of Lots 15 and 16.
- Parcel 5 Paul's Subdivision, Lot 14, also the Northerly 81 feet of Southerly 96 feet of Lots 15 and 16.
- Parcel 6 Paul's Subdivision, the Westerly 44 feet of Northerly 45 feet of Lot 13.
- Parcel 7 Paul's Subdivision Pt. Lots 17 and 18, commencing 74.10 feet Northeasterly along Northwest line of Lot 17 from Southwest Corner of Lot 17, thence Southeasterly 48 feet to a point 74.5 feet Southwesterly of the Northeasterly line of Lot 18 and 40.55 feet Northwesterly of Southeasterly line of Lot 18, thence Northeasterly 27.15 feet to a point 47.35 feet Southwesterly of Northeasterly line of Lot 18 and 40 feet Northwesterly of Southeasterly line of Lot 18, thence Northwesterly 3.1 feet parallel with Northeasterly line of Lot 18, thence Northeasterly 47.35 feet parallel with Southeasterly line of Lot 18 to Northeasterly line of Lot 18 at a point 43.1 feet Northwesterly of Northeast corner of Lot 18, thence Northwesterly 44.9 feet to Northwest corner of Lot 17, thence Southwesterly 73.9 feet to beginning.
- Parcel 8 Paul's Subdivision Part Lot 18 commencing at Northeast Corner thereof, thence Southwesterly along Southeasterly lot line 73.92 feet to a point 74.08 feet Northeasterly of Southeast Corner of Lot 18, thence Northwesterly 2.25 feet along a line which extended would intersect a point 40.55 feet Northwesterly of Southeasterly lot line and 73.7 feet Southwesterly of Northeasterly lot line thence Northeasterly perpendicular to last described line 0.9 feet, thence Northwesterly perpendicular to last described line 1.3 feet, thence Southwesterly perpendicular to last described line 0.9 feet, thence Northwesterly perpendicular to last described line 37 feet, thence Northeasterly 26.35 feet to a point 47.35 feet Southwesterly of Northeasterly lot line and 40.0 feet Northwesterly parallel with Easterly lot line 3.1 feet thence Northeasterly parallel with Southeasterly lot line 47.35 feet Southeasterly along Northeasterly lot line 43.1 feet to the place of beginning.
- Parcel 9 Paul's Subdivision, Lot 19.
- Parcel 10 Paul's Subdivision Part Lots 17 and 18 commencing 74.1 feet Northeasterly along Northwesterly line of Lot 17 from the Southwest corner thereof, thence Southwesterly 29.95 feet along Northwesterly line of Lot 17, thence Southeasterly 44.33 feet to a point 42.8 feet Northeasterly of the Southwesterly line of said lots, thence Southwesterly 13.6 feet parallel with Northwesterly line of Lot 17, thence Southeasterly 44 feet to a point on Southeasterly line of Lot 18 which is 28.93 feet Northeasterly of Southeast corner of Lot 18, thence East 45.15 feet along Southeasterly line of Lot 18, thence Northwesterly 2.25 feet along a line which extended would intersect a point 40.55 feet Northwesterly of Southeasterly line of Lot 18 and 73.7 feet Southwesterly of Northeasterly line of Lot 18, thence Northeasterly perpendicular to last described line 0.9 feet, thence Northwesterly perpendicular to last described line 1.3 feet, thence Southwesterly

perpendicular to last described line 0.9 feet, thence Northwesterly perpendicular to last described line 37 feet, thence Southwesterly 0.8 feet to a point 74.5 feet Southwest of Northeast line of Lot 18 and 48 feet Southeasterly of place of beginning, thence Northwesterly 48 feet to place of beginning.

Parcel 11 Paul's Subdivision, Pt. Lots 17 and 18 commencing at Southwest corner of Lot 17, thence Northerly along West line of Lot 17 44.15 feet, thence Easterly 44.33 feet to a point 42.87 feet Northerly at right angles from Southerly line of said lots, thence Southerly parallel to Westerly line of Lot 17 13.6 feet, thence Easterly 44 feet to a point on Easterly line of Lot 18 28.93 feet Northerly from Southeast corner of Lot 18, thence Southerly to said Southeast corner, thence Westerly 88.33 feet along Southerly line of Lots 17 and 18 to place of beginning.

Parcel 12 Paul's Subdivision, Lot 20.

Section 4. The allocation of the cost of such community parking is as follows:

Parcel 1	\$ 8,610.22
Parcel 2	9,790.88
Parcel 3	14,974.29
Parcel 4	7,909.50
Parcel 5	9,598.90
Parcel 6	20,000.00
Parcel 7	8,514.23
Parcel 8	8,859.79
Parcel 9	10,194.03
Parcel 10	7,787.91
Parcel 11	3,247.63
Parcel 12	3,116.43
City of East Grand Rapids	18,000.00

Section 5. A part of the parking area will be utilized as parking for the premises described as Parcel 6. The City of East Grand Rapids is allocated a portion of the cost of such community parking and, in addition to the assessment of \$20,000 against said property, the City assumes an allocation of the sum of \$18,000 of such cost and determines that such assessment and allocation constitutes adequate compensation and contribution for the cost attributable to said Parcel 6.

Section 6. The assessment roll heretofor adopted shall be amended to reflect the above allocation of cost.

Section 7. This ordinance is determined to be an emergency ordinance and shall be effective forthwith. Publication shall be made within 10 days pursuant to Chapter VIII, Section 5, of the Charter of the City of East Grand Rapids.

465. The Clerk presented a proposed revised assessment roll for the Croswell Parking Lot project for consideration.

465-A.
BY COMMISSIONERS DEEMS-MOSELEY:

RESOLVED, that the revised special assessment roll for the improvement consisting of a parking area including acquisition of the necessary site, razing existing structures on the site, grading, paving, providing drainage, providing concrete curbs, walks and drives, landscaping, lighting, lining and signing on Lots 12 and 13 and the south 15 feet of Lots 15 and 16 of Paul's Subdivision, except the westerly 44 feet of the northerly 45 feet of said Lot 13 being Parcel Number 41-14-33-252-019 and part of Parcel Number 41-14-33-252-018 is directed to be filed in the office of the City Clerk

for public examination and that the City Commission meet at the City Hall on Monday, June 6, 1983, at 7:30 p.m., for the purpose of reviewing such revised roll at which time and place all persons interested or who are liable to be assessed for such improvement may appear and be heard in regard to such improvement and assessment roll, and

BE IT FURTHER RESOLVED, that the City Clerk is instructed to give notice of such hearing in the manner provided by Ordinance Section 1.307(1) at least 10 days prior to the date of said hearing.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

466. The City Controller submitted a listing of water and sewer bills which are more than 60 days delinquent and requested that they be reassessed on the 1983 City Tax Roll as follows:

Delinquent Water Bills - Ledger A \$7,195.22

Delinquent Water Bills - Ledger B \$3,959.17

Delinquent Water Bills - Ledger C \$3,723.33

466-A. Moseley-Chezick. That the following delinquent water and sewer bills be reassessed on the 1983 City Tax Roll:

DELINQUENT WATER FOR LEDGER A

<u>PARCEL NO.</u>	<u>ADDRESS</u>	<u>BILL AM'T.</u>	<u>10% PENALTY</u>	<u>TOTAL</u>
41-14-28-351-015	351 Gladstone SE	\$212.13	\$21.21	\$233.34
41-14-28-352-011	320 Gladstone SE	238.48	23.85	262.33
41-14-28-353-018	344 Rosewood SE	99.50	9.95	109.45
41-14-33-101-004	413 Gladstone SE	39.75	3.98	43.73
41-14-33-101-005	417 Gladstone SE	122.00	12.20	134.20
41-14-33-102-002	1608 Wealthy SE	253.02	25.30	278.32
41-14-33-102-006	1638 Wealthy SE	225.13	22.51	247.64
41-14-33-102-009	422 Gladstone SE	147.45	14.75	162.20
41-14-33-103-033	1673 Lake Drive SE	190.05	19.01	209.06
41-14-33-103-036	519 Briarwood SE	238.90	23.89	262.79
41-14-33-126-011	1935 Wealthy SE	114.92	11.49	126.41
41-14-33-106-001	1630 Lake Drive SE	138.43	13.84	152.27
41-14-33-107-002	512 Gladstone SE	188.92	18.89	207.81
41-14-33-107-015	529 Rosewood SE	162.20	16.22	178.42
41-14-33-107-018	549 Rosewood SE	364.80	36.48	401.28
41-14-33-151-002	1608 Sherman SE	339.84	33.98	373.82
41-14-33-151-006	627 Gladstone SE	210.64	21.06	231.70
41-14-33-154-002	1646 Sherman SE	332.65	33.27	365.92
41-14-33-203-027	2053 Wealthy SE	355.98	35.60	391.58
41-14-33-252-009	662 Lovett SE	207.30	20.73	228.03
41-14-33-253-019	1810 Woodlawn SE	155.84	15.58	171.42
41-14-33-302-001	802 Gladstone SE	144.90	14.49	159.39
41-14-33-403-003	2126 San Lu Rae SE	202.35	20.24	222.59
41-14-33-426-023	839 Ross Ct. SE	117.39	11.74	129.13
41-14-33-426-035	833 Orchard SE	62.45	6.25	68.70
41-14-33-428-029	939 Maxwell SE	141.25	14.13	155.38
41-14-33-452-001	1010 San Juan SE	183.60	18.36	201.96
41-14-33-452-008	1046 San Juan SE	512.21	51.22	563.43
41-14-33-479-010	1125 Orchard SE	197.45	19.75	217.20
41-14-34-378-029	2660 Lake Drive SE	375.36	37.54	412.90
41-18-03-204-001	2885 Lake Drive SE	203.75	20.38	224.13
DELINQUENT TOTAL OF LEDGER A		\$6,478.64	\$647.89	\$7,126.53

DELINQUENT WATER FOR LEDGER B

<u>PARCEL NO.</u>	<u>ADDRESS</u>	<u>BILL AM'T</u>	<u>10% PENALTY</u>	<u>TOTAL</u>
41-14-27-379-007	2713 Reeds Lake Blvd.	\$ 85.29	\$ 8.53	\$ 93.82
41-14-33-378-001	1908 Argentina SE	277.01	27.70	304.71
41-14-33-430-015	937 Breton Rd. SE	59.88	5.99	65.87
41-14-33-454-011	1029 Pinecrest SE	46.50	4.65	51.15
41-14-33-455-013	2204 Argentina Dr. SE	187.62	18.76	206.38
41-14-33-457-024	1131 Pinecrest SE	312.45	31.25	343.70
41-14-33-478-005	1058 Lakeside SE	190.36	19.04	209.40
41-14-33-480-016	1133 Lakeside SE	90.50	9.05	99.55
41-14-34-302-005	2546 Frederick SE	101.50	10.15	111.65
41-14-34-351-011	2450 Gilmour SE	401.23	40.12	441.35
41-14-34-353-010	1120 Breton SE	275.86	27.59	303.45
41-14-34-356-031	1109 Eastwood SE	180.15	18.02	198.17
41-14-34-377-004	1134 Conlon SE	183.50	18.35	201.85
41-14-34-476-012	3061 Woodcliff Cir. SE	312.36	31.24	343.60
41-18-03-180-003	1530 Lake Grove SE	118.75	11.88	130.63
41-18-03-306-018	1725 Conlon SE	182.56	18.26	200.82
41-18-04-226-003	1230 Pinecrest SE	122.72	12.27	134.99
41-18-04-434-020	1761 Breton Rd. SE	<u>470.98</u>	<u>47.10</u>	<u>518.08</u>
TOTAL OF LEDGER B		\$3,599.22	\$359.95	\$3,959.17

DELINQUENT WATER FOR LEDGER C

<u>PARCEL NO.</u>	<u>ADDRESS</u>	<u>BILL AM'T</u>	<u>PENALTY</u>	<u>TOTAL</u>
41-14-33-357-011	1645 Hall St. SE	\$ 61.40	\$ 6.14	\$ 67.54
41-14-33-458-005	2005 Hall St. SE	197.30	19.73	217.03
41-18-03-151-018	2451 Maplewood SE	136.41	13.64	150.05
41-18-03-180-011	2600 Richards SE	173.77	17.38	191.15
41-18-03-182-005	2540 Albert SE	311.04	31.10	342.14
41-18-03-206-012	3010 Oakwood SE	258.09	25.81	283.90
41-18-03-253-002	2906 Elmwood SE	293.18	29.32	322.50
41-18-03-328-006	2611 Norfolk SE	336.67	33.67	370.34
41-18-04-202-003	2054 Anderson SE	345.42	34.54	379.96
41-18-04-204-004	2144 Hall SE	198.14	19.81	217.95
41-18-04-228-025	2335 Wilshire SE	224.26	22.43	246.69
41-18-04-276-019	2227 Estelle SE	188.11	18.81	206.92
41-18-04-2277-018	2223 Audobon SE	78.00	7.80	85.80
41-18-04-278-014	2211 Heather SE	88.00	8.80	96.80
41-18-04-280-007	1448 Eastlawn SE	135.65	13.57	149.22
41-18-04-402-006	2110 Boston SE	203.70	20.37	224.07
41-18-04-431-002	2340 Brighton SE	<u>155.70</u>	<u>15.57</u>	<u>171.27</u>
TOTAL OF LEDGER C		\$3,384.84	\$338.49	\$3,723.33

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

467. The City Manager reported on action taken by the Planning Commission and Traffic Commission relative to planter boxes in the business district.

467-A. Mayor Leidlein-Moseley. That planter boxes be allowed on the north and south sides of Wealthy Street where Crowell intersects and with the understanding that they will be removed at the owner's expense during the winter months. Commissioner Deems suggested that the planter boxes be placed on a trial basis so that should they propose a hazard to the public, that they be promptly removed.

467-B. Moseley-Deems. That the above motion be amended to include that the planter boxes that are placed on the south side of Wealthy Street contain no trees.

A roll call vote was taken.

Yeas: Deems, Mehney, Mertz, Moseley, Seibold - 5
Nays: Chezick, Leidlein - 2

The amendment was adopted.

5/16/83

A roll call vote was taken on the main motion as amended:

Yeas: Deems, Mehney, Moseley, Seibold, Leidlein - 5
Nays: Chezick, Mertz - 2

The motion carried.

468. The City Manager reported on the progress of the sewer rehabilitation program and stated that the Corps of Engineers filed comments to which our Engineers are responding and that the EPA and Michigan Department of Natural Resources are questioning the user charge system. Materials are being gathered together and a delegation will be going to Lansing on May 17th, to discuss these matters with the Michigan Department of Natural Resources. Due to these developments, the advertisement for bids anticipated to be received on June 6 for Phase I, Element 1, of the rehabilitation project has been delayed until approval has been received from the various State and Federal agencies.

469. The City Manager reported that the City has been notified that a grant has been awarded by the Kent County Community Block Grant Program to the City in the amount of \$71,714 for the replacement of 4-inch watermains with 6-inch watermains in Rosewood, Gladstone and Reed Streets. A resolution from the County Board of Commissioners to this effect was enclosed with the agenda material. Also enclosed were reports from Hubbell, Roth & Clark, Inc., and from Moore & Bruggink relating to street and basement flooding. These reports were received for information.

470. The City Manager reported on the restructuring of the Board of Review from six to nine members as permitted under P.A. 539 of '83.

470-A. Deems-Chezick. That a letter be drafted to State Representative Ehlers requesting that he continue his efforts to introduce legislation to authorize a six or nine member Board of Review for municipalities the size of East Grand Rapids.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

471. The City Manager reported on the status of the gates to be located on the south arm of Reeds Lake Blvd. and advised that City staff will be working on the design of these gates. The Mayor requested a report of progress be given on June 20.

472. The City Manager reported on the progress of the Manhattan Nature Trail.

473. A letter from W. J. Chaille, President of Lakeshore Condominiums, Inc., regarding traffic and nuisances as regards persons using the boat launching site and the John A. Collins Park was reviewed. This letter was referred to the Traffic Commission for its June agenda. It was suggested that two portable toilets be placed near the launching site in John A. Collins Park. Mr. Chaille was present to discuss these matters with the City Commission.

474. The City Manager submitted a memorandum requesting authorization to purchase communications equipment for which bids were received, and recommended that the equipment be purchased from Motorola, the low bidder.

474-A. Moseley-Mehney. That the City Manager be authorized to issue a purchase order to Motorola, Inc. for the acquisition of vehicle mount two-way radios in the amount of \$530 each, and alert monitors in the amount of \$270 each.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

475. A notification of the annual convention of the Michigan Municipal League which will be held at the Amway Grand Plaza Hotel, September 28-30, 1983, was received for information. Mayor Leidlein reported that he is on a committee of AGRAG which is working on host cities' plans for this convention.

5/16/83

476. The Planning Commission minutes of its meeting held April 12, 1983, were received for information.

477. The Traffic Commission minutes of its meeting held May 11, 1983, were received for information.

478. The Building Inspector's report for the month of April, 1983, was received for information.

479. A letter from Jordan Sheperd which included an article from the Grand Rapids Press regarding business districts was received for information.

480. The City Manager requested authorization to apply for a loan from the State of Michigan for street related work which includes the San Lucia and San Lu Rae trunk sewer and outlet work in the waterway behind Grace Church. The application must be filed by June 6, and the work must be placed under contract by August 15, 1983.

480-A. Seibold-Chezick. That the City Manager be authorized to apply for the loan from the State of Michigan for such street related work.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

481. The Mayor submitted a list of appointments for the fiscal year beginning July 1, 1983. This was received for information.

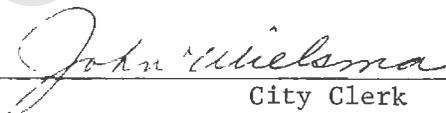
482. Commissioner Moseley requested that signs be placed on playgrounds and parks reminding residents of the leash and cleanup ordinances regarding their pets.

482-A. Deems-Seibold. That the City staff be authorized to purchase signs instructing dog owners of pertinent provisions of the City Ordinance at a cost of not to exceed \$500.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

483. Commissioner Moseley reported that Mayor Leidlein has been named Chairman of the Michigan Municipal League Region V.

484. The meeting was adjourned, subject to the call of the Mayor, until June 6, 1983.



City Clerk

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Regular Meeting Held June 6, 1983

The meeting was called to order by Mayor Leidlein.

Present: Coms. Chezick, Deems, Mehney, Mertz, Moseley, Seibold and Mayor Leidlein.
Absent: None.

Also Present: City Manager Tholen, City Clerk Wielsma, City Engineer McMann,
City Attorney Richardson, Assistant City Attorney Huff, Public
Safety Director Gallagher, Administrative Aide Bremer,
Superintendent of Public Works Smith, Deputy Fire Chief Kroes,
and City Assessor Norman.

485. The minutes of the regular meeting held May 16, 1983, were approved
as written.

486. Mayor Leidlein presented a recognition award to Mr. James Stephan
for 25 years of service working in the Public Service Department.

487. Moseley-Deems. That expense vouchers in the amount of \$118,455.50,
and payroll vouchers in the amount of \$39,429.13, as approved by the Ways &
Means Committee, be allowed and the Controller be authorized to draw an order
on the Treasurer for the respective amounts.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

488. Pursuant to public notice, a hearing was then held upon the zoning
variance request of Domenic Federico, 541 Cambridge Blvd. SE, to reduce the re-
quired 20 ft. corner lot sideyard to 14 ft. to construct an attached garage.
Mr. Federico was present to discuss his request. He submitted letters he had
received from 10 residents in the neighborhood who had no objections. Mr. & Mrs.
Richard Durell were present to object to the variance and submitted a letter
to the Commission setting forth their objections.

488-A. Deems-Mehney. That this Commission, acting as the Board of Zoning
Appeals, postpone action on this request until the next regular City Commission
meeting.

A roll call vote was taken:

Yeas: Deems, Mehney, Seibold - 3
Nays: Chezick, Mertz, Moseley, Leidlein - 4

The motion failed.

488-B. Moseley-Mertz. That this Commission, acting as the Board of Zoning
Appeals, grant the request of Mr. Federico.

A roll call vote was taken:

Yeas: Deems, Mehney, Mertz, Moseley, Leidlein - 5
Nays: Chezick, Seibold - 2

The motion carried.

489. Pursuant to public notice, a hearing was then held upon the zoning
variance request of Robert and Mary Swain to construct a carport at 514 Lakeside
Drive SE, four feet from the south lot line rather than the required 12 ft. Mrs.
Swain was present to discuss her request with the Commission. The City Manager
reported that he had received a telephone call from Mr. Runnels, the neighbor
immediately adjacent to the property, who had no objection to the request. There
were no objections raised from persons who had received the notice of this hearing.

489-A. Moseley-Mehney. That this Commission, acting as the Board of Zoning
Appeals, grant the request of Mr. and Mrs. Swain.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

6/6/83

490. A public hearing on the revised assessment roll for the Croswell Parking Lot was then held. The City Attorney submitted a letter from McShane and Bowie, representing the Gaslight Village Merchants' Association, supporting the revision of the assessment roll.

Mr. Jim Azzar was present and questioned the revision of the roll. Mr. Jacobson, attorney for the Merchants' Association, stated that the Merchants' Association would like to see the proposed ordinance regarding the Central Business District parking adopted and would like to work with the City Commission in improving the parking conditions within the commercial area. Mr. Lynn VandenBosch, attorney for Kennedy Floral, Inc., was present and stated that his client did not wish to register an objection to the proposed revised assessment roll, but was concerned about the reduction in the assessments within the district as compared to the assessment on his client's property.

490-A. Deems-Mehney. That the hearing be closed and that action on the matter be tabled for two weeks.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

491. Petitions were received from residents in the Lakewood Hills Complex objecting to the location of the Porta Jons in John A. Collins Park. The Mayor reported on letters which were received from David Hunting, Kenneth Brown, Mrs. Thomas Kindel, Mrs. L. Henry Gork, Miss S. M. Creagan, Marian Shields, Gertrude Brown, and a copy of a letter to Mrs. Kindel from William Jackson Chaille, who also objected to the location of the Porta Jons. Several persons spoke regarding this issue. Clifford Boyce, David Hunting, Wayne Barkwell, Alice Boersma, Mary Kindel, J. Vandenberg, Bill Peterson, Mrs. Thomasma, expressed their displeasure to the location of the Porta Jons. Mr. John Rose spoke in favor of placing Porta Jons in John A. Collins Park because of the traffic he has had using his facilities because of the lack of facilities in the park. Mrs. Ann Cooper stated that she felt that the facilities were needed in John A. Collins Park and was disturbed by the attitude of some residents as indicated in recent Cadence articles.

491-A. Mertz-Mehney. That the Porta Jons be removed from John A. Collins Park by the week of July 5th.

A roll call vote was taken:

Yeas: Deems, Mehney, Mertz, Seibold, Leidlein - 5
Nays: Chezick, Moseley - 2

The motion carried.

492. Assistant City Attorney Huff submitted a proposed ordinance amendment to Section 9.41 of the Animal Control Ordinance.

492-A. Moseley-Deems. That the following ordinance be introduced as this time:

AN ORDINANCE TO AMEND SECTION 9.41
OF CHAPTER 92 OF TITLE IX OF THE CODE OF THE
CITY OF EAST GRAND RAPIDS

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Section 9.41 of the East Grand Rapids City Code is amended as follows:

"Section 9.41. Vicious Animals.

- (1) Definition. Any animal which has attacked or bitten a person or domestic animal without molestation, or which by its actions gives indications that it is likely to attack or bite any person or domestic animal without molestation, shall be deemed a vicious animal.

- (2) Muzzling. A person owning or having charge, care, custody, or control of a vicious animal shall at all times when said animal is not securely confined, keep said animal securely muzzled and led or restrained by a leash.
- (3) Bites or Attacks. No person owning or having charge, care, custody or control of any animal shall permit or allow, by failure to exercise due control, the animal to bite or attack, or threaten to bite or attack, a person or domestic animal except in the defense of itself or in the defense of a person during the commission of a crime by another.
- (4) Quarantine. Every dog or cat which has bitten a person shall be quarantined for a period of 10 days for the purpose of determining whether said animal is diseased. Such quarantine may be at the animal shelter, a veterinary office, or such other place as may be designated by the director. Quarantine shall mean isolating the animal from people and from other animals. The owner of such animal shall surrender such animal to an animal control officer upon request.
- (5) Prosecution. On sworn complaint that a violation of Subsection 9.41(2), 9.41(3) or 9.41(4) has occurred, the City may issue a citation to the owner of said animal, as defined in this Chapter, or may secure a summons against said person commanding him or her to appear and show cause why said animal shall not be ordered confined or destroyed. Upon such hearing if the court shall determine said animal to be a vicious animal, as defined in this Chapter, the court may order said animal confined to the premises of the owner or such other place as the court may determine or may order the Director of animal control to cause said animal to be destroyed, or may enter such other order relative to the care and custody of such animal as the court shall determine to be appropriate. Any person who shall fail to comply with or otherwise violate such order shall be guilty of a misdemeanor punishable by fine or imprisonment as provided in Section 9.34(4) of this Chapter.
- (6) Civil Liability. Nothing in this Chapter shall be construed as limiting the common law liability of the owner of an animal for damages committed by the animal.

Section 2. This amendatory ordinance shall be effective on June 6, 1983.

Section 3. This amendatory ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids."

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

493. The City Controller submitted an ordinance to revise the Water and Sewer Bond Ordinance and a resolution for the Notice of Sale for the \$300,000 Bond Issue.

493-A. Deems-Moseley. That the following ordinance be enacted and because an emergency exists in submitting the application for approval to the Municipal Finance Commission, that it be given immediate effect:

6/6/83

"AN ORDINANCE TO AMEND THE CODE OF
THE CITY OF EAST GRAND RAPIDS BY
ADDING A NEW CHAPTER 25 OF TITLE II
ENTITLED CHAPTER 25 - WATER SUPPLY
AND SEWAGE DISPOSAL SYSTEM FACILITIES
REVENUE BONDS

CHAPTER 25

WATER SUPPLY AND SEWAGE DISPOSAL
SYSTEM FACILITIES REVENUE BONDS"

W I T N E S S E T H:

WHEREAS, the City Commission of the City of East Grand Rapids on February 28, 1983, adopted an ordinance captioned:

"AN ORDINANCE TO PROVIDE FOR THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, ENLARGEMENT, AND EXTENSION OF THE WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM FACILITIES FOR THE CITY OF EAST GRAND RAPIDS, KENT COUNTY, MICHIGAN; TO AUTHORIZE THE ISSUANCE OF SELF-LIQUIDATING REVENUE BONDS BY THE CITY OF EAST GRAND RAPIDS, PURSUANT TO THE PROVISIONS OF ACT 94, PUBLIC ACTS OF MICHIGAN, 1933, AS AMENDED, FOR THE PURPOSE OF PAYING THE COST OF ACQUIRING, CONSTRUCTING, IMPROVING, ENLARGING AND EXTENDING SAID FACILITIES, TO PRESCRIBE THE FORM OF BONDS; TO PROVIDE FOR THE COLLECTION OF REVENUES FOR THE PURPOSE OF PAYING THE BONDS; TO PROVIDE FOR THE PAYMENT AND SECURITY OF SAID BONDS, AND TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF SAID BONDS IN ENFORCEMENT THEREOF AND OTHER MATTERS RELATIVE TO SAID BONDS AND SAID SYSTEM AND FOR THE USE THEREOF FOR THE PRESERVATION OF THE PUBLIC HEALTH, SAFETY AND WELFARE."

; and

WHEREAS, it is deemed reasonable and necessary to amend said ordinance.

NOW, THEREFORE, THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. The aforesaid ordinance adopted February 28, 1983, be and is hereby amended to read as follows:

Section 2. Caption. The caption of the aforesaid Ordinance shall be:

"AN ORDINANCE COMBINING THE PRESENTLY SEPARATE WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS OF THE CITY OF EAST GRAND RAPIDS INTO A WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM, AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS AND ADDITIONS TO THE WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM OF THE CITY OF EAST GRAND RAPIDS, MICHIGAN; TO PROVIDE FOR THE ISSUANCE AND SALE OF REVENUE BONDS TO PAY THE COST THEREOF; TO PROVIDE FOR THE RETIREMENT AND SECURITY OF THE BONDS HEREIN AUTHORIZED; TO PROVIDE FOR THE RATES FOR SAID SYSTEM AND FOR OTHER MATTERS RELATIVE TO SAID SYSTEM AND BONDS; AND CREATING A STATUTORY LIEN ON SAID REVENUES."

Section 3. 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) "Additional Bonds" means additional bonds issued pursuant to Section 22 of this Ordinance.

(c) "Bonds" means the Series A Bonds and, when issued and delivered, any Additional Bonds issued in accordance with Section 22 of this Ordinance.

(d) "Series A Bonds" means the Bonds authorized by this Ordinance.

(e) "City" means the City of East Grand Rapids, County of Kent, Michigan.

(f) "Commission" means the City Commission of the City.

(g) "Mandatory Redemption Requirements" means the mandatory prior redemption requirements for Additional Bonds that are term Bonds, if any, as specified in the Ordinance authorizing the Additional Bonds.

(h) "Ordinance" means this ordinance and any ordinance or resolution amendatory of or supplemental hereto including ordinances or resolutions adopted pursuant to Section 22 hereof.

(i) "Project" means improvements and extensions to the System consisting of sanitary sewer rehabilitation together with all necessary appurtenances and attachments thereto.

(j) "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 and shall include earnings on investments required to be deposited in the Receiving Fund by Section 19 of this Ordinance.

(k) "Sufficient Government Obligations" means direct obligations of the United States of America or obligations the principal and interest on which is fully guaranteed by the United States of America, not redeemable at the option of the issuer, the principal and interest payments upon which, without reinvestment of the interest, come due at such times and in such amounts as to be fully sufficient to pay the interest as it comes due on the Bonds to be defeased and the principal and redemption premium, if any, on such Bonds as it comes due whether on the stated maturity date or upon earlier redemption. The government obligations shall be placed in trust with a bank or trust company, which shall be the paying agent for the Bonds and, if any of the Bonds are to be called for redemption prior to maturity, irrevocable instructions to call the Bonds for redemption shall be given to the paying agent.

"System" means the complete water supply and sewage disposal system of the City, both inside and outside the City, including all plants, works, instrumentalities and properties, used or useful in connection with transportation and treatment of sewage together with the Project, and all facilities used or useful in the supply and distribution of water and all additions, extensions and improvements hereafter acquired.

Section 4. Combination of Systems. It is hereby determined to be necessary for the public health, safety and welfare of the City to combine the presently existing water supply system and sewage disposal system into the System which shall be called the Water Supply and Sewage Disposal System.

Section 5. Necessity; Approval of Plans and Specifications. It is hereby determined to be necessary for the public health and welfare of the City to acquire the Project in accordance with the plans and specifications prepared by Moore & Bruggink, Consulting Engineers of Grand Rapids, Michigan, which plans and specifications are hereby approved.

Section 6. Cost; Useful Life. The cost of the Project is estimated to be One Million Seventy Six Thousand Nine Hundred Fifty Two (\$1,076,952) Dollars including the payment of incidental expenses as specified in Section 4 of this Ordinance, which estimate of cost is hereby approved and confirmed and the period of usefulness of the Project is estimated to be not less than forty (40) years.

Section 7. Payment of Part of Cost; Series A Bonds Authorized.

To pay part of the cost of acquiring the Project, including payment of legal, engineering, financial, underwriting discounts, if any, and other expenses incident thereto and incident to the issuance and sale of the Series A Bonds, the City shall borrow the sum of Three Hundred Thousand (\$300,000) Dollars and issue the 1983 Bonds therefor pursuant to the provisions of Act 94. The balance of the costs of the Project shall be paid from grants or other monies to be provided by the City.

Section 8. Bond Details, Registration and Execution. The Series A Bonds shall be designated WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM REVENUE BONDS, SERIES A, shall be payable solely out of the Net Revenues and shall consist of fully-registered Bonds of the denomination of \$5,000 or multiples thereof up to the amount of a single maturity, numbered consecutively in order of registration of transfer upwards. The Series A Bonds shall be dated as of June 1, 1983, and shall mature on September 1st in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>
1984	\$10,000
1985	20,000
1986	25,000
1987	25,000
1988	30,000
1989	30,000
1990	35,000
1991	40,000
1992	40,000
1993	45,000

The Series A Bonds shall bear interest at a rate or rates to be determined on public sale thereof, but in any event not exceeding the maximum rate permitted by law, payable on March 1, 1984, and semi-annually thereafter by check or bank draft mailed to the registered owner at the registered address, both as shown on the registration books of the City maintained by the transfer agent. Interest shall be payable to the registered owner of record as of 15 days prior to the payment date for each interest payment. The date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. Both principal of and interest on said Bonds shall be payable at a bank or trust company to be designated by the City as registrar and transfer agent for this issue.

The Series A Bonds shall not be subject to redemption prior to maturity.

The Series A Bonds shall be signed by the manual signature of the Mayor and countersigned by the manual signature of the City Clerk. The 1983 Bonds shall have the corporate seal of the City impressed or imprinted thereon. No Bond of this series shall be valid until authenticated by an authorized officer of the transfer agent. If permitted by law at the time of issue, or at the time of later registration of transfer, the signatures of the Mayor and Clerk and the City seal may be printed on the Bond in facsimile. After execution, the Series A Bonds shall be delivered to the purchaser thereof by the City Treasurer or any deputy upon payment of the purchase price therefor.

Executed blank bonds for registration of transfer shall simultaneously, and from time to time thereafter as necessary, be delivered to the transfer agent for safekeeping. Notwithstanding the foregoing, the first Bond may be delivered to the purchaser as a single fully-registered bond in the full amount of the issue and, if at least one of the signatures of the City office is manual, the first Bond need not be authenticated by the transfer agent.

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 his duly authorized attorney. Upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the transfer agent. Whenever any Bond or Bonds shall be surrendered for transfer, the City shall execute and the transfer agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The transfer agent shall require the 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 keep or cause to be kept, at its principal office, sufficient books for the registration and transfer of the Bonds, which shall at all times be open to inspection by the City; and, upon presentation for such purpose, the transfer agent shall, under such reasonable regulations as it may prescribe, transfer or cause to be transferred, on said books, Bonds as hereinbefore provided.

If any Bond shall become mutilated, the City, 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, the City, 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, Public Acts of Michigan, 1972, as amended, being sections 129.131 to 129.135, inclusive, of the Michigan Compiled Laws, 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.

Section 9. Payment of Bonds; Creation of Lien. Except as may otherwise be provided with respect to Additional Bonds, the Bonds and the interest thereon shall not be a general obligation or indebtedness of the City but shall be payable solely from the Net Revenues and to secure such payment, there is hereby created a statutory lien upon the whole of the Net Revenues to continue until payment in full of the principal of and interest on the Bonds, or until sufficient cash or Sufficient Government Obligations have been deposited in trust for payment in full of all Bonds to be defeased. Upon deposit of cash or Sufficient Government Obligations, as provided in the previous sentence, the statutory lien shall be terminated with respect to the Bonds to be defeased, and the holders of such Bonds shall have no further rights under this Ordinance except for payment from the deposited funds, and such Bonds shall no longer be considered to be outstanding Bonds under this Ordinance.

Section 10. Bondholders' Rights; Receiver. The holder or holders of the Bonds representing in the aggregate not less than twenty per cent (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 City, including the fixing of sufficient rates, the collection of Revenue, 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.

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If there is a default in the payment of the principal of or interest upon the Bonds, any court having jurisdiction in any proper action may appoint a receiver to administer and operate the System on behalf of the City 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 City more particularly set forth herein and in Act 94.

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

Section 11. Management. The operation, repair and management of the System and the acquiring of the Project shall be under the immediate supervision and control of the City Commission. The City may employ such persons in such capacities as it deems advisable to carry on the efficient management and operation of the System. The City Commission may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the System.

Section 12. Charges and Enforcement. The rates to be charged for service furnished by the System and the methods of collection of the rates shall be those in effect on the date of adoption of this Ordinance.

The charges for service of the System which are under the provisions of Section 21 of Act 94 made a lien on all premises served thereby, unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien and whenever such charge against any piece of property shall be delinquent for six (6) months the City officials or officials in charge of the collection thereof shall certify annually, on April 15 of each year, to the tax assessing officer of the City, the fact of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general City taxes against such premises are collected, and the lien thereof enforced; provided, however, where notice is given that a tenant is responsible for such charges and service as provided by said Section 21 of Act 94 no further service shall be rendered such premises until a cash deposit in an amount specified from time to time by the City Commission shall have been made as security for payment of such charges and service.

In addition to other remedies provided, the City shall have the right to shut off and discontinue the supply of water or sewer service or both to any premises for the nonpayment of sewer charges when due. If such charges are not paid within thirty (30) days after the due date thereof, then the water or sewer service, or both, to such premises shall be discontinued. Sewer or water services so discontinued shall not be restored until all sums then due and owing shall be paid.

Section 13. No Free Service. No free service, or service at less than cost, shall be furnished by the System to any person, firm or corporation, public or private, or to any public agency or instrumentality.

Section 14. Fixing and Revising Rates; Rate Covenant. The rates fixed by this Ordinance 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 all of the Bonds as the same become due and payable, and the creation and maintenance of the reserve therefor and to provide for all other obligations, expenditures and funds for the System required by law and this Ordinance. The rates 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 15. Operating Year. The System shall be operated on the basis of an operating year which shall coincide with the City's fiscal year.

Section 16. Funds and Accounts; Flow of Funds. Commencing on the effective date of this Ordinance all Revenues of the System shall be set aside as collected and credited to a fund to be designated WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM RECEIVING FUND (the "Receiving Fund"). The Revenues so credited are pledged for the purpose of the following funds and shall be transferred or debited from the Receiving Fund periodically in the manner and at the times and in the order of priority hereinafter specified.

A. OPERATION AND MAINTENANCE FUND:

Out of the Revenues credited to the Receiving Fund there shall be first set aside, in or credited to a fund designated OPERATION AND MAINTENANCE FUND, monthly a sum sufficient to provide for the payment of the next month's expenses of administration and operation of the System and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.

The City, prior to the commencement of each operating year beginning with the operating year next commencing after the effective date of this Ordinance, shall adopt a budget covering the foregoing expenses for each year. No payments shall be made to the City from monies credited to the Operation and Maintenance Fund except for services directly rendered to the System by the City or its personnel.

B. BOND AND INTEREST REDEMPTION FUND:

There shall be established and maintained a separate depository fund designated BOND AND INTEREST REDEMPTION FUND (the "Redemption Fund"), the monies on deposit therein from time to time to be used solely for the purpose of paying the principal of, redemption premiums (if any) and interest on the Bonds. The monies in the Redemption Fund (including the Bond Reserve Account) shall be kept on deposit with the bank or trust company or with one or more of the banks or trust companies where the principal of and interest on the Bonds are payable.

Out of the Revenues remaining in the Receiving Fund, after provision for the preceding fund, there shall be set aside monthly in the Redemption Fund a sum proportionately sufficient to provide for the payment when due of the current principal of and interest on the Bonds, less any amount in the Redemption Fund representing accrued interest on the Bonds. Commencing September 1, 1983, the amount set aside each month for interest on the Bonds shall be 1/6 of the total amount of interest on the Bonds next coming due. The amount set aside each month for principal, commencing September 1, 1983, shall be 1/12 of the amount of principal next coming due by maturity or a Mandatory Redemption Requirement. In addition, a sufficient additional sum shall be set aside to meet interest obligation accruing to the City from June 1, 1983 to August 31, 1983. If there is any deficiency in the amount previously set aside, that deficiency shall be added to the next succeeding months' requirements.

There is established a separate account in the Redemption Fund to be known as the BOND RESERVE ACCOUNT. Into said Account there shall be deposited, in approximately equal monthly installments, the sum of not less than Twelve Thousand Five Hundred (\$12,500.00) Dollars during each operating year beginning with the operating year immediately succeeding the effective date of this Ordinance. Such deposits shall be made until such time as said Account taking into effect investment earnings and any other deposits into said Account representing the proceeds of the unused portion of any reserve accounts established for the System or any predecessor to the System shall total an amount equal to the then annual debt service requirements of the Bonds.

Except as hereinafter provided, the monies credited to the Bond Reserve Account shall be used solely for the payment of the principal of, redemption premiums (if any) and interest on the Bonds as to which there would otherwise be a default. If at any time it shall be necessary to use monies credited to the Bond Reserve Account for such payment, then the monies so used shall be replaced from the Net Revenues first

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received thereafter which are not required for current principal and interest requirements. If Additional Bonds are issued, each Ordinance authorizing the Additional Bonds shall provide for additional deposits to the Bond Reserve Account to be made from the proceeds of the Additional Bonds in an amount that will result in the Bond Reserve Account being equal to the maximum annual principal and interest requirements on the Bonds outstanding after issuance of the Additional Bonds.

For purposes of making deposits to the Redemption Fund and the Bond Reserve Account, the principal amount of Bonds becoming due by reason of a Mandatory Redemption Requirement shall be deemed to become due in the principal amount and on the due date of the Mandatory Redemption Requirement. Each Ordinance authorizing Additional Bonds shall state the amount of Bonds authorized which are term Bonds, if any.

A Mandatory Redemption Requirement for the Bonds of a term maturity may be satisfied by the call of term Bonds of the same issue and maturity in the principal amount of the Mandatory Redemption Requirement at par and accrued interest or by the purchase and surrender to the paying agent of the Bonds of the same issue and maturity from moneys allocated therefor as provided herein, or purchased with other funds legally available therefor. The City shall elect the manner in which it intends to satisfy a Mandatory Redemption Requirement not less than forty-five days prior to the due date of each Mandatory Redemption Requirement.

The monies set aside to satisfy the next Mandatory Redemption Requirement for the Bonds shall be used by redeeming said Bonds on the following September 1st or by purchasing Bonds of the same issue and maturity with respect to which the Mandatory Redemption Requirement applies and surrendering the same to the paying agent for cancellation on or prior to the required due date of the Mandatory Redemption Requirement. In the event that after any Mandatory Redemption Requirement date monies remain in the Redemption Fund, as a result of the purchase of Bonds at less than par, the amount of such excess may be transferred to the Receiving Fund. If no Bonds of an issue are issued as term Bonds then there shall be no Mandatory Redemption Requirement with respect to those Bonds.

C. REPLACEMENT AND IMPROVEMENT FUND:

Out of the remaining Revenues in the Receiving Fund, there may be next set aside in or credited to, monthly after meeting the requirements of the foregoing Funds, to a fund to be designated REPLACEMENT AND IMPROVEMENT FUND (the "Improvement Fund"), such sums as the Council may deem advisable to be used for repairs, replacements, improvements, enlargements or extensions to the System.

D. SURPLUS MONIES:

Thereafter, any Revenues in the Receiving Fund after satisfying all the foregoing requirements of this section may, at the option of the Council be used for any of the following purposes:

1. Transfer to the General Fund of the City in an amount not to exceed the amounts the City has paid for water and sewer charges for service to City facilities.
2. Transferred to the Replacement and Improvement Fund.
3. Transferred to the Redemption Fund and used for the purchase of Bonds on the open market at not more than the fair market value thereof.
4. Transferred to the General Fund of the City and used for any lawful purpose of the City.

Section 17: Depository and Funds on Hand: Monies in the several funds and the accounts established pursuant to this Ordinance, except monies in the Redemption Fund (including the Bond Reserve Account) and monies derived from the proceeds of sale of the Bonds, may be kept in one or more bank accounts at a bank or banks designated by resolution of the Commission, and if kept in one bank account the monies shall be allocated on the books and records of the City in the manner and at the times provided in this Ordinance.

Section 18. Priority of Funds. In the event the monies in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund or of the Redemption Fund, any monies or securities in other funds of the System, except the proceeds of sale of the Bonds, shall be credited or transferred, first, to the Operation and Maintenance Fund, and second, to the Redemption Fund, to the extent of any deficit therein.

Section 19. Investments. Monies in the funds and account established herein and monies derived from the proceeds of sale of the Bonds, may be invested by the City in direct obligations of the United States of America or obligations the principal and interest on which is fully guaranteed by the United States of America, or certificates of deposit of a bank insured by the Federal Deposit Insurance Corporation or such other investments as may be lawful for investment of such monies. Investment of monies in the Redemption Fund being accumulated for payment of the next maturing principal or interest payment on the Bonds shall be limited to obligations bearing maturity dates prior to the date of the next maturing principal or interest payment on the Bonds as the case may be. Investment of monies in the Bond Reserve Account shall be limited to obligations bearing maturity dates or subject to redemption, at the option of the holder thereof, not later than 5 years from the date of the investment. In the event investments are made, any securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds or account from which the purchase was made. Profit realized or interest income earned on investment of funds in the Receiving Fund, Operation and Maintenance Fund, Redemption Fund (exclusive of Bond Reserve Account), Improvement Fund, and at any time if fully funded, the Bond Reserve Account shall be deposited in or credited to the Receiving Fund.

Section 20. Series A Bond Proceeds. From the proceeds of sale of the Series A Bonds there shall be immediately deposited in the Redemption Fund, an amount equal to the accrued interest and premium, if any, received on delivery of the Series A Bonds. The balance of the proceeds of the sale of the Series A Bonds shall be deposited in a bank or banks, designated by resolution of the Commission, qualified to act as depository of the proceeds of sale under the provisions of Section 15 of Act 94, in an account designated WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM CONSTRUCTION FUND (the "Construction Fund"). Monies in the Construction Fund shall be applied solely in payment of the cost of the Project and any engineering, legal and other expenses incident thereto and to the financing thereof. 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 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, that such work is satisfactory and that such work has not been previously paid for.

Any unexpected balance of the proceeds of sale of the Series A Bonds remaining after completion of the Project in the Construction Fund may in the discretion of the City and to the extent of fifteen per cent (15%) of the principal amount of the Series A Bonds be used for further improvements, enlargements and extensions to the System if, at the time of such expenditure, such use is approved by the Municipal Finance Commission or any successor agency, if such permission is then required by law. Any remaining balance after such expenditure shall be paid into the Redemption Fund and may be used for the purpose of purchasing Bonds on the open market at not more than the fair market value thereof.

Section 21. Covenants. The City covenants and agrees with the holders of the Bonds and coupons that so long as any of the Bonds remain outstanding and unpaid as to either principal or interest -

- (a) The City will maintain the System in good repair and working order and will operate the same efficiently and will faithfully and punctually perform all duties with reference to the System required by the Constitution and laws of the State of Michigan and this Ordinance.

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(b) The City will keep proper books of record and account separate from all other records and accounts of the City, in which shall be made full and correct entries of all transactions relating to the System. The City shall have an annual audit of the books of record and account of the System for the preceding operating year made each year by an independent certified public accountant, and a copy of the audit shall be mailed to the manager of each syndicate or account originally purchasing any issue of the Bonds. The auditor shall comment on the manner in which the City is complying with the requirements of the Ordinance with respect to setting aside and investing monies and meeting the requirements for acquiring and maintaining insurance. The audit shall be completed and so made available not later than four (4) months after the close of each operating year.

(c) The City will maintain and carry, for the benefit of the holders of the Bonds, insurance on all physical properties of the System and liability insurance, of the kinds and in the amounts normally carried by municipalities engaged in the operation of water supply and sewage disposal systems. All monies received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed and to the extent not so used, shall be used for the purpose of redeeming or purchasing Bonds.

(d) The City will not sell, lease or dispose of the System, or any substantial part, until all of the Bonds have been paid in full, both as to principal and interest or provision made thereof as herein provided. The City will operate the System as economically as possible, will make all repairs and replacements necessary to keep the System in good repair and working order, and will not do or suffer to be done any act which would affect the System in such a way as to have a material adverse effect on the security for the Bonds.

(e) The City will not grant any franchise or other rights to any person, firm or corporation to operate a sewage disposal system that will compete with the System and the City will not operate a water supply and sewage disposal system that will compete with the System.

(f) The City will cause the Project to be acquired and constructed promptly and in accordance with the plans and specification therefor.

Section 22. Additional Bonds. Except as hereinafter provided, the City shall not issue Additional Bonds of equal or prior standing with the Bonds.

The right is reserved in accordance with the provisions of Act 94, to issue Additional Bonds payable from the Revenues of the System which shall be of equal standing and priority of lien on the Net Revenues of the System with the Bonds, but only for the following purposes and under the following terms and conditions:

(a) For subsequent repairs, extensions, enlargements and improvements to the System or for the purpose of refunding part of any Bonds then outstanding and paying costs of issuing such Additional Bonds including deposits which may be required to be made to the Bond Reserve Account. Bonds for such purposes shall not be issued pursuant to this subparagraph (a) unless the average actual or augmented Net Revenues of the System for the then last two (2) preceding twelve month operating years or the actual or augmented Net Revenues for the last preceding twelve month operating year, if the same shall be lower than the average, shall be equal to at least one hundred thirty (130%) percent of the average amount of principal and interest thereafter maturing in any operating year on the then outstanding Bonds and on the Additional Bonds then being issued. If the Additional Bonds are to be issued in whole or in part for refunding outstanding Bonds the average annual

principal and interest requirements shall be determined by deducting from the principal and interest requirements for each operating year the annual principal and interest requirements of any Bonds to be refunded from the proceeds of the Additional Bonds. For purposes of this subparagraph (a) the City may elect to use as the last preceding operating year any operating year ending not more than sixteen months from the date of delivery of the Additional Bonds and as the next to the last preceding operating year, any operating year ending not more than twenty-eight months from the date of delivery of the Additional Bonds. If the System rates, fees or charges shall be increased at or prior to the time of authorizing the Additional Bonds, the Net Revenues for each of the two preceding operating years shall be augmented by an amount reflecting the effect of the increase had the System's billings during such operating years been at the increased rates. In addition, the actual Net Revenues for each of the two preceding operating years may be augmented by the estimated increase in Net Revenues to accrue as a result of the acquisition of the repairs, extensions, enlargements and improvements to said System to be paid for in whole or in part from the proceeds of the Additional Bonds to be issued. In addition, the actual Net Revenues may be augmented by an amount equal to the investment income representing interest on investments estimated to be received each operating year from the addition to the Bond Reserve Account to be funded from the proceeds of the Additional Bonds being issued. Determination by the Council as to existence of conditions permitting the issuance of Additional Bonds shall be conclusive. No Additional Bonds of equal standing as to the Net Revenues of the System shall be issued pursuant to the authorization contained in this subparagraph if the City shall then be in default in making its required payments to the Operation and Maintenance Fund or the Redemption Fund.

(b) For refunding a part of the outstanding Bonds and paying costs of issuing such Additional Bonds including deposits which may be required to be made to the Bond Reserve Account. No Additional Bonds shall be issued pursuant to this subsection unless the maximum amount of principal and interest maturing in any operating year after giving effect to the refunding shall be less than the maximum amount of principal and interest maturing in any operating year prior to giving effect to the refunding.

Section 23. Series A Bond Form. The Series A Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
 STATE OF MICHIGAN
 COUNTY OF KENT
 CITY OF EAST GRAND RAPIDS
 WATER SUPPLY AND SEWAGE
 DISPOSAL SYSTEM REVENUE BOND, SERIES A

No. _____ Maturity _____ Principal Amount \$ _____
 Rate _____ Date of Original Issue: June 1, 1983

The City of EAST GRAND RAPIDS, County of Kent, State of Michigan (the "City"), promises to pay the Principal Amount shown above to

lawful money of the United States of America on the date of Maturity specified above, with interest thereon from the date hereof until paid at the Rate specified above, payable on _____, 19____, and semiannually thereafter. Principal of the bonds is payable at the principal office of _____, 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 is payable by check or draft mailed to the registered owner at the registered address and for the prompt

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payment thereof, the revenues of the Water Supply and Sewage Disposal System of the City (the "System") including all appurtenances, extensions and improvements thereto, after provision has been made for reasonable and necessary expenses of operation, maintenance and administration, are irrevocably pledged and a statutory first lien thereon is hereby created.

This bond is one of a series of bonds of even date and like tenor, except as to denomination, rate of interest and date of maturity, aggregating the principal sum of \$300,000, issued pursuant to an Ordinance duly adopted by the City Commission of the City on February 28, 1983, as amended, 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 part of the cost of acquiring and constructing improvements and extensions 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 may hereafter be issued and the general covenants and provisions pursuant to which this bond is issued, reference is made to the above-described Ordinance.

Bonds of this Series are not subject to redemption prior to maturity.

This bond is a self-liquidating bond and is not a general obligation of the City and does not constitute an indebtedness of the City within any constitutional, statutory or charter limitation, and is payable both as to principal and interest, solely from the net revenues of the System. The principal and interest on this bond are secured by the statutory first lien hereinbefore described.

The City hereby covenants and agrees to fix and maintain at all times while any of such bonds shall be outstanding, such rates for service furnished by the System as shall be sufficient to provide for payment of the interest upon and the principal of all such bonds as and when the same become due and payable, and to create a bond and interest 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 said Ordinance.

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 his 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 his 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 resolutions authorizing the 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 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 City of East Grand Rapids, County of Kent, State of Michigan, by its City Commission, has caused this bond to be signed in the name of said City by (the manual or facsimile signature of) its Mayor and to be countersigned by (the manual or facsimile signature of) its City Clerk and the corporate seal of the City to be hereunto affixed,

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all as of the first day of June, 1983,

CITY OF EAST GRAND RAPIDS

By _____
MAYOR

(Seal)

Countersigned:

City Clerk

(FORM OF TRANSFER AGENT'S CERTIFICATE OF AUTHENTICATION)

Certificate of Authentication

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

Transfer Agent
By _____
Authorized Officer

Section 24. Municipal Finance Commission Approval; Sale of Series A Bonds. The City shall, if required by Act 94, make application to the Municipal Finance Commission or to the State Treasurer for permission to issue and sell the Series A Bonds. The Commission shall adopt a form of notice of sale for the Series A Bonds. The Clerk shall fix a date for sale of the Bonds and publish the notice of sale in The Bond Buyer, New York, New York or the Michigan Investor, Detroit, Michigan. The Commission shall receive bids for the Series A Bonds and award sale of the Series A Bonds to the successful bidder determined in accordance with Act 94 and this Ordinance.

Section 25. Repeal, Savings Clause. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are repealed.

Section 26. 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 a part of this Ordinance.

Section 27. Publication and Recordation. This Ordinance shall be published in full in Cadence, 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 City and such recording authenticated by the signatures of the Mayor and the City Clerk.

Section 28. Effective Date. This Ordinance shall be effective upon its adoption.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

493-C. Deems-Moseley. That the following resolution be adopted:

WHEREAS, the City of East Grand Rapids, County of Kent, Michigan, has by an Ordinance duly adopted, authorized the issuance and sale of Three Hundred Thousand Dollars (\$300,000) Water Supply and Sewage Disposal System Revenue Bonds, Series A; and

WHEREAS, it is necessary to provide for a form of Notice of Sale with respect to said bonds and other matters related thereto;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk make application to the Municipal Finance Commission for an order approving the issuance and sale of said bonds and the form of Notice of Sale.

2. The City Clerk shall cause the Notice of Sale of said bonds to be published in the Bond Buyer, New York, New York, or the Michigan Investor, Detroit, Michigan, at least fourteen (14) full days before the date fixed for sale.

3. The Notice of Sale of said bonds shall be in substantially the following form:

OFFICIAL NOTICE OF SALE

\$300,000

CITY OF EAST GRAND RAPIDS

County of Kent

State of Michigan

WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM REVENUE BONDS, SERIES A

SEALED BIDS for the purchase of the above bonds will be received by the undersigned at the City Clerk's Offices located at 750 Lakeside Drive, SE, East Grand Rapids, Michigan 49506, on _____, the _____ day of _____, 1983, until _____ o'clock _____ m., Eastern _____ Time, at which time and place said bids will be publicly opened and read.

IN THE ALTERNATIVE: Bids will also be received simultaneously and publicly opened and read at the Municipal Advisory Council, 1158 First National Building, Detroit, Michigan 48226. The City Council will consider the award of bonds at _____ o'clock p.m. _____, 1983, at the City Hall.

BOND DETAILS: The bonds will be registered bonds of the denomination of \$5,000 or multiples thereof up to the amount of a single maturity dated June 1, 1983, numbered in order of issue from 1 upwards and will bear interest from their date payable on March 1, 1984, and semiannually thereafter.

The bonds will mature on the 1st day of September of each year, as follows:

<u>Year</u>	<u>Amount</u>
1984	\$10,000
1985	20,000
1986	25,000
1987	25,000
1988	30,000
1989	30,000
1990	35,000
1991	40,000
1992	40,000
1993	45,000

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PRIOR REDEMPTION: Series A Bonds are not subject to redemption prior to maturity.

INTEREST RATE AND BIDDING DETAILS: The bonds shall bear interest at a rate or rates not exceeding 18% 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, all bonds maturing in any one year must carry the same interest rate. The difference between the highest and lowest interest rate on the bonds shall not exceed 3%. No proposal for the purchase of less than all of the bonds or at a price less than 100% of their par value will be considered.

TRANSFER AGENT AND REGISTRATION: Principal and interest shall be payable at Old Kent Bank and Trust Company, Grand Rapids, Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner not less than 60 days prior to any change in transfer agent. Interest shall be paid by check mailed to the owner as shown by the registration books of the City on the 15th day prior to any interest payment date. The bonds will be transferable only upon the registration books of the City kept by the transfer agent.

PURPOSE AND SECURITY: The bonds are issued under the provisions of Act 94, Public Acts of Michigan, 1933, as amended, and an Ordinance of the City, adopted February 28, 1983, as amended, for the purpose of defraying the cost of acquiring and constructing improvements to the City's Water Supply and Sewage Disposal System. The bonds are payable solely from the net revenues of the Water Supply and Sewage Disposal System of the City and any additions thereto, and a statutory first lien on said net revenues has been established by said Ordinance for such purpose. The bonds do not constitute a general obligation of the City. The City has covenanted and agreed to fix and maintain at all times while any of such bonds shall be outstanding such rates for service furnished by the Water Supply and Sewage Disposal System as shall be sufficient to provide for payment of the necessary expenses of operation, maintenance and administration of the Water Supply and Sewage Disposal System, the principal and interest on the bonds when due, to maintain the bond reserve account therefor, and to provide for such other expenditures and funds for the Water Supply and Sewage Disposal System as are required by said Ordinance.

ADDITIONAL BONDS: For the terms upon which additional bonds of equal standing as to revenues of said System may be issued reference is made to the above described Ordinance.

GOOD FAITH: A certified or cashier's check in the amount of \$6,000, drawn upon an incorporated bank or trust company 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 be accepted and the bidder fails to take up and pay for the bonds. No interest shall be allowed on the good faith checks and checks of the unsuccessful bidders will be promptly returned to each bidder's representative or by registered mail.

AWARD OF BONDS: The bonds will be awarded to the bidder whose bid produces the lowest interest cost computed by determining, at the rate or rates specified in the bid, the total dollar value of all interest on the bonds from _____, 198____, to their maturity and deducting therefrom any premium and adding thereto any discount.

LEGAL OPINION: Bids shall be conditioned upon the unqualified approving opinion of Miller, Canfield, Paddock and Stone, attorneys of Detroit, Michigan, a copy of which opinion will be printed on the reverse side of each bond, and the original of which will be furnished without expense to the purchaser of the bonds at the delivery thereof. The fees of Miller, Canfield, Paddock and Stone for services rendered in connection with such approving opinion are expected to be paid from bond proceeds. Except to the extent necessary to issue their unqualified approving opinion as to validity of the above bonds, Miller, Canfield, Paddock and Stone 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.

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

FINANCIAL CONSULTANT: Additional information may be obtained from First of Michigan Corporation, Public Finance Department, 100 Renaissance Center, 26th Floor, Detroit, Michigan 48243. Telephone (313) 259-2600.

CUSIP NUMBERS: CUSIP identification numbers will be printed on the bonds, at the City's expense, except payment of the charge for assignment of numbers which will be the purchaser's responsibility. Neither the failure to print such numbers on any bonds nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for said bonds in accordance with terms of the purchase contract.

ENVELOPES containing the bids should be plainly marked "Proposal for Water Supply and Sewage Disposal System Bonds".

THE RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.

City Clerk

APPROVED: _____
STATE OF MICHIGAN
MUNICIPAL FINANCE COMMISSION

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

494. The City Manager submitted a letter which he had received from State Representative Vern Ehlers regarding Board of Review. This was received for information.

495. The City Manager submitted a schematic drawing of gates to be placed at either end of the south arm of Reeds Lake Blvd.

495-A. Mehney-Deems. That the design of the gates as submitted by the schematic drawing be approved and that staff proceed with the placement of the gates.

A roll call vote was taken:

Yeas: Deems, Mehney, Mertz, Moseley, Leidlein - 5
Nays: Chezick, Seibold - 2

The motion carried.

496. The City Manager requested authorization to publish an advertisement for a Truth In Taxation hearing which would be held at the next regular City Commission meeting, June 20, 1983.

496-A. Moseley-Deems. That the Truth In Taxation hearing be set for June 20, 1983, at 7:30 p.m., and that notice thereby be published as requested by statute.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

497. The City Manager requested authorization to release figures in the Manager's budget recommendations to the news media.

497-A. Chezick-Moseley. That a work session be scheduled prior to the Manager's budget being released to the press beginning with the 1984/85 budget.

Yeas: Seibold, Chezick, Moseley - 3
Nays: Deems, Mehney, Mertz, Leidlein - 4

The motion failed.

497-B. The City Manager was then directed to provide the information for publication as requested.

498. The City Manager reported on bids which were received for the purchase of three trucks and reported that the bid for the 4-ton truck from Good GMC in the amount of \$36,830 be modified to \$37,649 because GMC has closed production for the 1983 models and the cost of the 1984 models have increased in the amount of \$719.

498-A. Chezick-Mayor Leidlein. That the bid of Good GMC for 3 and 4-ton trucks be rejected and that the company be removed from the bidding list for one year.

Yeas: Chezick, Deems, Moseley, Leidlein - 4
Nays: Seibold, Mertz, Mehney - 3

498-B. Moseley-Mehney. That purchase orders be issued to the following vendors:

Duthler Ford	\$ 37,051.00
Good GMC Trucks	7,442.94
Duthler Ford Trucks	20,804.00
Hoekstra Truck & Equip.	5,412.00
Shultz Equip., Inc.	11,990.25
Gregware Equip. Co.	9,472.00

498-C. Mayor Leidlein-Chezick. That the above motion be amended to delete the purchase from Good GMC Trucks and instead approve purchase from Classic Chevrolet in the amount of \$7,470.00.

A roll call vote was taken:

Yeas: Chezick, Deems, Moseley, Leidlein - 4
Nays: Mehney, Mertz, Seibold - 3

The motion carried.

A vote was taken on the main motion as amended.

Yeas: Chezick, Deems, Mehney, Moseley, Seibold, Leidlein - 6
Nays: Mertz - 1

The motion carried.

6/6/83

499. The City Manager submitted a request for authorization to change the Consumers Streetlighting Contract to add a light on Norfolk.

499-A.

BY COMMISSIONERS SEIBOLD-CHEZICK:

RESOLVED, That it is hereby deemed advisable to authorize Consumers Power Company to make changes in the streetlighting service as provided in the Standard Streetlighting Contract between the Company and the City of East Grand Rapids, dated April 20, 1977, in accordance with the Authorization for Change in Standard Streetlighting Contract dated as of June 6, 1983, heretofore submitted to and considered by this Commission; and

RESOLVED, Further, That the Mayor and City Clerk be and are authorized to execute such authorization for change on behalf of the City.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7

Nays: 0

500. The Police and Fire Department report for the month of April, 1983, was received for information.

501. Commissioner Mertz reported on a meeting he had with the East Grand Rapids Library Commission. He requested that staff look into the heating system problems at the Library, the de-humidifier to be installed in the lower level of the Library area to remove moisture, and the concern of Library personnel about the historical collection that is stored in the Library storage area and especially who is responsible for the safekeeping of this collection. The Mayor stated that he would review the appointments to the Historical Commission which would be responsible for the safekeeping of these items belonging to the City.

502. Mayor Leidlein-Deems. That this Commission go into a closed meeting to discuss contract negotiation matters with the Labor Attorney.

A roll call vote was taken:

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7

Nays: 0

The motion carried.

503. Following the executive session, there being no additional business to come before the Commission, the meeting was adjourned, subject to the call of the Mayor, until June 20, 1983.


City Clerk

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Regular Meeting Held June 20, 1983

The meeting was called to order by Mayor Leidlein.

Present: Coms. Chezick, Deems, Mertz, Moseley, Seibold and Mayor Leidlein.

Absent: Coms. Mehney.

Also Present: City Manager Tholen, City Engineer McMann, City Attorney Richardson, Assistant City Attorney Huff, Public Safety Director Gallagher, Administrative Aide Bremer, and Plant Engineer Baragar.

504. The minutes of the regular meeting held June 6, 1983, were approved as written.

505. Moseley-Deems. That expense vouchers in the amount of \$59,755.83, and payroll vouchers in the amount of \$44,032.02, as approved by the Ways & Means Committee be allowed and the Controller be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Chezick, Deems, Mertz, Moseley, Seibold, Leidlein - 6

Nays: 0

506. Pursuant to published notice, a Trust In Taxation hearing was held at this time. There were no comments from anyone in attendance and the hearing was declared closed.

507. Pursuant to published notice, a hearing was held upon the zoning variance request of Charles E. Troost, 325 Pioneer Club Road SE, to construct an attached garage 6 ft. from the south lot line rather than the required 10 ft. A letter was received from Gerard F. Farrell, 316 Pioneer Club Road SE, favoring the granting of the variance.

507-A. Mertz-Deems. That this Commission, acting as the Board of Zoning Appeals, grant the variance as requested.

Yeas: Chezick, Deems, Mertz, Moseley, Seibold, Leidlein - 6

Nays: 0

508. Discussion regarding alternate plans for the improvement of Silver Creek was held at this time. The City Manager reported receipt of letters from Charles Fuller, Eugene Westenberg, Phillip R. Jacobus, Charles Donaldson, Gene R. Miller, Philip deJourno, Mrs. Howard Davidson, Henry Idema, Betty Schneider, and Gary Rowe. Those present at the meeting and stating their views were Susan Freihofer, Charles Zimmerman, John Keelean, Mrs. Howard Davidson, Gary Rowe, Robert Daverman, Mike Redman, Walter Freihofer, and Betsy Redman. The concensus from these people was that the creek should remain open and that the area remain natural.

(Commissioner Mehney arrived at this time.)

After hearing the comments from those present, the Mayor closed the hearing.

509. Deems-Mertz. That this Commission go into closed meeting to consider information subject to attorney-client privilege under the Open Meetings Act.

Yeas: Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 6

Nays: Chezick - 1

The Mayor reconvened the public meeting.

509-A. Mayor Leidlein-Chezick. That the revised assessment roll for the Crowell Parking Lot, as noticed out for hearing, which reflects a reduction in said roll to \$130,603.81, be adopted.

6/20/83

509-B. Deems-Moseley. That said revised assessment roll, as noticed out for hearing, be amended to delete the City portion of \$18,000 from the revised assessment roll, leaving the amount to be assessed against the Kennedy Floral, Inc. property at \$20,000 and increasing the assessment against other property owners, pro rata, by the total amount of \$18,000.

A roll call vote was taken:

Yeas: Deems, Mertz, Moseley, Mehney, Seibold - 5

Nays: Chezick, Leidlein - 2

The motion carried.

509-C. A roll call vote was then taken upon the adoption of the revised assessment roll as amended by 509-B:

Yeas: Deems, Mertz, Moseley, Mehney, Seibold, Chezick, Leidlein - 7

Nays: 0

The motion carried and the revised assessment roll, as amended, was adopted.

510. Mayor Leidlein-Moseley. That the Community Parking Ordinance, as introduced on June 6, 1983, be amended to read as follows and, as so amended, that the same be adopted:

ORDINANCE ESTABLISHING COMMUNITY
PARKING AREA PURSUANT TO SEC. 5.57 OF
THE CODE OF THE CITY OF EAST GRAND RAPIDS

WHEREAS the City of East Grand Rapids has established a lot for non-residential off-street parking to serve the central business district of the City as herein described, and

WHEREAS, the final cost figures are now available with respect thereto and it is desired to designate the parking area, the area to be served by the parking program and to allocate the cost of the program pursuant to Sec. 5.57 of the Code of the City of East Grand Rapids,

NOW, THEREFORE, the City of East Grand Rapids ordains:

Section 1. Community parking is hereby established pursuant to Sec. 5.57 of the Code of the City of East Grand Rapids.

Section 2. The parking area of such community parking is described as:

Lots 12 and 13 and the South 15 feet of Lots 15 and 16 of Paul's Subdivision, except the Westerly 44 feet of the Northerly 45 feet of said Lot 13.

Section 3. The area to be served by such community parking is described as follows:

Parcel 1 W.H. Gilbert's Subdivision, the North 70 feet of West 32 feet of Lot 3.

Parcel 2 W. H. Gilbert's Subdivision, the North 70 feet of Lot 2 except the East 5 feet; also the North 70 feet of East 12 feet of Lot 3.

Parcel 3 W. H. Gilbert's Subdivision, the North 70 feet of Lot 1 and East 5 feet of North 70 feet of Lot 2.

Parcel 4 Paul's Subdivision, the North 52 feet of Lots 15 and 16.

Parcel 5 Paul's Subdivision, Lot 14, also the Northerly 81 feet of Southerly 96 feet of Lots 15 and 16.

Parcel 6 Paul's Subdivision, the Westerly 44 feet of Northerly 45 feet of Lot 13.

- Parcel 7 Paul's Subdivision Pt. Lots 17 and 18, commencing 74.10 feet Northeasterly along Northwest line of Lot 17 from Southwest Corner of Lot 17, thence Southeasterly 48 feet to a point 74.5 feet Southwesterly of the Northeasterly line of Lot 18 and 40.55 feet Northwesterly of Southeasterly line of Lot 18, thence Northeasterly 27.15 feet to a point 47.35 feet Southwesterly of Northeasterly line of Lot 18 and 40 feet Northwesterly of Southeasterly line of Lot 18, thence Northwesterly 3.1 feet parallel with Northeasterly line of Lot 18, thence Northeasterly 47.35 feet parallel with Southeasterly line of Lot 18 to Northeasterly line of Lot 18 at a point 43.1 feet Northwesterly of Northeast corner of Lot 18, thence Northwesterly 44.9 feet to Northwest corner of Lot 17, thence Southwesterly 73.9 feet to beginning.
- Parcel 8 Paul's Subdivision Part Lot 18 commencing at Northeast Corner thereof, thence Southwesterly along Southeasterly lot line 73.92 feet to a point 74.08 feet Northeasterly of Southeast Corner of Lot 18, thence Northwesterly 2.25 feet along a line which extended would intersect a point 40.55 feet Northwesterly of Southeasterly lot line and 73.7 feet Southwesterly of Northeasterly lot line thence Northeasterly perpendicular to last described line 0.9 feet, thence Northwesterly perpendicular to last described line 1.3 feet, thence Southwesterly perpendicular to last described line 0.9 feet, thence Northwesterly perpendicular to last described line 37 feet, thence Northeasterly 26.35 feet to a point 47.35 feet Southwesterly of Northeasterly lot line and 40.0 feet Northwesterly parallel with Easterly lot line 3.1 feet thence Northeasterly parallel with Southeasterly lot line 47.35 feet Southeasterly along Northeasterly lot line 43.1 feet to the place of beginning.
- Parcel 9 Paul's Subdivision, Lot 19.
- Parcel 10 Paul's Subdivision Part Lots 17 and 18 commencing 74.1 feet Northeasterly along Northwesterly line of Lot 17 from the Southwest corner thereof, thence Southwesterly 29.95 feet along Northwesterly line of Lot 17, thence Southeasterly 44.33 feet to a point 42.8 feet Northeasterly of the Southwesterly line of said lots, thence Southwesterly 13.6 feet parallel with Northwesterly line of Lot 17, thence Southeasterly 44 feet to a point on Southeasterly line of Lot 18 which is 28.93 feet Northeasterly of Southeast corner of Lot 18, thence East 45.15 feet along Southeasterly line of Lot 18, thence Northwesterly 2.25 feet along a line which extended would intersect a point 40.55 feet Northwesterly of Southeasterly line of Lot 18 and 73.7 feet Southwesterly of Northeasterly line of Lot 18, thence Northeasterly perpendicular to last described line 0.9 feet, thence Northwesterly perpendicular to last described line 1.3 feet, thence Southwesterly perpendicular to last described line 0.9 feet thence Northwesterly perpendicular to last described line 37 feet, thence Southwesterly 0.8 feet to a point 74.5 feet Southwest of Northeast line of Lot 18 and 48 feet Southeasterly of place of beginning, thence Northwesterly 48 feet to place of beginning.
- Parcel 11 Paul's Subdivision, Pt. Lots 17 and 18 commencing at Southwest corner of Lot 17, thence Northerly along West line of Lot 17 44.15 feet, thence Easterly 44.33 feet to a point 42.87 feet Northerly at right angles from Southerly line of said lots, thence Southerly parallel to Westerly line of Lot 17 13.6 feet, thence Easterly 44 feet to a point on Easterly line of Lot 18 28.93 feet Northerly from Southeast corner of Lot 18, thence Southerly to said Southeast corner, thence Westerly 88.33 feet along Southerly line of Lots 17 and 18 to place of beginning.

Parcel 12 Paul's Subdivision, Lot 20.

Section 4. The allocation of the cost of such community parking is as follows:

Parcel 1	\$10,283.84
Parcel 2	11,694.01
Parcel 3	17,885.00
Parcel 4	9,446.91
Parcel 5	11,464.72
Parcel 6	20,000.00
Parcel 7	10,169.19
Parcel 8	10,581.93
Parcel 9	12,175.53
Parcel 10	9,301.69
Parcel 11	3,878.84
Parcel 12	3,722.15

Section 5. A part of the parking area will be utilized as parking for the premises described as Parcel 6. The assessment of \$20,000 against said property is determined to constitute adequate compensation for the cost attributable to said Parcel 6.

Section 6. The assessment roll heretofor adopted shall be amended to reflect the above allocation of cost.

Section 7. This ordinance is determined to be an emergency ordinance and shall be effective forthwith. Publication shall be made within 10 days pursuant to Chapter VIII, Section 5, of the Charter of the City of East Grand Rapids.

Yeas: Deems, Mertz, Moseley, Mehney, Seibold, Chezick, Leidlein - 7
Nays: 0

511. The Commission reviewed a letter from Michael H. Jacobson, attorney for the Gaslight Village Merchants Association, and no action was taken.

512. Moseley-Chezick. That the following amendment to Chapter 92, Animal Control of the City Code, as introduced June 6, 1983, be adopted:

AN ORDINANCE TO AMEND SECTION 9.41
OF CHAPTER 92 OF TITLE IX OF THE CODE OF THE
CITY OF EAST GRAND RAPIDS

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Section 9.41 of the East Grand Rapids City Code is amended as follows:

"Section 9.41. Vicious Animals.

- (1) Definition. Any animal which has attacked or bitten a person or domestic animal without molestation, or which by its actions gives indications that it is likely to attack or bite any person or domestic animal without molestation, shall be deemed a vicious animal.
- (2) Muzzling. A person owning or having charge, care, custody or control of a vicious animal shall at all times when said animal is not securely confined, keep said animal securely muzzled and led or restrained by a leash.
- (3) Bites or Attacks. No person owning or having charge, care, custody or control of any animal shall permit or allow, by failure to exercise due control, the animal to bite or attack, or threaten to bite or attack, a person or domestic animal except in the defense of itself or in the defense of a person during the commission of a crime by another.

- (4) Quarantine. Every dog or cat which has bitten a person shall be quarantined for a period of 10 days for the purpose of determining whether said animal is diseased. Such quarantine may be at the animal shelter, a veterinary office, or such other place as may be designated by the director. Quarantine shall mean isolating the animal from people and from other animals. The owner of such animal shall surrender such animal to an animal control officer upon request.
- (5) Prosecution. On sworn complaint that a violation of Subsection 9.41(2), 9.41(3) or 9.41(4) has occurred, the City may issue a citation to the owner of said animal, as defined in this Chapter, or may secure a summons against said person commanding him or her to appear and show cause why said animal shall not be ordered confined or destroyed. Upon such hearing, if the court shall determine said animal to be a vicious animal, as defined in this Chapter, the court may order said animal confined to the premises of the owner or such other place as the court may determine or may order the Director of animal control to cause said animal to be destroyed, or may enter such other order relative to the care and custody of such animal as the court shall determine to be appropriate. Any person who shall fail to comply with or otherwise violate such order shall be guilty of a misdemeanor punishable by fine or imprisonment as provided in Section 9.34(4) of this Chapter.
- (6) Civil Liability. Nothing in this Chapter shall be construed as limiting the common law liability of the owner of an animal for damages committed by the animal.

Section 2. This amendatory ordinance shall be effective on July 1, 1983.

Section 3. This amendatory ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids."

Yeas: Chezick, Deems, Mertz, Mehney, Moseley, Seibold, Leidlein - 7
Nays: 0

513. Deems-Chezick. That the following ordinance amending Chapter 50 of the City Code be introduced for action by the City Commission at a later meeting:

AN ORDINANCE TO AMEND SECTION 5.163
OF CHAPTER 50 OF TITLE V OF THE CODE
OF THE CITY OF EAST GRAND RAPIDS

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1.

Section 5.163 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 5.163. Rules of procedure.

The board shall adopt rules of procedure. These rules shall be available for public inspection at the office of the board. The following are required:

- (1) Meetings shall be held at the municipal offices and shall be open to the public.

- (2) It shall take the concurring vote of a majority of the members of the board to reverse an order, requirement, decision or determination of the building inspector, planning commission or any other official to whom authority is granted by this chapter, or to decide in favor of the applicant a matter upon which it is required to pass by this chapter or to grant a variance from the provisions hereof except that a concurring vote of 2/3 of the members of the board shall be necessary to grant a variance from uses of land permitted in this ordinance. In the event that any members of the board are absent from a meeting at which the required concurring vote is not obtained, and if the affirmative vote of such absent members would have resulted in the required concurring vote, the matter shall be continued on the agenda of the board for consideration and decision at the next subsequent meeting when all members of the board are present.
- (3) A record of the proceedings of each meeting shall be kept by the board, relating evidence presented by the applicant and the resolution by the board, the vote of each member of each question, or, if absent or failing to vote, indicating such fact. These shall be a public record and immediately filed in the office of the board.
- (4) The board shall receive reasonable assistance from other departments in carrying out the functions of the board."

Section 2.

This ordinance shall be effective on _____, 1983.

Section 3.

This ordinance shall be published in full within ten (10) days after its enactment pursuant to Chapter VIII, Section 5(1) of the Charter of the City of East Grand Rapids.

Yeas: Chezick, Deems, Mertz, Mehney, Moseley, Seibold, Leidlein - 7
Nays: 0

514. The City Manager advised the Commission that Miller, Canfield has refiled with the Municipal Finance Commission the application for the City's \$300,000 Water Supply and Sewage Disposal System Bonds. Bids for the project will be received by June 30.

515. The City Manager submitted a report from Bill Bacon relative to the activities of the West Michigan Regional Planning Commission. The Mayor thanked Mr. Bacon for keeping the Commission informed.

516. Plant Engineer Baragar discussed the Library heating and cooling problems.

517. The City Manager reported that a Civil Rights age discrimination complaint has been filed against the City and that the City's Labor Attorney will respond to the complaint.

518. A schedule of meeting dates for the month of July will be distributed at the first meeting in July.

519. The Planning Commission minutes of their meeting held April 12, 1983, were received for information.

520. The report of the Building Inspector for the month of May, 1983, was received for information.

521. The City Manager reported that Gootjes Associates, Inc. proposes to maintain the planter boxes in Gaslight Village, and the area around the gazebo, for \$1,220 per year. This matter was deferred for two weeks.

522. Commissioner Deems reported on the timetable for submission of the Land Use Plan by W.B.D.C. to the Planning Commission.

6/20/83

523. Commissioner Chezick commented on the planter boxes and inquired into the proposal for a recreation center at Manhattan School. Commissioner Deems reported that W.B.D.C. will examine this proposal.

524. Commissioner Seibold and Mayor Leidlein reported on the Joint Facilities meeting.

525. The meeting was adjourned, subject to the call of the Mayor, until July 5, 1983.



City Clerk

UNOFFICIAL
Reference Only

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Special Meeting Held June 27, 1983

The meeting was called to order by Mayor Leidlein.

Present: Coms. Chezick, Deems, Mertz, Moseley, Seibold and Mayor Leidlein.

Absent: Com. Mehney.

Also Present: City Manager Tholen, City Clerk Wielsma, City Attorney Richardson,
and Administrative Aide Bremer.

526. Pursuant to published notice, a public hearing was then held by the City Commission for the purpose of considering the proposed budget for the fiscal year 1983/84. There was one resident in attendance at this meeting.

526-A. Mayor Leidlein-Seibold. RESOLVED, that the following budget be adopted as the annual General Fund Budget for the City of East Grand Rapids for the fiscal year July 1, 1983 to June 30, 1984:

ANTICIPATED REVENUES:

City Taxes	\$2,279,700
Licenses & Permits	7,100
Fines & Fees	30,500
Distribution from Other Agencies	557,800
Use of Money & Property	87,000
Charges for Current Services	<u>203,700</u>
Total Anticipated Revenues	\$3,165,800
Transfer from Fund Balance	<u>159,500</u>
Total Revenues including Transfer	\$3,325,300

EXPENSE APPROPRIATIONS:

General Government	\$448,600
Public Safety	1,241,800
Public Service	727,200
Contributions & Aid	402,300
Other Operating Expenses	<u>182,700</u>
Total Operating Approp.	\$3,002,600
Capital Expenditure Approp.	<u>322,700</u>
Total Expense Approp.	<u>\$3,325,300</u>

Following a review and discussion of the budget, a roll call vote was taken:

Yeas: Chezick, Deems, Mertz, Moseley, Seibold, Leidlein - 6

Nays: 0

The motion carried.

526-B. The millage to be levied for the year 1983/84 was then discussed.

526-C. Chezick-Deems. RESOLVED that there be levied a tax upon all property subject to taxation by the municipal government of the City of East Grand Rapids sufficient, with other resources, to pay the estimated expense of the City government for the ensuing fiscal year, the maintenance of all sinking funds and interest on all municipal debts, the total of which said amount and the amount estimated to be necessary for such purposes is hereby declared to be the sum of \$3,325,300; and that the tax rate per \$1,000 valuation is hereby determined to be 14.7838.

Yeas: Chezick, Deems, Mertz, Moseley, Seibold, Leidlein - 6

Nays: 0

527. Moseley-Chezick. That in administering the budget, costs relating to Wealthy Pool be maintained in a separate line-item account within the General Fund.

6/27/83

A roll call vote was taken:

Yeas: Chezick, Deems, Mertz, Moseley, Seibold, Leidlein - 6
Nays: 0

The motion carried.

528. Deems-Mertz. That the matter of Recreation revenues and expenditures be referred to Commissioner Seibold for study and review and report back to this Commission by the first meeting in September.

Yeas: Chezick, Deems, Mertz, Moseley, Seibold, Leidlein - 6
Nays: 0

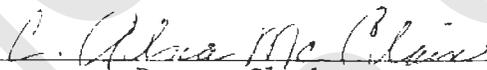
529. Mayor Leidlein-Deems. That the authority of the City Manager to make purchases be increased from \$1,000 to \$2,500 and that, if required, an ordinance amendment to that effect be prepared for consideration by the Commission.

A roll call vote was taken:

Yeas: Deems, Mertz, Seibold, Leidlein - 4
Nays: Chezick, Moseley - 2

The motion carried.

530. The meeting was adjourned, subject to the call of the Mayor, until July 5, 1984.


Deputy Clerk

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Regular Meeting Held July 5, 1983

The meeting was called to order by Mayor Leidlein.

Present: Coms. Chezick, Deems, Mertz, Moseley, Seibold and Mayor Leidlein.
Absent: Com. Mehney.

Also Present: City Manager Tholen, City Clerk Wielsma, City Engineer McMann,
Assistant City Attorney Huff, City Assessor Norman, and
Administrative Aide Bremer.

1. The minutes of the regular meeting held June 20, 1983, were approved as written.

2. Moseley-Deems. That expense vouchers in the amount of \$152,955.69, and payroll vouchers in the amount of \$45,813.69, as approved by the Ways & Means Committee, be allowed and the Controller be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Chezick, Deems, Mertz, Moseley, Seibold, Leidlein - 6
Nays: 0

3. A letter was received from Norton Remes informing the Commission that the merchants have decided to discontinue their suit against Kennedy Floral and hope for a new cooperative relationship between the City and the merchants. This letter was received for information.

4. An ordinance amending Chapter 50 of the City Code, which was introduced at the last regular City Commission meeting, was discussed.

4-A. Deems-Moseley. That the following ordinance be adopted:

AN ORDINANCE TO AMEND SECTION 5.163
OF CHAPTER 50 OF TITLE V OF THE CODE
OF THE CITY OF EAST GRAND RAPIDS

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1.

Section 5.163 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended to read as follows:

"Sec. 5.163. Rules of Procedure.

The board shall adopt rules of procedure. These rules shall be available for public inspection at the office of the board. The following are required:

- (1) Meetings shall be held at the municipal offices and shall be open to the public.
- (2) It shall take the concurring vote of a majority of the members of the board to reverse an order, requirement, decision or determination of the building inspector, planning commission or any other official to whom authority is granted by this chapter, or to decide in favor of the applicant a matter upon which it is required to pass by this chapter or to grant a variance from the provisions hereof except that a concurring vote of 2/3 of the members of the board shall be necessary to grant a variance from uses of land permitted in this ordinance. In the event that any members of the board are absent from a meeting at which the required concurring vote is not obtained, and if the affirmative vote of such absent members would have resulted in the required concurring vote, the matter shall be continued on the agenda of the board for consideration and decision at the next subsequent meeting when all members of the board are present.

- (3) A record of the proceedings of each meeting shall be kept by the board, relating evidence presented by the applicant and the resolution by the board, the vote of each member on each question, or, if absent or failing to vote, indicating such fact. These shall be a public record and immediately filed in the office of the board.
- (4) The board shall receive reasonable assistance from other departments in carrying out the functions of the board."

Section 2.

This ordinance shall be effective on July 15, 1983.

Section 3.

This ordinance shall be published in full within ten (10) days after its enactment pursuant to Chapter VIII, Section 5(1) of the Charter of the City of East Grand Rapids.

Yeas: Chezick, Deems, Mertz, Moseley, Seibold, Leidlein - 6
Nays: 0

5. The Assistant City Attorney submitted a letter and a proposed ordinance amendment modifying Sections 1.211 and 1.212 of the City Code.

5-A. Mayor Leidlein-Chezick. That the following ordinance to amend Chapter 5 of Title I of the Code of the City of East Grand Rapids be introduced at this time:

AN ORDINANCE TO AMEND SECTIONS 1.211 AND
1.212 OF CHAPTER 5 OF TITLE I OF THE CODE
OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1.

Sections 1.211 and 1.212 of Chapter 5 of the East Grand Rapids City Code is amended to read as follows:

Sec. 1.211. Purchases or contracts under twenty-five hundred dollars.

Purchase of or contracts for supplies, materials or equipment, or for services to be performed by other than city employees, the cost of which is less than twenty-five hundred dollars (\$2,500.00), may be made in the open market but such purchase shall, where practicable, be based on at least three (3) competitive bids and shall be awarded to the lowest qualified bidder who meets the city's specifications. The purchasing agent may solicit bids verbally or by telephone, or may contact prospective bidders by written communication. Where competitive bids are solicited by written communication, a request for such bids shall also be posted in the city hall. A record shall be kept for six (6) months of all open market orders and the bids submitted thereon, which records shall be available for public inspection. Any or all bids may be rejected.

Sec. 1.212. Purchases or contracts of twenty-five hundred dollars or more.

Any other expenditure or contract for supplies, materials, equipment, construction project or services obligating the city, shall be approved by the City Commission and shall be governed by the provisions of this section.

- (1) Such expenditure shall be made the subject of a written contract unless provided otherwise by resolution of the City Commission. A purchase order shall be a sufficient written contract in cases where the expenditure is in the usual and ordinary course of the city's affairs.

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- (2) Except as provided in Section 1.213, the purchasing agent shall solicit bids from a reasonable number of such qualified prospective bidders as are known to him either by sending each a copy of the notice requesting bids or by newspaper advertisement. In either event, a copy of such notice shall be posted in the city hall. Bids shall be solicited by newspaper advertisement when directed by the City Commission.
- (3) Unless prescribed by the commission, the manager shall prescribe whether security is required to be deposited with any bid, and the amount thereof, which deposit shall be in the form of cash, certified or cashier's check or bond written by a surety company authorized to do business in the State of Michigan. The amount of such security shall ordinarily be expressed in terms of percentage of the bid submitted. Unless fixed by the commission, the manager shall, in the case of construction contracts, fix the amount of the performance bond and the amount of the labor and materials bond required of the successful bidders.
- (4) Where provided by the notice to bidders, bids shall be opened in public at the time and place designated in the notice requesting bids. The bids shall be tabulated and reported to the Commission with the recommendation of the purchasing agent at the next Commission meeting. After tabulation, all bids may be inspected by the competing bidders. In lieu of the procedure for opening bids herein specified, the Commission may direct that bids be opened at a Commission meeting.
- (5) If the Commission shall find any of the bids to be satisfactory, it shall accept the same. The Commission shall have the right to reject any or all bids and to waive irregularities in bidding and to accept bids which do not conform in every respect to the bidding requirements.
- (6) Before a construction contract may be executed by the city, the contractor shall file a labor and materials bond and a performance bond executed by a surety company authorized to do business in the State of Michigan as required by Public Act 213 of 1963. The contractor shall also file evidence of public liability insurance in an amount satisfactory to the City Manager, and shall agree to save the city harmless from loss or damage caused to any person or property by reason of the contractor's negligence or wrongful act.
- (7) All bids and deposits of certified or cashier's checks may be retained until the contract is awarded and signed. If any successful bidder fails or refuses to enter into the contract awarded to him within five (5) days after the same has been awarded, or to file any required bond or evidence of insurance within the same time, the deposit accompanying his bid shall be forfeited to the city, and the Commission may, in its discretion, award the contract to one of the other bidders whose bid it finds satisfactory or said contract may be readvertised.
- (8) Any purchase or contract to be made or performed in segments or components shall be subject to this section if the total cost is reasonably expected to equal or exceed twenty-five hundred dollars (\$2,500.00).

Section 2. This ordinance amendment shall be effective on _____, 1983.

Section 3. Pursuant to Chapter VIII, Section 5 of the charter of the City of East Grand Rapids, this ordinance amendment shall be published within 10 days after its enactment.

Yeas: Chezick, Deems, Mertz, Moseley, Seibold, Leidlein - 6
Nays: 0

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The motion carried.

5-B. Moseley-Chezick. That the level of spending as approved by amending Chapter 5 of Title I be allowed provided it does not change basic Commission policy.

A roll call vote was taken:

Yeas: Chezick, Deems, Mertz, Moseley, Leidlein - 5
Nays: Seibold - 1

The motion carried.

6. The City Controller reported that the Municipal Finance Commission approved the application for the City's \$300,000 Water and Sewer Revenue Bond Issue on June 28, 1983, and that the sale of said bonds will occur on Monday, July 18, 1983, at 2:00 p.m.

7. The City Manager reported on bids for the sewer rehabilitation contracts which were received on June 30, 1983.

7-A. Chezick-Moseley. That the resolution to award construction contracts for the sanitary sewer system rehabilitation be approved.

A RESOLUTION TO AWARD CONSTRUCTION CONTRACTS FOR THE
SANITARY SEWER SYSTEM REHABILITATION, CONTRACTS 1, 2, AND 3,
LOCATED WITHIN THE CITY OF EAST GRAND RAPIDS, KENT COUNTY, MICHIGAN

WHEREAS, following proper advertisement and notification for receipt of bids in accordance with regulations of the U. S. Environmental Protection Agency (USEPA) Clean Water Act Grant Program, separate sealed bids for construction of the Sanitary Sewer System Rehabilitation were received by the City on June 30, 1983, at the East Grand Rapids City Hall.

WHEREAS, low bids were received from the following contractors:

<u>Contract</u>	<u>Contractor</u>	<u>Amount Bid</u>
#1 - Sewer Cleaning & Repair	Interstate Pipe Maintenance Lowell, Michigan	\$204,488.70
#2 - Wealthy Street	Equipment & Gravel Co. Grand Rapids, Michigan	412,865.49
#3 Life Station	Georgetown Construction Co. Jenison, Michigan	318,317.98

NOW, THEREFORE, BE IT RESOLVED THAT contracts to construct the sanitary sewer system rehabilitation, as specified in the bid documents for the Sanitary Sewer System Rehabilitation, Contracts 1, 2, and 3 in the above-mentioned amounts be entered into by the City Commission of the City of East Grand Rapids of Kent County, Michigan, and the respective contractors as listed above upon receipt of approval by the Michigan Department of Natural Resources of the bid documents and method of bid receipt, and that the City Manager and City Clerk are authorized to sign the Contract Documents on behalf of the City.

A roll call vote was taken:

Yeas: Chezick, Deems, Mertz, Moseley, Seibold, Leidlein - 6
Nays: 0

The motion carried.

8. The City Manager reported on an invoice received from Moore & Bruggink in the amount of \$53,200 representing engineering services provided to the City for the sewer rehabilitation program.

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8-A. Moseley-Chezick. That the invoice from Moore & Bruggink in the amount of \$53,200 be accepted and payment authorized.

Yeas: Chezick, Deems, Mertz, Moseley, Seibold, Leidlein - 6
Nays: 0

9. The City Manager reported on receipt of an engineering agreement between the City of East Grand Rapids and Moore & Bruggink for inspection, staking, and administrative engineering services for the sewer rehabilitation project, which services are not to exceed \$86,000.

9-A. Moseley-Chezick. That the City Manager be authorized to enter into the agreement with Moore & Bruggink and that the City Manager and City Clerk be authorized to sign said agreement for services in an amount not to exceed \$86,000.

Yeas: Chezick, Deems, Mertz, Moseley, Seibold, Leidlein - 6
Nays: 0

10. The City Manager reported on a proposal received from Gootjes, Inc. for the maintenance of the planter boxes and shrubbery located in the commercial area, which proposal was in the amount of \$305 per month for four months.

10-A. Chezick-Deems. That the proposal be accepted and that the City pay for the maintenance of the planter boxes and shrubbery in the commercial area.

Yeas: Chezick, Deems, Mertz, Seibold, Leidlein - 5
Nays: Moseley - 1

11. The proposed Animal Control Service Agreement between the Kent County Health Department and the City of East Grand Rapids, for the fiscal year beginning July 1, 1983, was discussed.

11-A. Moseley-Deems. That the Mayor and Clerk be authorized to sign the Animal Control Service Agreement.

Yeas: Chezick, Deems, Mertz, Moseley, Seibold, Leidlein - 6
Nays: 0

12. A letter from J. Brock Albert containing an offer to purchase Lots H and L, Paris Park #1 (1770 and 1771 Asbury) for \$11,000 was received for information.

12-A. Deems-Mertz. That this Commission authorize the advertisement for sale of the two lots on Asbury with a minimum bid of \$6,700 each.

Yeas: Chezick, Deems, Mertz, Moseley, Seibold, Leidlein - 6
Nays: 0

13. The Traffic Commission minutes of the meeting held June 21, 1983, were received for information. The City Manager brought to the attention of the City Commission the Traffic Commission resolution to remove the 30-minute time restriction signs on Lakeside Drive and to totally eliminate parking on the west side of Lakeside Drive. William Poisson was present to object to the removal of parking on Lakeside Drive and the construction of the fence at the Public Service Department.

13-A. Moseley-Chezick. That this Commission not follow the recommendation of the Traffic Commission to eliminate parking on the west side of Lakeside Drive.

A roll call vote was taken:

Yeas: Moseley, Chezick - 2
Nays: Deems, Mertz, Seibold, Leidlein - 4

The motion failed.

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14. The City Manager reported on receipt of a letter from Charles Zimmerman relating to the Silver Creek ditch closure which was received for information. An engineering opinion will be forthcoming regarding this improvement.

15. The City Manager reported that the Firefighters' Association has ratified the wage and salary contract which is retroactive to July 1, 1982, and recommended that the Commission go into executive session to discuss this contract.

15-A. Chezick-Deems. That this Commission go into executive session upon completion of the regular agenda items to discuss negotiation of a collective bargaining agreement.

A roll call vote was taken:

Yeas: Chezick, Deems, Mertz, Moseley, Seibold, Leidlein - 6
Nays: 0

The motion carried.

16. The Mayor submitted a list of appointments for July 1, 1983 to July 1, 1984.

16-A. Mayor Leidlein-Deems. That the appointments as submitted by the Mayor be approved.

Yeas: Chezick, Deems, Mertz, Moseley, Seibold, Leidlein - 6
Nays: 0

17. The Mayor reported on the meeting of the Personnel Committee regarding executive salaries and submitted a supplemental schedule to that contained in the salary and wage schedule which was submitted with the 1983/84 budget materials.

17-A. Deems-Mertz. That the changes as recommended by the Personnel Committee be approved.

A roll call vote was taken:

Yeas: Deems, Mertz, Moseley, Seibold, Leidlein - 5
Nays: Chezick - 1

The motion carried.

18. The Mayor inquired about the relief stations in John A. Collins Park. The City Manager reported that two stakes have been placed at the recommended relocation of the relief stations and suggested that the Commissioners may want to look at the proposed locations. Commissioner Deems suggested that the City Planner review this matter and report to the next regular City Commission meeting.

18-A. Deems-Chezick. That this matter be deferred until July 18, 1983.

Yeas: Chezick, Deems, Mertz, Moseley, Seibold, Leidlein - 6
Nays: 0

19. Commissioner Moseley commended the Lakeside '83 Committee for their work done to make the July 4th celebration a success.

20. Commissioner Mertz brought up items which were referred to the Traffic Commission regarding "Stop" signs on Richards Drive and Lake Grove. He also reported on a conversation he has had with Mr. Shepard at 2600 Oakwood Drive SE, expressing concern about American Marketing Services delivering magazines in plastic bags on Saturdays which may encourage break-ins throughout the city should residents not be at home. This matter was referred to the City Manager.

21. Commissioner Chezick reported on the concern of residents in the 600 block of Gladstone regarding maple trees which seem to be diseased. This matter was referred to the City Manager.

22. Mayor Leidlein inquired about the signing on the south arm of Reeds Lake Blvd. The City Manager advised that signs will be installed tomorrow. The Mayor then adjourned the regular City Commission meeting to go into executive

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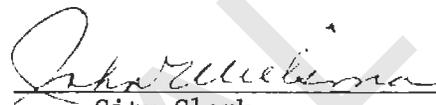
session. Following the executive session, the Mayor reconvened the regular City Commission meeting.

22-A. Chezick-Deems. That this Commission ratify the agreement with the Firefighters' Association and concur in the tentative agreement as outlined in the Labor Attorney's letter to the City Manager of June 27, 1983.

Yeas: Chezick, Deems, Mertz, Moseley, Seibold, Leidlein - 6
Nays: 0

23. The City Clerk submitted a memorandum of meeting dates for the Planning Commission and Recreation Commission for the month of July, 1983. This was received for information.

24. There being no further business to come before this Commission, the meeting was adjourned, subject to the call of the Mayor, until July 18, 1983.



City Clerk

UNOFFICIAL
Reference Only

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Regular Meeting Held July 18, 1983

The meeting was called to order by Mayor Leidlein.

Present: Coms. Chezick, Deems, Mehney, Mertz, Moseley, Seibold and Mayor Leidlein.
Absent: None.

Also Present: City Manager Tholen, Assistant City Manager Bremer, City Attorney Richardson, Assistant City Attorney Huff, and City Engineer McMann.

25. The minutes of the regular meeting held July 5, 1983, and minutes of the Special meeting held June 27, 1983, were approved as written.

26. Moseley-Chezick. That expense vouchers in the amount of \$241,614.93, and payroll vouchers in the amount of \$50,042.97, as approved by the Ways & Means Committee, be allowed and the Controller be authorized to draw an order on the Treasurer for the respective amounts. Check #13098, in the amount of \$4,793.00 to American Fence Erectors, Inc., was not approved by the Ways & Means Committee.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Leidlein - 6
Nays: Seibold - 1

27. Discussion regarding the cost and reasons for the erection of a fence at the Public Service Building took place at this time.

27-A. Deems-Seibold. That the City Commission approve check #13098 to American Fence Erectors, Inc., in the amount of \$4,793.

A roll call vote was taken:

Yeas: Deems, Mehney, Mertz, Seibold, Leidlein - 5
Nays: Chezick, Moseley - 2

28. Gordon Adams, of First of Michigan, was present to discuss the sale of Water and Sewer Revenue Bonds.

28-A. Chezick-Moseley. That the following resolution be adopted awarding the bid on revenue bonds to Old Kent Bank & Trust Company and Buys-McGregor, MacNaughton, Greenawalt & Company.

WHEREAS, July 18, 1983, at 2:00 o'clock p.m., Eastern Daylight Time, has been set as the date and time for opening bids for the purchase of \$300,000 Water Supply and Sewage Disposal System Revenue Bonds, Series A, of the City of East Grand Rapids, County of Kent, Michigan;

AND WHEREAS, said bids have been publicly opened and read;

AND WHEREAS, the following bids have been received;

Bidder	Maturity	Interest Rate	Premium or Discount	Average Interest Rate	Net Interest Cost
1. Old Kent Bank & Trust Co. and Buys-McGregor, Greenawalt & Co.	1984/7 1988 1989 1990 1991 1992 1993	9 8½ 7½ 7 3/4 8 8.20 8.40	0	8.19101	\$162,181.74
2. W.C. Roney & Co.	1984/86 1987 1988 1989 1990 1991 1992 1993	10 9½ 7½ 7 3/4 8 8½ 8 3/4	0	8.459	\$167,472.33

Bidder	Maturity	Interest Rate	Premius or Discount	Average Interest Rate	Net Interest Cost
3. Manley, Bennett MacDonald & Co.	1984/86	10	37.20	8.8733	\$175,691.97
	1987	9.05			
	1988	8			
	1989	8½			
	1990	8½			
	1991	8 3/4			
	1992	9			
4. Merrill Lynch, White, Weld Capital Group	1984/87	10 3/4	31.90	9.203	\$182,238.52
	1988/89	8.60			
	1990	8.9			
	1991	9			
	1992	9.10			
5. Columbian Secur- ities, Inc.	1984/85	9 5/8	0	9.42069	\$186,529.64
	1986/90	9.3			
	1991	9½			
	1992	9.6			
	1993	9.4			

AND WHEREAS, the bid of Old Kent Bank & Trust Company and Buys-MacGregor, MacNaughton, Greenawalt & Company has been determined to produce the lowest cost to the City.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The bid of Old Kent Bank & Trust Company and Buys-MacGregor, MacNaughton, Greenawalt & Company as above stated, be and the same is hereby accepted.

2. Checks of the unsuccessful bidders be returned to each bidder's representative or by registered mail.

3. The Issuer will not invest, reinvest, or accumulate any moneys deemed to be proceeds of the Bonds pursuant to Sec. 103(c) of the Internal Revenue Code of 1954, as amended, and the applicable regulations thereunder, in such a manner as to cause the Bonds to be "arbitrage bonds" within the meaning of said Sec. 103(c) and the applicable regulations thereunder.

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

A roll call vote was taken:

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

29. A zoning variance hearing was then held upon the request of Michael May to construct a home at 1535 Breton Road SE, on a lot 66 feet wide rather than the required 72 feet. Mr. May was present to discuss his request. A petition signed by 15 residents was submitted in opposition to the variance request. Phone calls from Melissa and Alex Walker, Mary Beth Baker, Don Thomas and Michael and Carol VanValkenburg were received in opposition to the variance. Mr. and Mrs. Charnley were present to oppose the variance.

29-A. Moseley-Mertz. That the City Commission deny the variance request of Michael May.

A roll call vote was taken:

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

The motion carried.

30. Final action on an amendment to Sections 1.211 and 1.212 of Chapter 5 of the City Code to increase the purchasing authority of the City Manager from \$1,000 to \$2,500 was discussed.

30-A. Moseley-Chezick. That the following ordinance be adopted:

AN ORDINANCE TO AMEND SECTIONS 1.211 AND
1.212 OF CHAPTER 5 OF TITLE I OF THE CODE
OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1.

Sections 1.211 and 1.212 of Chapter 5 of the East Grand Rapids City Code is amended to read as follows:

Sec. 1.211. Purchases or contracts under twenty-five hundred dollars.

Purchase of or contracts for supplies, materials or equipment, or for services to be performed by other than City employees, the cost of which is less than twenty-five hundred dollars (\$2,500.00), may be made in the open market but such purchase shall, where practicable, be based on at least three (3) competitive bids and shall be awarded to the lowest qualified bidder who meets the city's specifications. The purchasing agent may solicit bids verbally or by telephone, or may contact prospective bidders by written communication. Where competitive bids are solicited by written communication, a request for such bids shall also be posted in the City Hall. A record shall be kept for six (6) months of all open market orders and the bids submitted thereon, which records shall be available for public inspection. Any or all bids may be rejected.

Sec. 1.212. Purchases or contracts of twenty-five hundred dollars or more.

Any other expenditure or contract for supplies, materials, equipment, construction project or services obligating the City, shall be approved by the City Commission and shall be governed by the provisions of this section.

- (1) Such expenditure shall be made the subject of a written contract unless provided otherwise by resolution of the City Commission. A purchase order shall be a sufficient written contract in cases where the expenditure is in the usual and ordinary course of the City's affairs.
- (2) Except as provided in Section 1.213, the purchasing agent shall solicit bids from a reasonable number of such qualified prospective bidders as are known to him either by sending each a copy of the notice requesting bids or by newspaper advertisement. In either event, a copy of such notice shall be posted in the City Hall. Bids shall be solicited by newspaper advertisement when directed by the City Commission.
- (3) Unless prescribed by the Commission, the Manager shall prescribe whether security is required to be deposited with any bid, and the amount thereof, which deposit shall be in the form of cash, certified or cashier's check or bond written by a surety company authorized to do business in the State of Michigan. The amount of such security shall ordinarily be expressed in terms of percentage of the bid submitted. Unless fixed by the Commission, the Manager shall, in the case of construction contracts, fix the amount of the performance bond and the amount of the labor and materials bond required by the successful bidders.

- (4) Where provided by the notice to bidders, bids shall be opened in public at the time and place designated in the notice requesting bids. The bids shall be tabulated and reported to the Commission with the recommendation of the purchasing agent at the next Commission meeting. After tabulation, all bids may be inspected by the competing bidders. In lieu of the procedure for opening bids herein specified, the Commission may direct that bids be opened at a Commission meeting.
- (5) If the Commission shall find any of the bids to be satisfactory, it shall accept the same. The Commission shall have the right to reject any or all bids and to waive irregularities in bidding and to accept bids which do not conform in every respect to the bidding requirements.
- (6) Before a construction contract may be executed by the City, the contractor shall file a labor and materials bond and a performance bond executed by a surety company authorized to do business in the State of Michigan as required by Public Act 213 of 1963. The contractor shall also file evidence of public liability insurance in an amount satisfactory to the City Manager, and shall agree to save the City harmless from loss or damage caused to any person or property by reason of the contractor's negligence or wrongful act.
- (7) All bids and deposits of certified or cashier's checks may be retained until the contract is awarded and signed. If any successful bidder fails or refuses to enter into the contract awarded to him within five (5) days after the same has been awarded, or to file any required bond or evidence of insurance within the same time, the deposit accompanying his bid shall be forfeited to the City, and the Commission may, in its discretion, award the contract to one of the other bidders whose bid it finds satisfactory or said contract may be readvertised.
- (8) Any purchase or contract to be made or performed in segments or components shall be subject to this section if the total cost is reasonably expected to equal or exceed twenty-five hundred dollars (\$2,500.00).

Section 2. This ordinance amendment shall be effective on July 28, 1983.

Section 3. Pursuant to Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids, this ordinance amendment shall be published within 10 days after its enactment.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

31. Two alternative ordinance amendments modifying Section 1.216 of Chapter 5 dealing with the disposition of property were reviewed by the Assistant City Attorney.

31-A. Chezick-Deems. That the following ordinance to amend Section 1.216 of Chapter 5 of the Code of the City of East Grand Rapids be introduced:

AN ORDINANCE TO AMEND SECTION 1.216
OF CHAPTER 5 OF TITLE I OF THE CODE
OF THE CITY OF EAST GRAND RAPIDS

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1.

Section 1.216 of Chapter 5 of the East Grand Rapids City Code is amended to read as follows:

Sec. 1.216. Disposition of property.

Whenever any city property, real or personal, is no longer needed for corporate or public purposes, the same may be offered for sale. Personal property not exceeding one thousand dollars (\$1,000.00) in value, may be sold for cash by the purchasing agent after receiving quotations or competitive bids therefor for the best price obtainable. Personal property with a value in excess of one thousand dollars (\$1,000.00), or real property, may be sold after advertising and receiving competitive bids as provided in Section 1.212 of this Code and after approval of the sale by the Commission.

Real property which is assessed at less than ten thousand dollars (\$10,000.00) on the City's assessment roll may be sold without receiving competitive bids therefor upon determination by resolution of the City Commission that there would be no benefit to the City from competitive bidding and approval of the sale by the City Commission. In all other instances, real property may be sold only after advertising and receiving competitive bids as provided in Section 1.212 of this Code and after approval of the sale by the City Commission. "Sale", as used in this section, shall include lease or other disposition of the property.

Section 2. This ordinance amendment shall be effective on _____, 1983.

Section 3. Pursuant to Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids, this ordinance amendment shall be published within 10 days after its enactment.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

32. Two ordinance amendments modifying Chapters 23 and 24 of the City Code, dealing with water and sewer matters, were received at this time. The amendments are necessary to meet requirements of the Michigan Department of Natural Resources and the United States Environmental Protection Agency.

32-A. Deems-Chezick. That the following ordinances be introduced:

AN ORDINANCE TO AMEND SECTIONS 2.41, 2.51
AND 2.59 OF CHAPTER 23 OF TITLE II OF
THE CODE OF THE CITY OF EAST GRAND RAPIDS

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Section 2.41 Definitions, of the East Grand Rapids City Code is amended by adding the following subsections thereto:

* * *

(20) Normal Domestic Sewage shall mean liquid wastes that are usually discharged from an average residential premises and shall include human excreta, wastes from sinks, lavatories, bath tubs, showers, laundries, and any other water carrying wastes of organic nature, either singly or in combination thereof. Normal domestic sewage has a maximum biological oxygen demand (5 day) of 200 mg/l, a maximum suspended solids content of 200 mg/l, and a maximum phosphorus content of 6 mg/l.

(21) National Pollutant Discharge Elimination System (NPDES) means the program for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone and the oceans pursuant to Section 402 of the Federal Water Pollution Control Act.

(22) NPDES Permit is the permit issued to the City of Grand Rapids by the Michigan Water Resources Commission pursuant to the NPDES for discharge to the Grand River.

(23) Combined Sewer shall mean a public sewer which carries both sewage and storm waters.

(24) Sanitary Sewer System shall mean the City of East Grand Rapids' sanitary sewers and sanitary sewage pumping stations.

Section 2. Section 2.51 of the East Grand Rapids City Code is amended to read as follows:

2.51 Sewer Connections. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the director. The City reserves the right to refuse a connection(s) if the City determines that the available sanitary sewer capacity is or would be exceeded.

Section 3. Section 2.59 of the East Grand Rapids City Code is amended by amending subsection (7) and adding subsection (11) to read as follows:

* * *

(7) Any waters or wastes containing a toxic (in accordance with Federal Regulations) or poisonous substance in any sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.

* * *

(11) Any substance which would cause interference of the System or cause violation of the NPDES permit.

Section 4. This amendatory ordinance shall be effective on _____, 1983.

Section 5. This amendatory ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

AN ORDINANCE TO AMEND SECTIONS 2.81, 2.83-1, 2.83-2, 2.84 AND 2.85 OF CHAPTER 24 OF TITLE II OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Section 2.81 of the East Grand Rapids City Code is amended to read as follows:

Section 2.81 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as defined in Chapter 22, City Water Utility, Section 2.20, Definitions, and in Chapter 23, City Sewer Service, Section 2.41, Definitions, and as follows:

- (1) Department shall mean the City Department of Public Service.
- (2) Local Capital Costs shall mean the cost of the following: principal and interest on the bonded debts of the sewer system; and expansion or improvement of the sanitary sewer system.
- (3) Operation and Maintenance Cost shall mean all reasonably necessary costs of operating, and maintaining the sanitary sewer system and shall include replacement costs.

(4) Premises shall mean each lot or parcel of land, buildings or premises having any connection to the sewage disposal system of the City.

(5) Person shall mean any individual, firm, association, public or private corporation or public agency or instrumentality.

(6) Replacement Cost shall mean the cost of obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance during the useful life of the sanitary sewer system.

(7) Sanitary Sewer Charges shall mean the charges levied on users of the system to support the cost of operation, maintenance, and replacement of the sewer system. The following sanitary charges are established herein:

Sanitary User Charge - for operation, maintenance, and replacement costs and for billing costs.

Local Capital Charge - for local capital costs.

(8) Superintendent shall mean the Superintendent of the Department of Public Service.

(9) User (Customer) Classes - all users of the System shall be classified as one of the following:

Commercial shall mean businesses and service establishments.

Industrial shall mean manufacturing, fabricating, and similar users who may accidentally or intentionally discharge a trade or process wastewater.

Institutional shall mean schools, government buildings and churches.

Residential shall mean permanent dwellings.

Section 2. Section 2.83-1 of the East Grand Rapids City Code is amended to read as follows:

Section 2.83-1 Sanitary Sewer Rates.

Charges for sanitary sewer service shall be payable every three (3) months. The sanitary sewer charge shall be \$1.10 per one thousand (1,000) gallons of water consumption and shall be based on water consumption during the preceding winter quarter for each user. For the purposes of this section, the winter quarter shall mean the three-month period ending, as to each user, on either the last day of December, January or February preceding the billing date.

Section 3. Section 2.83-2 of the East Grand Rapids City Code is amended to read as follows:

Section 2.83-2 Rate Adjustments.

The rates for water and sewer service established by this chapter shall be automatically adjusted from time to time in an amount equal to such adjustments in rates as may be made in the charges made by the City of Grand Rapids to the City of East Grand Rapids for such services and any such adjustments in rates shall be effective as of the effective date of the change in the rates charged by the City of Grand Rapids to the City of East Grand Rapids for such service.

The City Commission shall cause to be prepared biennial audits of the operation of the sanitary sewer charge system.

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Based on such audits, the City Commission shall determine whether all users are paying their proportionate share of the operation and maintenance expenses of the system and whether the sanitary sewer charges are generating sufficient revenues to pay the operation and maintenance expenses of the system and other necessary costs. The City shall adjust the sanitary sewer charges to bring about such result.

At least once each year and whenever sewer rates are adjusted, the City shall notify each sewer system user of the applicable charges for the following: operation, maintenance and replacement; billing; and local capital.

Section 4. Section 2.84 of the East Grand Rapids City Code is amended to read as follows:

Section 2.84 Special Water Rates.

For miscellaneous services for which a special water rate shall be established, such water rates shall be fixed by the City Commission. Such rates may be revised by resolution of the City Commission from time to time and when so changed, shall be published at least once in a newspaper of general circulation within the City.

Section 5. Section 2.85 of the East Grand Rapids City Code is amended to read as follows:

Section 2.85 Service to City.

The City shall pay the same water and sanitary sewer rates for service to it as would be payable by a private customer for the same service. All such charges for service shall be payable quarterly from the current funds of the City, or from the proceeds of taxes.

Section 6. This amendatory ordinance shall be effective on _____, 1983.

Section 7. This amendatory ordinance shall be published in full pursuant to the provision of Chapter VIII, Section 5 of the charter of the City of East Grand Rapids.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

33. It was decided that the budgets as submitted by the Clerk-Controller be held over until Mr. Wielsma has returned to work.

34. Moseley-Deems. That Old Kent Bank & Trust Company be designated as the City's principal depository.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

35. The Assistant City Manager reported on bids received for the purchase of plastic garbage bags for sale to the public.

35-A. Deems-Seibold. That the bid of Quality Transparent Bag Company, in the amount of \$3.49 per roll for 500 rolls, be approved. The total bid amount is \$1,745.00.

Yeas: Chezick, Deems, Mehney, Mertz, Seibold, Leidlein - 7
Nays: Moseley - 1

36. The City Manager reported on street improvement bids received July 14, 1983.

36-A. Deems-Chezick. That the City Commission award contracts for street improvements as follows:

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<u>Improvement</u>	<u>Contractor</u>	<u>Amount</u>
Reeds Lake Blvd. (north arm)	Rieth-Riley	\$ 6,420.50
Breton Road (Elmwood to South City Limits)	Rieth-Riley	\$57,236.00
Plymouth Road (Franklin to Argentina)	Valkier Constr.	\$92,692.60
Water materials	Etna	\$ 4,641.00

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

37. The recommendation from W.B.D.C. on the location of the relief stations in John Collins Park was discussed. Mr. William Bennett, of the Lakeshore Club Condominiums, reported that a meeting was held in an apartment on the second floor directly opposite the proposed location of the relief stations and that a large number of residents were in attendance. The residents in attendance had no objection to the location proposed.

37-A. Deems-Chezick. That relief stations be installed as temporary structures at the location recommended by W.B.D.C.

A roll call vote was taken:

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold - 6
Nays: Leidlein - 1

The motion carried.

Mayor Leidlein stated that he voted "no" because he does not think this is a permanent solution to the problem.

38. The City Manager presented a resolution accepting Manhattan Lane water and sewer extensions into Grand Rapids Township.

38-A. Moseley-Seibold. That the following resolution be adopted:

WHEREAS, the City of East Grand Rapids, on June 5, 1978, entered into an agreement with Gary J. McInerney, a Grand Rapids Township resident of 4151 Reeds Lake Blvd., to extend the existing sanitary sewer and watermain from Manhattan Lane into Grand Rapids Township, a distance of 875 lineal feet for sewer and 720 for watermain to serve Grand Rapids Township properties; and

WHEREAS, Gary J. McInerney has satisfactorily completed the work under said agreement as per the design of Exxell Engineering, Inc., and with the approval of Grand Rapids Township, the City of Grand Rapids, the Michigan Department of Public Health; and

WHEREAS, Gary J. McInerney has delivered to the City of East Grand Rapids easements for the extension of the sanitary sewer and watermain and has furnished to the City of East Grand Rapids a sworn statement that all bills have been paid or stipulation and an order of dismissal of a pending lawsuit which involved a claim for services and/or materials; and

WHEREAS, Gary J. McInerney has completed all items of the agreement to the satisfaction of the City; and

WHEREAS, the final inspection made June 29, 1983, by the East Grand Rapids Engineering Department revealed both the sanitary sewer and watermain extensions to be functioning well,

THEREBY, BE IT RESOLVED, That the City of East Grand Rapids accepts the easements granted (as recorded) and accepts the sanitary sewer and watermain extensions referred to herein as a part of the East Grand Rapids sewer and water systems and assumes responsibility for repair and maintenance thereof in the same manner as other utilities within the corporate limits of East Grand Rapids and those extended beyond our limits and maintained by the City of East Grand Rapids.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

39. The Assistant City Manager gave a report on insurance proposals which have been received. The matter was deferred to the August 1st meeting to allow the City Attorney the opportunity to review the proposals.

40. The City Manager discussed possible regulation of the placement of merchandise on exterior residential doors. The matter was referred to the City Attorney.

41. The minutes of the Animal Control Committee were received. Mark Miller was present to discuss the recommended change to the Kent County Civil Citation System.

41-A. Moseley-Chezick. That the Animal Control Officer be authorized to prosecute animal violators under the County regulations as civil citations.

A roll call vote was taken:

Yeas: Chezick, Deems, Mehney, Mertz, Moseley - 5
Nays: Seibold, Leidlein - 2

The motion carried.

42. The minutes of the Planning Commission were received.

43. Reports from the Police, Fire, and Building Inspector were received.

44. The Mayor acknowledged the receipt of letters from Joan Remes regarding the planter boxes; Margit Sarne opposing the City commitment to maintain the planter boxes; and James R. White regarding access to Reeds Lake.

45. Commissioner Chezick asked about the tree problems on Gladstone. The City Manager reported that tree experts advised that several trees had drowned and that other trees affected by the early spring rains will recover.

46. Commissioner Chezick acknowledged a letter from Allan Caldemeyer relative to the Service Department fence and storage of the Kiwanis Club's concession stand. The City Manager will look into this.

47. Commissioner Moseley reported that the dedication for the Monroe Trolley Buses will take place July 21st, at 12:15 p.m. She presented an update on Kent CAP and discussed the City's tree removal policy with regard to the planting of grass seed after stumps are removed.

48. Commissioner Mertz asked about the progress on a "stop" sign at Richards Drive and Lake Grove Avenue, and about the intersection of Lake Drive and Elmwood. It was reported that both items are on the agenda of the Traffic Commission.

49. The Mayor proposed the following appointments:

ADMINISTRATIVE APPOINTMENTS

- | | |
|-----------------------------------|-----------------------|
| CITY MANAGER | Fred H. Tholen |
| PUBLIC SAFETY DIRECTOR | Peter Gallagher |
| CITY CLERK, CONTROLLER, TREASURER | John Wielsma |
| ASS'T. CITY MANAGER | Jeffrey Bremer |
| CITY ATTORNEY | Robert W. Richardson |
| ASSESSOR | Shirley Norman |
| ASSISTANT ASSESSORS | George Samra |
| | J. Robert Green |
| PURCHASING AGENT | Fred H. Tholen |
| ASS'T. PURCHASING AGENT | Jeffrey Bremer |
| HEALTH OFFICER | Douglas A. Mack, M.D. |
| HARBORMASTER | Charles Harrett |
| FORRESTER | William Rice |
| PRESIDENT OF CITY COMMISSION | Lois Moseley |

COMMISSION COMMITTEES

WAYS & MEANS COMMITTEE

Lois Moseley
Gerard Chezick
Paul Seibold

STREETS, SIDEWALKS, TREES, PARKS

David Mehney
Stephen Mertz
Nyal Deems

ORDINANCE COMMITTEE

Paul Seibold
Nyal Deems

BOARD OF REVIEW

Shirley Norman, Chpsn.
George Samra
J. Robert Green
Lois Moseley
Stephen Mertz

EAST BELTLINE BOARD OF DIRECTORS

Ingwar Samuelson. (Business) 1/1/84
F. H. Tholen (Government) 1/1/85
Thomas F. Curran (Citizen) 1/1/86

PERSONNEL COMMITTEE

Nyal Deems
John Leidlein
Stephen Mertz

ELECTION COMMISSION

John Wielsma
Shirley Norman
Robert W. Richardson

NOTE: All appointments that do not have an expiration date are for a period of one year

BOARD OF CANVASSERS

Helen Maher
Linda S. Chervenka
David M. Amberg
Merle Johnson

Term Expires

12/31/84
12/31/86
12/31/83
12/31/83

RECREATION COMMISSION

Paul Seibold 7/1/85
Robert Conklin 7/1/86
Janyce Huff 7/1/84
School Board Appointees (3)
Richard Drieborg
Lou Klingman
Marilyn Lundquist

At-Large

JOINT CITY-SCHOOL RECREATIONAL FACILITIES COMMITTEE

City Appointees
Paul Seibold
David Mehney
John Leidlein
School Board Appointees (3)
Garland Tupper
John Gordon
Kathy Muir

PLANNING COMMISSION

Robert Olson
Judith Frey
Nyal Deems
Barbara Van't Hof
Mrs. Starr Waddell
Michael J. Taylor
Ruth Ann Brintnall
William Martindill
Cherry Jacobus
The Mayor
The Manager

Term Expires

7/1/85
7/1/85
7/1/86
7/1/86
7/1/86
7/1/84
7/1/84
7/1/84
7/1/85
ex-officio
"

TRAFFIC COMMISSION

Larry J. Titley
Richard G. Modery
Mark Levandoski
Peter Sears
Lois Moseley
Peter Gallagher
Fred H. Tholen

LIBRARY COMMISSION

Suzanne House
Bradley Palmer
Stephen Mertz
Jeff Beusse
Mary Wilson
Constance Haven
Arnold Jacobsen
LeRoy Kramer, III
Kyle Irwin

GRETS CITIZENS ADVISORY COMMITTEE

William Ruoff

CHAMBER OF COMMERCE BUSINESS DEVELOPMENT COMMITTEE

Gerard Chezick

GRAND RAPIDS TRANSIT AUTHORITY

Lois Moseley

REGION VIII PLANNING COMMISSION

Ralph Rye
Gerard Chezick
William Bacon

KENT COMMUNITY ACTION PROGRAM

Lois Moseley

BUILDING AUTHORITY

Fred H. Tholen
John Wielsma
Robert W. Richardson

LOCAL OFFICERS' COMPENSATION COMMISSION

	<u>Term Expires</u>
Katherine McIlhargey	12/31/86
Bruce Kellogg	12/31/87
Merle Johnson	12/31/83
J. Robert Green	12/31/84
Harold Roy	12/31/85

7/18/83

AGRAG REPRESENTATIVES

John Leidlein
Lois Moseley

GRETS POLICY COMMITTEE

John Leidlein

GRETS TECHNICAL COMMITTEE

Fred H. Tholen

EAST GRAND RAPIDS ART COMMISSION

Mike Karolle, Chpsn.
Paula Larson
Marilyn Hagerup
Sally LaBaugh

METRO-ENERGY PLANS, INC.

Anthony Travis

WISHBOOK COMMITTEE

Lois Moseley
Paul Seibold

REAL ESTATE COMMITTEE

Nyal Deems
Stephen Mertz
Gerard Chezick

CITIZENS ADVISORY COMMITTEE ON LAKE RESTORATION

Mike Karolle, Chpsn.

BUSINESS LIAISON

David Mehney
Gerard Chezick

BLODGETT HOSPITAL LIAISON

Nyal Deems
David Mehney

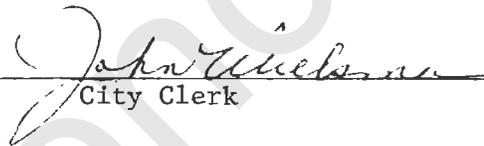
ANIMAL CONTROL ADVISORY COMMITTEE

Lois Moseley
Sue Roberts, President PTA Council
Patrick Daley
Richard L. Court
Bruce Fairbanks
Dr. John Wiese
East Grand Rapids School Board Appointee

49-A. Mayor Leidlein-Chezick. That the appointments recommended by the Mayor be approved.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

50. There being no further business to come before the Commission, the meeting was adjourned, subject to the call of the Mayor, until August 1, 1983.



City Clerk

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Regular Meeting Held August 1, 1983

The meeting was called to order by Mayor Leidlein.

Present: Coms. Chezick, Deems, Mehney, Mertz, Moseley, Seibold and Mayor Leidlein.
Absent: None.

Also Present: City Manager Tholen, Assistant City Manager Bremer, City Attorney Richardson, Assistant City Attorney Huff, City Engineer McMann, City Assessor Norman, and Director of Public Safety Gallagher.

51. The minutes of the regular meeting held July 18, 1983, were approved with a correction in Item 45 to reflect that it was Commissioner Chezick who brought up the matter of the trees on Gladstone.

52. Moseley-Chezick. That expense vouchers in the amount of \$334,506.13, and payroll vouchers in the amount of \$45,298.31, as approved by the Ways & Means Committee, be allowed and the Controller be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

53. Mayor Leidlein presented Mr. F. H. Tholen with a 25-year service award watch for his service as City Manager.

54. A zoning variance hearing was then held upon the request of Richard R. Townley, 535 Cambridge Blvd. SE, to erect a six-foot fence to a point ten feet from the front lot line rather than the required fifteen feet. Mr. Townley was present to discuss his request. Communication was received in support of the variance from Bev and Dave Kagan, Domenic R. Federico, Dr. & Mrs. Peter Lundeen. Communication was received objecting to the variance from Ben Wrigley and Glenn and Claire Lorch.

54-A. Chezick-Deems. That the variance be granted.

A roll call vote was taken:

Yeas: Chezick, Deems, Mehney, Mertz, Moseley - 5
Nays: Seibold, Leidlein - 2

The motion carried.

55. Final action on an amendment to Section 1.216 of Chapter 5 relative to disposition of property was taken at this time. Commissioner Deems offered a slight modification that was accepted by the Commission.

55-A. Deems-Moseley. That the following ordinance be adopted:

AN ORDINANCE TO AMEND SECTION 1.216
OF CHAPTER 5 OF TITLE I OF THE CODE
OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1.

Section 1.216 of Chapter 5 of the East Grand Rapids City Code is amended to read as follows:

Sec. 1.216. Disposition of Property.

Whenever any city property, real or personal, is no longer needed for corporate or public purposes, the same may be offered for sale. Personal property not exceeding one thousand dollars (\$1,000.00) in value, may be sold for cash by the purchasing agent after receiving quotations or competitive bids therefor for the best price obtainable. Personal property with a value in excess of one thousand dollars (\$1,000.00), or real property, may be sold after advertising and receiving competitive bids as

provided in Section 1.212 of this Code and after approval of the sale by the Commission.

Real property which is assessed at less than ten thousand dollars (\$10,000.00) on the City's assessment roll may be sold without receiving competitive bids therefor upon determination by resolution of the City Commission that it would not benefit the City to have competitive bidding and upon approval of the sale by the City Commission. In all other instances, real property may be sold only after advertising and receiving competitive bids as provided in Section 1.212 of this Code and after approval of the sale by the City Commission. "Sale", as used in this section, shall include lease or other disposition of the property.

Section 2. This ordinance amendment shall be effective on August 15, 1983.

Section 3. Pursuant to Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids, this ordinance amendment shall be published within 10 days after its enactment.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

56. Final action on amendments to Sections 2.41, 2.51, and 2.59 of Chapter 23 was taken at this time.

56-A. Deems-Moseley. That the following ordinance be adopted:

AN ORDINANCE TO AMEND SECTIONS 2.41, 2.51
AND 2.59 OF CHAPTER 23 OF TITLE II OF
THE CODE OF THE CITY OF EAST GRAND RAPIDS

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Section 2.41 Definitions, of the East Grand Rapids City Code is amended by adding the following subsections thereto;

* * *

(20) Normal Domestic Sewage shall mean liquid wastes that are usually discharged from an average residential premises and shall include human excreta, wastes from sinks, lavatories, bath tubs, showers, laundries, and any other water carrying wastes of organic nature, either singly or in combination thereof. Normal domestic sewage has a maximum biological oxygen demand (5 day) or 200 mg/l, a maximum suspended solids content of 200 mg/l, and a maximum phosphorus content of 6 mg/l.

(21) National Pollutant Discharge Elimination System (NPDES) means the program for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone and the oceans pursuant to Section 402 of the Federal Water Pollution Control Act.

(22) NPDES Permit is the permit issued to the City of Grand Rapids by the Michigan Water Resources Commission pursuant to the NPDES for discharge to the Grand River.

(23) Combined Sewer shall mean a public sewer which carries both sewage and storm waters.

(24) Sanitary Sewer System shall mean the City of East Grand Rapids' sanitary sewers and sanitary sewage pumping stations.

Section 2. Section 2.51 of the East Grand Rapids City Code is amended to read as follows:

2.51. Sewer Connections. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the director. The City reserves the right to refuse a connection(s) if the City determines that the available sanitary sewer capacity is or would be exceeded.

Section 3. Section 2.59 of the East Grand Rapids City Code is amended by amending subsection (7) and adding subsection (11) to read as follows:

* * *

(7) Any waters or wastes containing a toxic (in accordance with Federal Regulations) or poisonous substance in any sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.

(11) Any substance which could cause interference of the System or cause violation of the NPDES permit.

Section 4. This amendatory ordinance shall be effective on August 15, 1983.

Section 5. This amendatory ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

57. Final action on amendments to Sections 2.81, 2.83-1, 2.83-2, 2.84, and 2.85 of Chapter 24 was taken at this time.

57-A. Moseley-Chezick. That the following ordinance be adopted:

AN ORDINANCE TO AMEND SECTIONS 2.81, 2.83-1,
2.83-2, 2.84 AND 2.85 OF CHAPTER 24 OF
TITLE II OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Section 2.81 of the East Grand Rapids City Code is amended to read as follows:

Section 2.81 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as defined in Chapter 22, City Water Utility, Section 2.20, Definitions, and in Chapter 23, City Sewer Service, Section 2.41, Definitions, and as follows:

(1) Department shall mean the City Department of Public Service.

(2) Local Capital Costs shall mean the cost of the following: principal and interest on the bonded debts of the sewer system; and expansion or improvement of the sanitary sewer system.

(3) Operation and Maintenance Cost shall mean all reasonably necessary costs of operating, and maintaining the sanitary sewer system and shall include replacement costs.

(4) Premises shall mean each lot or parcel of land, buildings or premises having any connection to the sewage disposal system of the City.

(5) Person shall mean any individual, firm, association, public or private corporation or public agency or instrumentality.

(6) Replacement Cost shall mean the cost of obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance during the useful life of the sanitary sewer system.

(7) Sanitary Sewer Charges shall mean the charges levied on users of the system to support the cost of operation, maintenance, and replacement of the sewer system. The following sanitary charges are established herein:

Sanitary User Charge - for operation, maintenance, and replacement costs and for billing costs.

Local Capital Charge - for local capital costs.

(8) Superintendent shall mean the Superintendent of the Department of Public Service.

(9) User (Customer) Classes - all users of the System shall be classified as one of the following:

Commercial shall mean businesses and service establishments.

Industrial shall mean manufacturing, fabricating, and similar users who may accidentally or intentionally discharge a trade or process wastewater.

Institutional shall mean schools, government buildings and churches.

Residential shall mean permanent dwellings.

Section 2. Section 2.83-1 of the East Grand Rapids City Code is amended to read as follows:

Section 2.83-1. Sanitary Sewer Rates.

Charges for sanitary sewer service shall be payable every three (3) months. The sanitary sewer charge shall be \$1.10 per one thousand (1,000) gallons of water consumption and shall be based on water consumption during the preceding winter quarter for each user. For the purposes of this section, the winter quarter shall mean the three-month period ending, as to each user, on either the last day of December, January or February preceding the billing date.

Section 3. Section 2.83-2 of the East Grand Rapids City Code is amended to read as follows:

Section 2.83-2 Rate Adjustments.

The rates for water and sewer services established by this chapter shall be automatically adjusted from time to time in an amount equal to such adjustments in rates as may be made in the charges made by the City of Grand Rapids to the City of East Grand Rapids for such services and any such adjustments in rates shall be effective as of the effective date of the change in the rates charged by the City of Grand Rapids to the City of East Grand Rapids for such service.

The City Commission shall cause to be prepared biennial audits of the operation of the sanitary sewer charge system.

Based on such audits, the City Commission shall determine whether all users are paying their proportionate share of the operation and maintenance expenses of the system and whether the sanitary sewer charges are generating sufficient revenues to pay the operation and maintenance expenses of the system and other necessary costs. The City shall adjust the sanitary sewer charges to bring about such result.

Section 4. Section 2.84 of the East Grand Rapids City Code is amended to read as follows:

Section 2.84 Special Water Rates.

For miscellaneous services for which a special water rate shall be established, such water rates shall be fixed by the City Commission. Such rates may be revised by resolution of the City Commission from time to time and when so changed, shall be published at least once in a newspaper of general circulation within the City.

Section 5. Section 2.85 of the East Grand Rapids City Code is amended to read as follows:

Section 2.85 Service to City.

The City shall pay the same water and sanitary sewer rates for service to it as would be payable by a private customer for the same service. All such charges for service shall be payable quarterly from the current funds of the City, or from the proceeds of taxes.

Section 6. This amendatory ordinance shall be effective on August 15, 1983.

Section 7. This amendatory ordinance shall be published in full pursuant to the provision of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7

Nays: 0

58. There was no report of the Clerk-Controller.

59. The City Manager introduced Mark DeVries, of Moore & Bruggink, who presented a plan for an open El Dorado storm drain.

59-A. Moseley-Chezick. That action on this matter be deferred until the August 15th Commission meeting.

Yeas: Chezick, Deems, Mehney, Moseley, Leidlein - 5

Nays: Seibold, Mertz - 2

60. The City Manager reported on two bids for the property at 1770 and

8/1/83

1771 Asbury Road. One bid was for one lot and one bid was for two lots.

A roll call vote was taken:

Yeas: Moseley - 1

Nays: Chezick, Deems, Mehney, Seibold, Mertz, Leidlein - 6

The motion failed.

60-B. Chezick-Deems. That the bid of Elizabeth A. Frantz for the purchase of 1770 and 1771 Asbury Road, in the amount of \$13,504, be accepted.

A roll call vote was taken:

Yeas: Chezick, Deems, Mehney, Mertz, Leidlein - 5

Nays: Seibold, Moseley - 2

61. The Commission then considered the placement of the City's insurance. The Assistant City Manager and City Attorney reported on liability and property insurance analysis.

61-A. Seibold-Moseley. That the City accept the insurance proposal of James M. Zarafonetis, Inc.

A roll call vote was taken:

Yeas: Chezick, Deems, Moseley, Seibold, Leidlein - 5

Nays: Mertz, Mehney - 2

The motion carried.

62. The City Manager submitted an invoice from W.B.D.C. for the period May 21 thru June 18, 1983, in the amount of \$4,852.12.

62-A. Deems-Chezick. That the invoice from W.B.D.C. be paid and that the expense be posted the fiscal year ending June 30, 1983.

Yeas: Chezick, Deems, Mertz, Mehney, Moseley, Seibold, Leidlein - 7

Nays: 0

63. The City Manager reviewed the memorandum from the Plant Engineer relative to work on the elevated water tank.

63-A. Chezick-Moseley. That the City Commission accept the proposal of Dixon Engineering for an amount not to exceed \$5,600 as recommended by the Plant Engineer in his memorandum dated July 18, 1983.

Yeas: Chezick, Deems, Mertz, Mehney, Moseley, Seibold, Leidlein - 7

Nays: 0

64. The City Manager reported on the upcoming Michigan Municipal League 85th Annual Convention to be held in Grand Rapids. Mayor Leidlein announced that AGRAG will be hosting a reception during the convention.

64-A. Mehney-Deems. That Mayor Leidlein be designated as delegate to the 85th Annual Convention and that Commissioner Moseley be designated as alternate.

Yeas: Chezick, Deems, Mertz, Mehney, Moseley, Seibold, Leidlein - 7

Nays: 0

65. The minutes of the Traffic Commission were received. The merchants' request to plant trees in the newly installed planter boxes was discussed.

65-A. Chezick-Seibold. That the plan submitted by the merchants to place trees in planter boxes on the south side of Wealthy Street be approved.

Yeas: Chezick, Deems, Mertz, Mehney, Seibold, Leidlein - 6

Nays: Moseley - 1

Commissioner Mehney reported that the merchants will remove the planter boxes in winter on request and will pay for the removal if requested.

66. The City Manager reported that the Department of Natural Resources has given approval to proceed with Contract #2 for Wealthy Street and Contract #3 for removal of lift stations. A letter has been sent to residents on Lovett informing them of the work and advising them of the change in the bus route. News releases have been issued stating that on August 2nd, Lake Drive will be closed from Woodcliff east to the city limits to do sewer work. Also, Wealthy Street will be closed from Plymouth to Lovett.

67. The City Manager reported on the receipt of a ballot from the Municipal Workers Compensation Fund listing nominees for trustees of the Fund. The City Commission voted unanimously for the six candidates.

68. The City Manager submitted an invoice from John Jones for services on the Waterfront Park matter in the amount of \$5,443.50.

68-A. Moseley-Seibold. That the invoice be approved for payment.

Yeas: Chezick, Deems, Mertz, Mehney, Moseley, Seibold, Leidlein - 7
Nays: 0

69. Commissioner Chezick announced that he has received 5 or 6 complaints on the swimming program and Recreation Department. He asked that the staff investigate this matter. The City Manager asked for further detail to permit investigation which Commissioner Chezick agreed to furnish.

70. Commissioner Deems gave an update report on the progress of the Planning Commission toward a City Land Use Plan.

71. Commissioner Mertz asked that Item 3-A of the Traffic Commission minutes be discussed in terms of traffic visibility. He further discussed Item 3-B.

71-A. Mertz-Mehney. That a "Stop" sign be placed on Lake Grove at Richards.

A roll call vote was taken:

Yeas: Mertz - 1
Nays: Chezick, Deems, Mehney, Moseley, Seibold, Leidlein - 6

The motion failed.

72. The Mayor recommended the following appointments to the Historical Commission:

	<u>Term Expires</u>
William L. Bennett, Chpsn.	12/31/86
Wilson D. Whittier	12/31/86
Jane Henderson	12/31/85
Don Farrant, Jr.	12/31/85
Louise Uhl	12/31/84
Joellen Clary	12/31/84
The Mayor	ex-officio
Librarian-EGR Library	"

72-A. Seibold-Chezick. That the Mayor's recommendations for appointment to the Historical Commission be approved.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

73. The Mayor requested a progress report on the removing of the fence from Collins Park and the signage on the south arm of Reeds Lake Blvd.

74. Roger Wilson, 2543 Boston Street SE, stated his displeasure over Fisk Lake access limitations. He was joined by Mr. William Poisson. Discussion followed with Commissioners with the note that a letter had been received from the Department of Natural Resources which will be furnished the Commission and that the matter will soon be discussed.

8/1/83

75. There being no further business to come before the Commission, the meeting was adjourned, subject to the call of the Mayor, until August 15, 1983.

Handwritten signature in cursive script, appearing to read "John M. ...".

City Clerk

UNOFFICIAL
Reference Only

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Regular Meeting Held August 15, 1983

The meeting was called to order by Mayor Leidlein.

Present: Coms. Chezick, Deems, Mehney, Mertz, Seibold, Leidlein.

Absent: Com. Moseley.

Also Present: City Manager Tholen, Assistant City Manager Bremer, City Attorney Richardson, Assistant City Attorney Huff, and City Engineer McMann.

76. The minutes of the meeting held August 1, 1983, were approved as written.

77. Chezick-Mehney. That expense vouchers in the amount of \$1,357,631.78, and payroll vouchers in the amount of \$61,882.62, as approved by the Ways & Means Committee, be allowed and the Controller be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Chezick, Mehney, Mertz, Seibold, Leidlein - 5

Nays: 0

78. A petition containing 45 signatures asking for "Stop" signs and/or cul-de-sac to discourage thru traffic use of Elmwood, between Lake Drive and Breton Road, was discussed at this time.

78-A. Seibold-Mehney. That this matter be referred to the Traffic Commission.

(Commissioner Deems entered at this time.)

Yeas: Chezick, Deems, Mehney, Mertz, Seibold, Leidlein - 6

Nays: 0

79. A letter from James R. White, regarding the Lakeside Drive parking limitation, was reviewed. This matter was referred to the Planning Commission for response.

80. A letter from J. Brock Albert, regarding the improvement of gravel streets, was received and filed.

81. The report of the City Attorney on pending litigation against the City was deferred to the next Commission meeting.

82. There was no Clerk-Controller report.

83. The City Manager reported on the alternatives for the construction of the El Dorado storm drain. Charles Zimmerman and Gary Rowe were present and expressed their support for an open drain.

83-A. Seibold-Mertz. That the City construct an enclosed El Dorado storm drain.

A roll call vote was taken:

Yeas: Seibold, Leidlein - 2

Nays: Chezick, Deems, Mehney, Mertz - 4

The motion failed.

83-B. Chezick-Deems. That the City construct an open El Dorado storm drain.

A roll call vote was taken:

Yeas: Chezick, Deems, Mehney, Mertz - 4

Nays: Seibold, Leidlein - 2

The motion carried.

8/15/83

84. The City Manager reported on a contract with the Michigan Department of Transportation for financing storm drain work.

84-A. Deems-Mehney. That the Mayor and City Manager be authorized to sign the contract with the Michigan Department of Transportation for financing storm drain work in El Dorado and San Lucia right-of-way and that the City Manager be authorized to immediately advertise for bids.

Yeas: Chezick, Deems, Mehney, Mertz, Seibold, Leidlein - 6
Nays: 0

85. Discussion regarding the letter from the Michigan Department of Natural Resources on access to Fisk Lake was held at this time. Roger Williams was present to express his viewpoint.

85-A. Deems-Mehney. That this matter be referred to the Real Estate Committee for review and recommendation.

Yeas: Chezick, Deems, Mehney, Mertz, Seibold, Leidlein - 6
Nays: 0

86. The City Manager reported on the receipt of bids for a tractor-loader.

86-A. Chezick-Deems. That the low bid of Grandville Tractor, in the amount of \$12,498 for a tractor-loader, and Hoekstra Truck, in the amount of \$7,750 for a claw bucket, be accepted and that the funds be taken from the Motor Equipment Revolving Fund.

Yeas: Chezick, Deems, Mehney, Mertz, Seibold, Leidlein - 6
Nays: 0

87. The City Manager reported on the receipt of a Pedestrian Safety Award from AAA.

88. An updated appointments list as filed with the City Clerk was received for information.

89. The minutes of the July 12, 1983, Planning Commission meeting were received.

90. The City Manager reported on the work that will be done by the Booster Club on the renovation of existing tennis courts.

91. The City Manager submitted an invoice from Miller, Canfield for their work on the bond issue in the amount of \$3,792.69.

91-A. Chezick-Deems. That payment to Miller-Canfield, in the amount of \$3,792.69, be approved.

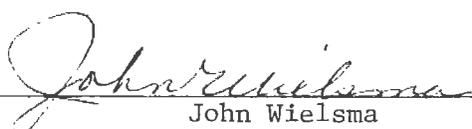
Yeas: Chezick, Deems, Mehney, Mertz, Seibold, Leidlein - 6
Nays: 0

92. Commissioner Chezick inquired about the monthly list of meetings and a report from the Personnel Committee on the evaluation of the City Manager.

93. Commissioner Mehney inquired on the progress of the installation of gates on the south arm of Reeds Lake Blvd.

94. Mayor Leidlein reported on his attendance at the Michigan Conference of Mayors Workshop held in Alpena.

95. There being no further business to come before the Commission, the meeting was adjourned, subject to the call of the Mayor, until September 6, 1983.


John Wielsma

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Regular Meeting Held September 6, 1983

The meeting was called to order by Mayor Leidlein.

Present: Coms. Chezick, Deems, Mehney, Moseley, Mertz, Seibold and Mayor Leidlein.
Absent: None.

Also Present: City Manager Tholen, City Clerk-Controller-Treasurer Wielsma,
Assistant City Manager Bremer, City Attorney Richardson,
Assistant City Attorney Huff, City Engineer McMann, City
Assessor Norman.

96. The minutes of the meeting held August 15, 1983, were corrected by deleting reference to Commissioner Moseley's proxy vote in Item 83-A, by deleting "a" and "from" in the first sentence of Item 85, and by correcting Item 88 to read "An updated appointments list as filed with the City Clerk was received for information". The minutes were then approved as corrected.

97. Moseley-Chezick. That expense vouchers in the amount of \$2,230,307.84, and payroll vouchers in the amount of \$89,533.89, as approved by the Ways & Means Committee, be allowed and the Controller be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

98. The City Attorney submitted correspondence from Crosby & Henry, Inc. regarding the status of open claims against the City as of August 15, 1983, together with a copy of his letter to Ernst & Whinney regarding these claims. These were received for information.

99. The City Controller submitted 1983/84 budgets for the Water and Sewer Fund, Motor Equipment Revolving Fund, Health Care Fund, Housing Rehab Fund, and Federal Revenue Sharing Fund.

99-A. Moseley-Chezick. That budgets for the following funds for the fiscal year 1983/84 be adopted as follows:

	<u>Anticipated Revenues</u>	<u>Est. Expense Appropriations</u>
Water & Sewer Fund	\$ 912,800	\$ 912,540
Motor Equipment Revolving Fund	339,900	290,700
Health Care Fund	151,000	151,000
Housing Rehab Fund	1,600	400
Federal Revenue Sharing Fund	58,000	58,000

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

100. The City Clerk requested that the City Commission designate an officer-delegate and an alternate to represent the City at the Annual Meeting of the Municipal Employees' Retirement System which is to be held September 22, 1983.

100-A. Moseley-Chezick. That John Wielsma be named official delegate and Fred H. Tholen official alternate to represent the City at the Michigan Municipal Employees' Retirement System annual business meeting.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

101. The City Manager introduced Mr. Mark DeVries, from Moore & Bruggink, who presented revised plans for the Silver Creek storm drain project east of Plymouth Avenue.

101-A. Deems-Seibold. That this matter be tabled for two weeks to allow the Engineer to finalize the plans.

Yeas: Chezick, Deems, Seibold, Leidlein - 4
Nays: Mehney, Moseley, Mertz - 3

The motion carried.

9/6/83

102. The City Manager submitted an updated report on the Capital Improvements Program. This was received for information. A copy of the Consulting Engineer's report on streets and basement flooding was also received for information. The Mayor set a meeting to discuss this matter for September 12, 1983, at 7:00 p.m., in the East Grand Rapids City Hall.

103. A schedule of September committee meeting dates was received for information.

104. An invoice from W.B.D.C. in the amount of \$4,085.39 for professional planning services was received.

104-A. Deems-Seibold. That the invoice from W.B.D.C. in the amount of \$4,085.39 be approved for payment.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

105. The minutes of the Traffic Commission meeting held August 16, 1983, were received.

106. The Building Inspector's report for the month of July was received.

107. The Police report for the month of July was received.

108. A report on the Kent County Solid Waste Management Plan was received, including notification of a meeting to discuss this plan on September 14, 1983, at 7:00 p.m., at Creston High School.

109. The City Manager reminded the Commissioners that they should notify either him or the City Clerk as to their interest in attending the Michigan Municipal League annual convention at the Amway Grand Plaza to be held September 27 - 30, 1983.

110. Commissioner Moseley commended the Engineering Department on the fine job they have done in notifying persons on Breton Road as to the construction timetable on the Breton Road project.

111. Commissioner Mehney inquired about the gates which are to be constructed on Reeds Lake Blvd. The City Manager reported that they are being installed.

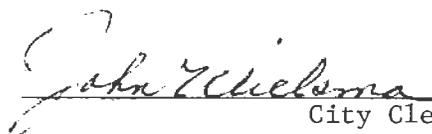
112. Commissioner Mehney expressed concern about the condition of a lot of streets in the city resulting from contractors excavating within the street and not patching the holes properly, and suggested that tougher language be inserted in contracts to provide for proper patching of the holes.

113. Commissioner Deems reported on discussions that the Planning Commission has had regarding several matters including moving the boat ramp, commercial district expansion, traffic congestion in the commercial area, and potential uses of the Manhattan property.

113-A. Mayor Leidlein-Deems. That proper individuals be contacted to determine the permissibility of placing a boat ramp in Remington Park on the north side of the channel between Reeds Lake Blvd. and the lake, and that the City authorize solicitation of funds to cover the cost of a feasibility study with regard to such project.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

114. The meeting was adjourned until September 19, 1983, subject to the call of the Mayor.



City Clerk

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Regular Meeting Held September 19, 1983

The meeting was called to order by Mayor Leidlein.

Present: Coms. Chezick, Deems, Mehney, Moseley, Mertz, Seibold and Mayor Leidlein.
Absent: None.

Also Present: City Manager Tholen, City Clerk-Controller-Treasurer Wielsma,
Assistant City Manager Bremer, City Attorney Richardson,
Assistant City Attorney Huff, City Engineer McMann, City
Assessor Norman, Public Safety Director Gallagher, Special
Legal Counsel Jones.

115. The minutes of the meeting held September 6, 1983, were approved as written.

116. Moseley-Chezick. That expense vouchers in the amount of \$1,113,064.73, and payroll vouchers in the amount of \$40,330.59, as approved by the Ways & Means Committee, be allowed and the Controller be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

117. A representative from the American Automobile Association made a presentation to the City of the 1982 Pedestrian Safety Citation Award of Merit which was accepted by the Mayor, with appreciation, who then turned the award over to the Public Safety Director and commended the City Police Department on its excellent work in this regard.

118. The City Attorney reported that he had nothing to bring before the Commission.

119. The Controller submitted a memorandum regarding the status of City funds, fund balances as of June 30, 1983, and investment procedures.

120. The City Manager submitted a letter from Moore & Bruggink regarding the El Dorado drain, which recommended a design alternative which would replace the 36" culvert with a 66" culvert, and which would replace boulders with sod and seed for some or all side slopes.

120-A. Chezick-Mehney. That this Commission approve the design alternative as recommended by Moore & Bruggink, and that a guarantee be obtained with respect to the sod and seeded slopes.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold - 6
Nays: Leidlein - 1

121. The City Manager reported receipt from Moore & Bruggink of an invoice in the amount of \$9,526.00 for engineering services on the sewer rehabilitation project Phase II. He reported that the concept of holding tanks has been abandoned because of site acquisition problems and disruptions of the natural habitat and that the recommendation method would be replacement or addition of parallel sewers.

121-A. Chezick-Deems. That the invoice from Moore & Bruggink in the amount of \$9,526.00 be authorized for payment.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Leidlein - 6
Nays: Seibold - 1

122. The City Manager reported that he has completed the department head evaluation reports and is ready to review them with the Personnel Committee.

123. The City Manager submitted a memorandum regarding Public Safety Department vehicle purchases and recommended that the City Commission authorize the staff to proceed with the implementation of the plan submitted by the Public Safety Director.

9/19/83

123-A. Moseley-Mehney. That this Commission adopt the plan as recommended by the Public Safety Director for the acquisition and rotation of vehicles.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

124. The Public Safety Director's report included a proposal to purchase a motorcycle for use in the Public Safety Department which would assist in lowering automobile mileage and maintenance costs, and would offer some significant benefits in more efficient patrol activity.

124-A. Deems-Chezick. That the Public Safety Director be authorized to expend \$1,000 for purchase of a used motorcycle.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

125. The City Manager submitted a letter from ICMA Retirement Corporation regarding an amendment to the agreement between the City and the Retirement Corporation for deferred compensation plan for employees.

125-A. Moseley-Chezick. That the following resolution be adopted:

WHEREAS, the Employer maintains a deferred compensation plan for its employees which is administered by the ICMA Retirement Corporation (the "Administrator"); and

WHEREAS, the Administrator has recommended changes in the plan document to comply with recent federal legislation and Internal Revenue Service Regulations governing said plans; and

WHEREAS, the Internal Revenue Service has issued a private letter ruling approving said plan document as complying with Section 457 of the Internal Revenue Code; and

WHEREAS, other public employers have joined together to establish the ICMA Retirement Trust for the purpose of representing the interests of the participating employers with respect to the collective investment of funds held under their deferred compensation plans; and

WHEREAS, said Trust is a salutary development which further advances the quality of administration for plans administered by the ICMA Retirement Corporation:

NOW, THEREFORE BE IT RESOLVED that the Employer hereby adopts the deferred compensation plan, attached hereto as Appendix A, as an amendment and restatement of its present deferred compensation plan administered by the ICMA Retirement Corporation, which shall continue to act as Administrator of said plan; and

BE IT FURTHER RESOLVED that the Employer hereby executes the ICMA Retirement Trust, attached hereto as Appendix B; and

BE IT FURTHER RESOLVED that the Employer hereby adopts the trust agreement with the ICMA Retirement Corporation, as appears at Appendix C hereto, as an amendment and restatement of its existing trust agreement with the ICMA Retirement Corporation, and directs the ICMA Retirement Corporation, as Trustee, to invest all funds held under the deferred compensation plan through the ICMA Retirement Trust as soon as is practicable; and

BE IT FURTHER RESOLVED that the City Clerk-Controller shall be the coordinator for this program and shall receive necessary reports, notices, etc. from the ICMA Retirement Corporation as Administrator, and shall cast, on behalf of the Employer, any required votes under the program. Administrative duties to carry out the plan may be assigned to the appropriate departments.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

9/19/83

126. The City Engineer reported on the street patching policy as it relates to public utilities and private contractors who are authorized to make and repair street excavations. A permit is required for each excavation made and the Public Service Department inspects all pavement repairs.

127. The City Engineer gave a progress report on the current street improvement program.

128. A letter was received from the Michigan Department of Transportation notifying local officials and interested citizens of a public meeting scheduled for Wednesday, September 21, for the purpose of discussing future improvements to M-44 (East Beltline) from I-96 to Plainfield Avenue.

129. The minutes of the Planning Commission meeting held August 9, 1983, were received for information.

130. The report for the month of August, 1983, from the Director of Public Safety was received for information.

131. Mrs. Margaret Bradshaw, 2724 Darby SE, was present to request that the gates at the entrance to the south arm of Reeds Lake Blvd. be constructed in such a way that pedestrians, cross-country skiers, joggers, and bicyclists can get through when the gates are closed. This matter was referred to the Parks, Trees, and Sidewalks Committee, which will work with the City Manager.

132. A letter was received from the Director of the Michigan History Division and State Historic Preservation Officer informing the Commission of the John W. Blodgett Estate being listed in the National Register of Historic Places on July 28, 1983.

133. Commissioner Seibold submitted a report on the activities of the Recreation Department which was received for information.

134. Commissioner Moseley reported on the Kent County Solid Waste hearing which was held recently.

135. Deems-Chezick. That this Commission go into executive session to discuss material exempt from disclosure by State statute as subject to the Attorney-client privilege.

A roll call vote was taken:

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

The motion carried.

The Mayor then adjourned the regular City Commission meeting to permit the Commission to go into executive session.

136. Following the executive session, it was moved by Commissioner Chezick and supported by Commissioner Moseley that the Commission adjourn the executive session and go into regular session.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

137. There being no further business to be brought before this Commission, the meeting was adjourned, subject to the call of the Mayor, until October 3, 1983.

City Clerk

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Regular Meeting Held October 3, 1983

The meeting was called to order by Mayor Leidlein.

Present: Coms. Chezick, Deems, Mehney, Moseley, Mertz, Seibold and Mayor Leidlein.
Absent: None.

Also Present: City Manager Tholen, City Clerk-Controller-Treasurer Wielsma,
Assistant City Manager Bremer, City Attorney Richardson,
Assistant City Attorney Huff, and City Engineer McMann.

138. The minutes of the meeting held September 19, 1983, were approved as written.

139. Moseley-Chezick. That expense vouchers in the amount of \$374,377.33, and payroll vouchers in the amount of \$39,215.32, as approved by the Ways & Means Committee, be allowed and the Controller be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

140. A letter was received from the City Attorney regarding time limitations on zoning variances.

141. The Assistant City Attorney reported on a letter from Representative Ehlers regarding legislation relative to the size of the Board of Review.

142. The City Clerk distributed a tentative schedule of regular City Commission meetings for the fiscal year 1983/84, which was received for information.

143. The City Manager submitted a memorandum regarding the employment of a financial consultant and engineering consultant for the sanitary sewer and water project, and recommended that the City enter into contracts with Bendzinski & Company for financial advisory service, and Moore & Bruggink for detailed plans and specifications for relief and/or replacement of four trunks, sanitary sewers and the water plant modification. Mr. Geoffrey Hughes was present to discuss his plan for preventing rain water from entering the sanitary sewer system. The Commission requested that Mr. Hughes submit a copy of his plan.

143-A. Chezick-Moseley. That this Commission concur in the City Manager's recommendation to contract with Bendzinski & Company for financial advisory services, and with Moore & Bruggink for detailed plans and specifications, and that the Mayor and Clerk be authorized to sign the contracts.

143-B. Mehney-Deems. That the above motion be amended to delete authorization of the Moore & Bruggink contract.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

A vote on the main motion as amended was as follows:

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

143-C. Chezick-Deems. That the City enter into a contract with Moore & Bruggink as recommended by the City Manager, and that the Mayor and Clerk be authorized to sign the contract.

Yeas: Chezick, Deems, Mehney, Moseley, Seibold, Leidlein - 6
Nays: Mertz - 1

143-D. Commissioner Seibold requested that a certificate of insurance outlining its liability limits be submitted by Moore & Bruggink and the City Attorney be requested to review the insurance coverage as to adequacy.

144. A memorandum was submitted by the City Manager regarding meetings of commissions and committees scheduled for October, 1983.

145. A memorandum was received from the East Grand Rapids Library inviting the City Commission to attend a Library Board meeting to be held at City Hall on October 12, 1983.

146. A letter from the Assistant City Attorney to the Deputy Director of Public Safety regarding the donation to local charities of bicycles which are recovered by the Police Department and remain unclaimed for a period of six months was discussed.

146-A. Deems-Chezick. That this Commission authorize the City Manager and the Public Safety Director to work out a procedure to dispose of the bicycles by donating them to local charities.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

147. An invoice in the amount of \$3,910.76 was received from W.B.D.C. for professional planning services.

147-A. Deems-Mertz. That the invoice from W.B.D.C. be approved for payment.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

148. A report was received from the Public Safety Director regarding the Fire Department liaison program.

149. Minutes of the Traffic Commission meeting held September 20, 1983, were received for information.

150. Minutes of the Planning Commission meeting held September 13, 1983, were received for information.

151. The Building Inspector's report of building permits issued for the month of August, 1983, was received for information.

152. Commissioner Mehney reported on the Streets, Sidewalks, Trees and Parks Committee meeting which was held September 7, 1983, regarding landscaping around municipal buildings and John Collins Park. The Commissioners discussed having a landscape architect to draw up plans for landscaping the municipal buildings and John Collins Park.

153. Mayor Leidlein reported on the Michigan Municipal League Conference which was held at the Amway Grand Plaza on September 27 - 30, and stated that he had received many favorable comments. Being one of the host cities, the Mayor received a plaque from the Michigan Municipal League thanking the City for its participation in making the Conference a success.

154. Commissioner Moseley requested that we review our policy in contracting for professional services.

155. Commissioner Moseley reported on a meeting of AGRAG she attended and advised the Commission that AGRAG is discussing consolidation of District Courts.

156. Commissioner Chezick requested that the Recreation Department study be put on the next agenda.

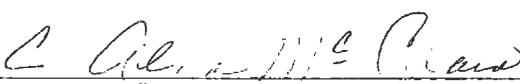
157. Commissioner Seibold requested that information regarding the replacement of trees be placed on the next City Commission agenda.

158. At this time, the City Clerk-Controller-Treasurer verbally submitted his resignation, effective November 1, 1983.

158-A. Mayor Leidlein-Moseley. That this matter be tabled.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

159. The meeting was adjourned, subject to the call of the Mayor, until October 17, 1983.


Deputy Clerk

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Regular Meeting Held October 17, 1983

The meeting was called to order by Mayor Leidlein.

Present: Coms. Chezick, Deems, Mehney, Moseley, Mertz, Seibold and Mayor Leidlein.
Absent: None.

Also Present: Assistant City Manager Bremer, City Clerk-Controller-Treasurer
Wielsma, City Attorney Richardson, Assistant City Attorney Huff,
City Engineer McMann, and Public Safety Director Gallagher.

160. The minutes of the meeting held October 3, 1983, were corrected by deleting the sentence "A memorandum was submitted" in Item 152. The minutes were then approved as amended.

161. Moseley-Chezick. That expense vouchers in the amount of \$72,011.05, and payroll vouchers in the amount of \$39,104.04, as approved by the Ways & Means Committee, be allowed and the Controller be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

162. Pursuant to public notice, a hearing was then held upon the request of Lee and Jayne Zavadil, 946 Ogden SE, for a zoning variance to permit the installation of a central air conditioner on the south side yard rather than the rear yard within 9 feet 6 inches from the south side lot line rather than the required 20 feet. Mr. and Mrs. Zavadil were present to discuss their request. A letter from Mr. & Mrs. Speakman, objecting to the location of the air conditioner, was received, and Mr. Speakman was present to discuss his concern with the Commission. Mr. Arthur Otten also objected to this request.

162-A. Moseley-Chezick. That this Commission, acting as the Board of Zoning Appeals, deny the variance request of Mr. and Mrs. Zavadil.

162-B. Deems-Mertz. That this matter be tabled for two weeks to obtain more information regarding noise control.

A roll call vote was taken:

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Leidlein - 6
Nays: Seibold - 1

The motion carried.

163. Pursuant to public notice, a hearing was then held upon the request of Harry and Paula Bergman, 315 Gracewood Drive SE, for a zoning variance to permit construction of a porch in the front of the residence that would have a 60-foot setback rather than the required 66 foot. Mr. Sam Post, the builder for the Bergman's, was present to discuss the plans with the Commission. Letters from Craig and Sharon Hecker, Ann Lowry, and Gordon and Jo Lewis, favorable toward the Bergman's plans, were received for information.

163-A. Moseley-Chezick. That this Commission, acting as the Board of Zoning Appeals, grant the zoning variance requested by Mr. and Mrs. Bergman.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

164. The Assistant City Attorney submitted a proposed ordinance to amend Section 10.67 of Chapter 107 of Title X of the Code of the City of East Grand Rapids regarding impoundment of vehicles.

164-A. Deems-Chezick. That the following ordinance be introduced at this time:

10/17/83

AN ORDINANCE TO AMEND SECTION 10.67
OF CHAPTER 107 OF TITLE X OF THE CODE
OF THE CITY OF EAST GRAND RAPIDS

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Section 10.67 of the East Grand Rapids City Code is amended as follows:

"10.67 Impoundment. A vehicle which is parked in violation of any provision of this Code in such manner that it endangers the public or obstructs traffic, or which is abandoned, is hereby declared to be a public nuisance. In addition to placing a traffic ticket or parking violation notice on said vehicle, the city may remove or cause said vehicle to be removed to the vehicle pound. The owner or operator of any vehicle which has been removed to the vehicle pound may have said vehicle released by paying all violation charges at the parking violations bureau, which are due against said vehicle and paying all costs of impoundment to the towing contractor of the City of East Grand Rapids. Any lienholder may claim an impounded vehicle by entering into an indemnity agreement with the City of East Grand Rapids to save harmless the city from any and all liability the city may incur at the hands of the registered owner for releasing said vehicle to said lienholder, and upon paying all charges due against said vehicle. The aforementioned charges shall include, but not be limited to, all parking violation charges outstanding against the vehicle, and all costs of impoundment.

Section 2. This amendatory ordinance will be effective on _____, 1983.

Section 3. This amendatory ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

165. The City Attorney discussed his earlier memorandum regarding time limitations on zoning variances.

165-A. Deems-Mehney. That the City Attorney be directed to draft an ordinance to establish time limitations on zoning variances.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

166. The City Controller reported that the preliminary audit for the year ended June 30, 1983, has been received and that he will be meeting with the City Manager and the auditors on Friday, October 21st, and with the Ways & Means Committee on Monday, October 24th.

167. Mayor Leidlein-Chezick. That the resignation of the Clerk-Controller-Treasurer be taken from the table.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

167-A. Mayor Leidlein-Chezick. That this Commission accept the resignation of John Wielsma, City Clerk-Controller-Treasurer, with regret, with best wishes for good health and happiness in days ahead, and with thanks from the Commission and all prior Commissioners with whom he has been associated for his service to the citizens of East Grand Rapids.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

168. The Mayor reported that the Personnel Committee will act as a screening committee for applicants for the Clerk-Controller-Treasurer position.

169. The Assistant City Manager reported on bids which were received on October 12, for the construction of the Silver Creek storm drain and recommended that the low bid of Velting Contractors, Inc., in the amount of \$511,076.75 be accepted and a contract awarded to it.

169-A. Deems-Moseley. That the contract for the Silver Creek storm drain project be awarded to Velting Contractors, Inc., in the amount of \$511,076.75.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

169-B. Inasmuch as the cost of the Silver Creek project exceeded the Engineer's estimate by \$61,000.00, the City Manager was requested to report back to the City Commission as to his recommendation to finance the additional costs.

170. The Assistant City Manager submitted a memorandum regarding implementation of a computer program which included two recommendations:

1. Purchase two IBM Computer Systems.
2. Purchase one IBM 5120 Computer for the Assessing and Controller's Department.

170-A. Mertz-Chezick. That the purchase of two IBM Personal Computers be tabled for two weeks to provide additional cost information and applications to be used on this equipment.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

170-B. Mayor Leidlein-Deems. That the request to purchase an IBM 5120 be tabled.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

171. The Director of Public Safety reported on the CLEMIS Computer System and submitted information regarding this program which was received for information.

172. The Assistant City Manager reported on bids which were received for stump removal and recommended that the low bid of Davey Tree Expert Company in the amount of \$1,805.00 for removal of 38 stumps be accepted.

172-A. Moseley-Chezick. That this Commission accept the low bid of Davey Tree Expert Company in the amount of \$1,805.00 and that the contract be awarded to it.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

173. The City Engineer submitted a memorandum regarding the request to advertise for bids for the annual fall tree planting program.

173-A. Deems-Mehney. That the City Engineer be authorized to proceed with advertising for bids for the annual fall tree planting program.

173-B. Moseley-Chezick. That the above motion be amended by providing that residents be assessed 50% of the cost of planting trees related to street improvement programs.

A roll call vote was taken:

Yeas: Moseley, Chezick - 2
Nays: Deems, Mehney, Mertz, Seibold, Leidlein - 5

The motion failed.

10/17/83

A roll call vote was taken on the main motion:

Yeas: Deems, Mehney, Mertz, Seibold, Leidlein - 5

Nays: Moseley, Chezick - 2

The motion carried.

174. Mayor Leidlein-Chezick. That the Commission go into executive session to discuss matters pertaining to negotiation of the Public Service labor contract.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7

Nays: 0

Following the executive session, the Mayor then reconvened the regular meeting of the City Commission.

174-A. Chezick-Moseley. That this Commission ratify the Public Service contract as recommended by the Labor Attorney.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7

Nays: 0

175. The report for the month of September, 1983, from the Building Inspector was received for information.

176. The Police/Fire Department report for the month of September, 1983, was received for information.

177. The Assistant City Manager reported that the annual meeting of the AGRAG will be held at the Marriott Inn on November 10, 1983, at 7:00 p.m.

178. The Assistant City Manager reported receipt of an invoice from Moore & Bruggink for services provided for the sewer rehabilitation program in the amount of \$30,404.15, of which \$27,059.69 is grant eligible.

178-A. Moseley-Deems. That the invoice from Moore & Bruggink in the amount of \$30,404.15 be approved for payment.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7

Nays: 0

179. The Mayor submitted a proposed resolution regarding court consolidation.

179-A. Mayor Leidlein-Moseley.

WHEREAS, the City of East Grand Rapids is desirous of having a more efficient judicial system in the County of Kent, and

WHEREAS, the Association of Grand Rapids Area Governments (AGRAG) has been exploring the feasibility of consolidating all municipal courts into one central court system, and

WHEREAS, the City of East Grand Rapids abandoned its municipal court in favor of consolidating with the 63rd District Court;

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of East Grand Rapids supports the concept of municipal court consolidation in the County of Kent and commends the efforts of all parties towards this end.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7

Nays: 0

180. Commissioner Chezick inquired about the Recreation report as it related to the Joint Facilities Agreement and fringe benefits. Commissioner Moseley reported on a survey she conducted with similar municipalities regarding costs of recreational services. Her conclusion was that we have a unique Recreation Department and she suggested that fees be raised to support more of the cost of the program. This report was received for information.

10/17/83

181. A letter was received from William R. Bacon resigning as the City's representative on the West Michigan Regional Planning Commission.

181-A. Mayor Leidlein-Deems. That this Commission accept with regrets the resignation of William R. Bacon and commend him for the excellent job he has done representing the City and keeping the City informed as to the activities of the West Michigan Regional Planning Commission.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

182. The minutes of the Local Officers Compensation Commission meeting which was held October 5, 1983, were received for information.

182-A. Deems-Mehney. That the members of the Local Officers Compensation Commission be commended for the job they have performed.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

183. Commissioner Mehney reported on the meeting of the Streets, Sidewalks & Parks Committee regarding landscaping at John Collins Park and requested that the City Manager contact Mr. Smith of Smith Associates, to prepare preliminary sketches of a landscaping plan.

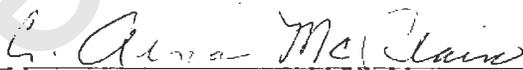
184. Commissioner Mehney reported that he had received a call regarding the use of the Cascade landfill for dumping leaves and requested that the City Manager report at the next meeting as to the proposed use of this landfill area.

185. Commissioner Mehney reported that he would report back to the City Commission regarding the construction of the gates on the south arm of Reeds Lake Blvd.

186. Commissioner Deems reminded the Commission that a public hearing will be held by the Planning Commission on November 1, 1983, for citizens' input on the City Plan that was proposed by the W.B.D.C.

187. Commissioner Mertz reported that Charles McCullum has been working toward consolidation of services for the Kent County and Grand Rapids Library Systems.

188. The meeting was adjourned, subject to the call of the Mayor, until November 7, 1983.


Deputy City Clerk

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Regular Meeting Held November 7, 1983

The meeting was called to order by Mayor Leidlein.

Present: Coms. Chezick, Deems, Mehney, Moseley, Mertz, Seibold and Mayor Leidlein.
Absent: None.

Also Present: City Manager Tholen, Assistant City Manager Bremer, City
Attorney Richardson, Assistant City Attorney Huff, City
Engineer McMann, Assessor Norman.

189. The minutes of the meeting held October 17, 1983, were approved as written.

190. Moseley-Chezick. That expense vouchers in the amount of \$744,120.93, and payroll vouchers in the amount of \$56,400.73, as approved by the Ways & Means Committee, be allowed and the Controller be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

191. The adjourned hearing was held on the variance request of Lee and Jayne Zavadil, 946 Ogden SE, to permit installation of a central air conditioner on the south side yard rather than the rear yard within 9 feet 6 inches from the south side lot line rather than the required 20 feet. A letter from Mr. & Mrs. Speakman, 950 Ogden SE, objecting to the location of the air conditioner, was received. Mr. & Mrs. Zavadil were present and advised that they would be willing to locate the air conditioner on the north side of their home.

191-A. Chezick-Seibold. That the variance requested by Mr. and Mrs. Zavadil be denied.

Yeas: Chezick, Deems, Moseley, Mertz, Seibold, Leidlein - 6
Nays: Mehney - 1

192. Commissioner Moseley gave a brief report on the audit meeting with the auditors, Ernst & Whinney. Further discussion relative to the audit was postponed until the next regular City Commission meeting.

193. The vehicle impoundment ordinance amendment which was introduced at the last regular City Commission meeting was considered.

193-A. Deems-Mertz. That the following ordinance amendment be adopted:

AN ORDINANCE TO AMEND SECTION 10.67
OF CHAPTER 107 OF TITLE X OF THE CODE
OF THE CITY OF EAST GRAND RAPIDS

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Section 10.67 of the East Grand Rapids City Code is amended as follows:

"10.67 Impoundment. A vehicle which is parked in violation of any provision of this Code in such manner that it endangers the public or obstructs traffic, or which is abandoned, is hereby declared to be a public nuisance. In addition to placing a traffic ticket or parking violation notice on said vehicle, the city may remove or cause said vehicle to be removed to the vehicle pound. The owner or operator of any vehicle which has been removed to the vehicle pound may have said vehicle released by paying all violation charges at the parking violations bureau, which are due against said vehicle and paying all costs of impoundment to the towing contractor of the City of East

Grand Rapids. Any lienholder may claim an impounded vehicle by entering into an indemnity agreement with the City of East Grand Rapids to save harmless the city from any and all liability the city may incur at the hands of the registered owner for releasing said vehicle to said lienholder, and upon paying all charges due against said vehicle. The aforementioned charges shall include, but not be limited to, all parking violation charges outstanding against the vehicle, and all costs of impoundment."

Section 2. This amendatory ordinance will be effective on November 17, 1983.

Section 3. This amendatory ordinance shall be published in full pursuant to the provisions of Chapter VIII, Section 5 of the Charter of the City of East Grand Rapids.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

194. The City Attorney presented an ordinance imposing time limits on zoning variances as discussed at the last regular City Commission meeting. This ordinance amendment was referred to the Planning Commission.

195. The Mayor congratulated Assistant City Attorney Huff upon becoming a partner in the law firm of Law, Weathers & Richardson.

196. A copy of a resolution adopted by the City of Grand Rapids for the reconstructing or widening of the East Beltline was received.

196-A.
BY COMMISSIONERS MOSELEY-SEIBOLD:

WHEREAS, the matter of the design of the reconstruction of the East Beltline north from I-96 is a matter of concern to people living in the Grand Rapids metropolitan area, including those residing in the City of East Grand Rapids, and

WHEREAS, the units of government in the metropolitan area have joined together in the East Beltline Association to study the requirements of the East Beltline, and

WHEREAS, we agree with the determination that the best development for the East Beltline between I-96 and Plainfield Avenue is a divided four-lane highway with median consistent with the development recently constructed between Lake Eastbrook Drive and I-96;

NOW, THEREFORE, BE IT RESOLVED, That the City of East Grand Rapids requests the Michigan Department of Transportation to construct a divided four-lane highway with twenty to sixty foot median, and

BE IT FURTHER RESOLVED, That the City Commission of the City of East Grand Rapids opposes the construction of a five-lane design because we feel it would encourage development of adjacent property in a manner which would impede the flow of traffic in a north-south direction in a metropolitan area whose street system is starved for thru north-south streets, and

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to the Michigan Department of Transportation, to each of the other governmental units within the Beltline area, and that the City Clerk be instructed to transmit copies of this resolution to local area legislators.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

197. Mr. Curt Kempainen was present and gave a report on the proposed Solid Waste Management Plan for Kent County.

11/7/83

198. Assessor Norman submitted a memorandum as to the amount of increase East Grand Rapids can expect for the 1984 assessments as a result of a preliminary study made by the Kent County Bureau of Equalization.

199. The City Manager gave a report on the composting area located on Cascade Road. Karen M. Meyers, 3122 Cascade Road SE, and David F. Huber, 3118 Cascade Road SE, were present. Mrs. Meyers expressed her opposition to the location of the landfill and the odor which occurs. She suggested that the leaves be buried instead of composted. Mr. George A. Sweder, 332 Kingswood SE, was also present and advised that he has no objection to the landfill in its present location. This matter was referred to the Streets, Sidewalks, Trees & Parks Committee.

200. The City Manager submitted a memorandum regarding the construction of the Silver Creek drain and the San Lucia trunk storm sewer. The bids exceed estimates of the Engineering Department by \$61,000. It was recommended by the City Manager that the \$61,000 excess be taken from the Unappropriated Fund Balance.

201. A memorandum was submitted by Assistant City Manager Bremer recommending the purchase of two IBM PC computers from Computer Land at a cost of \$7,048 for use in the Recreation and Public Service Departments.

201-A. Mayor Leidlein-Chezick. That the City procure two IBM PC computers at a cost of \$7,048.

201-B. Mertz-Mehney. That the above motion be tabled.

A roll call vote was taken:

Yeas: Deems, Mehney, Mertz, Seibold, Chezick - 5
Nays: Moseley, Leidlein - 2

The motion carried.

201-C. Mayor Leidlein. That the City employ the firm of Ernst & Whinney, our auditors, to make recommendations of computer needs of the City of East Grand Rapids.

The motion failed for lack of support.

202. The City Engineer submitted a tabulation of bids received for the 1983 tree planting program and recommended that the low bid of Chet's Nursery in the amount of \$4,719.50 be accepted.

202-A. Chezick-Moseley. That the low bid of Chet's Nursery in the amount of \$4,719.50 be accepted.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

203. The City Manager advised that he has requested M. C. Smith & Associates to furnish a proposal for the preparation of a landscaping plan for John Collins Park. The Mayor inquired as to whether the landscaping plan for John Collins Park includes an automatic sprinkling system. He was advised that it does not.

204. The City Engineer submitted a memorandum advising that a new easement document has been requested from Calvin College reflecting the relocation of the sanitary sewer due to difficulties encountered, and requesting the City Commission to release the previous easement.

204-A. Moseley-Chezick. That the City Commission authorize the Mayor and Clerk to sign the "Release of Easement" document submitted by the City Engineer.

Yeas: Chezick, Deems, Mehney, Moseley, Mertz, Seibold, Leidlein - 7
Nays: 0

205. A letter was received from Sherry Moch, Chairman of the Window Shop Christmas Sale at Blodgett Hospital, requesting permission to place a "park and plug" unlighted sign on the southwest corner of the Lake Drive-Plymouth intersection from November 8-11, which will advertise the "Cuter 'n' Christmas" sale at the Window Shop.

11/7/83

205-A. Moseley-Mayor Leidlein. That permission be granted to place the sign as requested.

A roll call vote was taken:

Yeas: Deems, Mehney, Moseley, Mertz, Leidlein - 5

Nays: Seibold, Chezick - 2

The motion carried.

206. A letter was received from Blodgett Memorial Medical Center requesting that they be given permission to operate the temporary drive at the east end of the parking ramp for a period of 30 days after the completion of the Wealthy Street improvement, and possibly as a permanent driveway. Permission was granted for the 30-day extension period and the matter was referred to the Traffic Commission.

207. The Traffic Commission minutes of the meeting held October 19, 1983, were received.

208. The report of the Public Safety Department for the month of September, 1983, was received.

209. A memorandum was submitted by the City Manager listing the November meeting dates of the boards and commissions of the City. The Traffic Commission will meet on November 15 at 8 a.m. The Planning Commission will meet on November 8 and November 22, at 4:30 p.m.

210. The City Manager inquired as to how many members of the Commission plan to attend the AGRAG annual meeting on Thursday, November 10, at 7:00 p.m., at the Marriott Inn.

211. The Mayor read a statement regarding the Reeds Lake boat launch in Remington Park on the north side of the channel between Reeds Lake Blvd. and the lake.

212. Commissioner Mehney advised that he had checked the gates on the south arm of Reeds Lake Blvd. and found them to be in good condition. He expressed concern as to whether cross-country skiers could get in and out.

213. Commissioner Mehney reported on a telephone call from a citizen expressing concern that a hole in Lake Drive near the High School has not been repaired. He was advised that the contractor would commence sewer repairs at that location on November 8.

214. Commissioner Deems advised that the Planning Commission has nearly completed the Land Use Plan study and requested that concerns and comments by City Commissioners be expressed as soon as possible.

215. Commissioner Mertz inquired as to the status of the suggested re-design of Elmwood and Lake Drive. The staff reported that traffic and speed counts have been taken and a report will be submitted to the Committee this week. The Traffic Commission will consider the matter at its December meeting.

216. Commissioner Moseley expressed appreciation to Commissioner Deems and Paul LaBlanc for attending the meeting of the Breton Neighborhood Association.

217. Commissioner Moseley commended Public Safety Director Gallagher for outlining a community watch program.

218. Commissioner Moseley expressed concern about residents putting their leaves on boulevards rather than the outlawn.

218-A. Moseley-Seibold. That residents place yard debris on their own outlawn rather than on the boulevards.

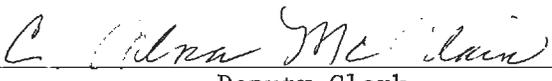
Yeas: Moseley, Chezick, Seibold, Leidlein - 4

Nays: Mehney, Deems, Mertz - 3

11/7/83

218-B. Commissioner Moseley suggested that effort be made to pick up leaves on heavy trafficked streets sooner than they have been in the past.

219. The meeting was adjourned, subject to the call of the Mayor, until November 21, 1983.



Deputy Clerk

UNOFFICIAL
Reference Only

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Regular Meeting Held November 21, 1983

The meeting was called to order by Mayor Leidlein.

Present: Coms. Deems, Moseley, Mertz, Seibold and Mayor Leidlein.

Absent: Coms. Chezick and Mehney.

Also Present: City Manager Tholen, Assistant City Manager Bremer, City Attorney Richardson, Assistant City Attorney Huff, City Engineer McMann, Public Safety Director Gallagher, Deputy Fire Chief Kroes, Public Service Superintendent Smith, and Captain Ditmar.

220. Noting a typographical error in Item 190, the minutes of the meeting held November 7, 1983, were approved as corrected.

221. Commissioner Seibold inquired as to the status of the Planning Commission's Land Use Study. Commissioner Deems responded that this will be discussed further at the end of the meeting.

222. Moseley-Seibold. That expense vouchers in the amount of \$775,176.22, and payroll vouchers in the amount of \$52,337.57, as approved by the Ways & Means Committee, be allowed and the Controller be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Deems, Moseley, Mertz, Seibold, Leidlein - 5

Nays: 0

223. Commissioner Moseley discussed the audit report for the fiscal year ended June 30, 1983. Commissioner Deems inquired as to whether or not the millage rate had been reduced for that year and he was advised that it had been. City Manager Tholen explained new items contained in the audit recommendations.

223-A. Moseley-Deems. That the audit report be accepted.

Yeas: Deems, Moseley, Mertz, Seibold, Leidlein - 5

Nays: 0

224. A hearing was then held on the zoning variance request of Mr. and Mrs. Max Gratzl, 2110 Hall Street SE, to install an air conditioning unit 8 ft. from the east side yard rather than the required 20 feet. Mr. Gratzl was present and explained that he wished the air conditioning unit installed on the west side yard and not the east side as stated in the notice. Letters favorable to the variance request were received from G. F. Kramsvogel, 1140 San Jose Drive SE, and Valerie Smith, 2102 Hall Street SE. There were no objections raised.

224-A. Mertz-Seibold. That the variance requested by Mr. and Mrs. Max Gratzl be denied.

Yeas: Deems, Moseley, Mertz, Seibold, Leidlein - 5

Nays: 0

225. A letter was received from Elsie E. Pierce, 3132 Southshire Drive SE, requesting that trees be planted on both sides of Lake Drive from the city limits up to Woodshire, and also requested placement of a city limit sign and speed limit sign on Lake Drive at the east city limits. The City Manager advised that the signs will be installed, but the trees will not be planted. This letter was received and filed.

226. The City Attorney reported that the legislation dealing with the change in Board of Review membership has been introduced and is pending.

227. The City Attorney advised that he has received a letter from the attorney for Kennedy Floral requesting that the City pay its legal bill for the recent litigation, and that Kennedy Floral be provided with a certain number of short term parking spaces. This matter was referred to the Real Estate Committee.

228. There was no Clerk-Controller report.

229. The City Manager reported on the proposed purchase of a patrol unit for the Police Department. Deputy Fire Chief Kroes advised that a 1983 vehicle is available from the most recent State of Michigan solicitation of bids in the amount of \$10,048.78, which is a savings of \$1,103.64 over the purchase of a comparable 1984 unit.

229-A. Moseley-Seibold. That the 1983 patrol vehicle be purchased at a cost of \$10,048.78.

Yeas: Deems, Moseley, Mertz, Seibold, Leidlein - 5
Nays: 0

230. Moseley-Mertz. That discussion relative to purchase of a fire truck be added as a new agenda item.

A roll call vote was taken:

Yeas: Deems, Moseley, Mertz, Seibold, Leidlein - 5
Nays: 0

The motion carried.

230-A. Deputy Fire Chief Kroes described specifications and proposals received on a replacement fire truck. Three proposals have been received as follows:

1.	Hurricane Custom Protector IV Aluminum Body - 1250 G.P.M.	\$98,221.00
	Less trade-in	<u>1,500.00</u>
		\$96,721.00
2.	C-8000 Commercial Protector III Aluminum Body 1,000 G.P.M.	\$96,405.82
	Less trade-in	<u>1,500.00</u>
		\$94,905.82
3.	C-8000-T Commercial Quality Stainless Steel Body	\$98,462.00
	Less trade-in	<u>8,000.00</u>
		\$90,462.00
	Less Mfgr. Conc.	<u>2,000.00</u>
		\$88,462.00
	Less Demo. Conc.	<u>4,000.00</u>
		\$84,462.00

230-B. Deems-Mertz. That authorization be given to purchase the C-8000-T Commercial Quality unit at a price of \$84,462.00.

Yeas: Deems, Moseley, Mertz, Seibold, Leidlein - 5
Nays: 0

231. The City Manager reported on a proposal from M. C. Smith & Associates, Inc., for the preparation of a plan for the relandscaping of John Collins Park. The proposal states that cost of the preparation of a plan will not exceed \$3,897.00. The proposal was referred to the Streets, Sidewalks, Trees & Parks Committee for consideration and a report back to the City Commission.

232. The City Manager requested that the City Commission go into executive session following the meeting to discuss material exempt from disclosure by State Statute regarding the acquisition of real property.

232-A. Deems-Moseley. That this Commission go into executive session following this meeting to discuss the acquisition of real property.

Yeas: Deems, Moseley, Mertz, Seibold, Leidlein - 5
Nays: 0

11/21/83

233. Minutes of the Planning Commission meeting held October 11, 1983, were received for information.

234. The Building Inspector's report for the month of October, 1983, was received and filed.

235. The Mayor reported that 22 applications have been received for the position of Clerk-Controller.

236. The City Manager reported on a letter received from Senator Paul Henry in which he states that he concurs with the City Commission's position regarding the reconstruction of the East Beltline.

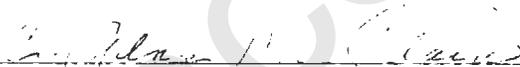
237. Mr. G. F. Farrell, 316 Pioneer Club Road SE, was present and requested that the Planning Commission furnish information to the neighborhood associations regarding steps to be taken to implement the proposed Master Plan.

238. Commissioner Deems advised that the Planning Commission will soon make definitive decisions as to accepting or rejecting the planner's recommendations. A formal presentation of the Plan will be made to the City Commission in December.

239. Commissioner Moseley inquired as to when the planter boxes in Gaslight Village will be removed. She also inquired about the greens being put on the lamp posts and was advised that the only cost involved to the City is the labor. She also expressed her concern for Kent CAP and GRATA and asked for any input Commissioners might have.

240. The Mayor advised that he will be attending the National League of Cities meeting in New Orleans and will be out of the city from November 26 through December 1. The Commission went into executive session.

241. The meeting was adjourned, subject to the call of the Mayor, until December 5, 1983.



Deputy Clerk

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Regular Meeting Held December 5, 1983

The meeting was called to order by Mayor Leidlein.

Present: Coms. Chezick, Deems, Mehney, Mertz, Moseley, Seibold and Mayor Leidlein.
Absent: None.

Also Present: City Manager Tholen, Assistant City Manager Bremer, City Attorney Richardson, Assistant City Attorney Huff, and City Engineer McMann.

242. The minutes of the meeting held November 21, 1983, were approved as written.

243. Moseley-Chezick. That expense vouchers in the amount of \$159,426.44, and payroll vouchers in the amount of \$44,195.93, as approved by the Ways & Means Committee, be allowed and the Controller be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

244. The City Attorney reported that he had received a letter from Representative Ehlers suggesting that the East Grand Rapids City Commission adopt a resolution requesting the Michigan Municipal League to support H.B. 5111.

244-A.
BY COMMISSIONERS DEEMS-CHEZICK:

RESOLVED, that the City of East Grand Rapids, because of the extreme time demands placed on the members of its Board of Review, request the Michigan Municipal League to actively support H.B. 5111, which would give to East Grand Rapids and other cities with a population of 10,000 or more persons the same option of enlarging its Board of Review to 9 members that is presently available to certain townships.

Yeas: Chezick, Deems, Mehney, Merta, Moseley, Seibold, Leidlein - 7
Nays: 0

245. The Assistant City Manager reported on the status of the Housing Rehabilitation Fund and advised that there will be followup memoranda submitted in two weeks.

246. The City Manager reported that it does not appear that the change in Grand Rapids water rates established for the calendar year 1984 will necessitate adjustment of water and sewer rates for East Grand Rapids residents at this time, but that he will report in detail at the next meeting.

247. The City Manager reported receipt of a letter from Mr. William M. Azkoul, 3055 Manhattan Lane SE, relative to the Manhattan School property.

248. Commissioner Deems reported on a letter he had received from the City Attorney relative to the implementation process of the Comprehensive Plan when it is presented to the City Commission by the Planning Commission.

249. The Public Safety Department report for the month of October, 1983, was received for information.

250. The City Manager reported that he had received a letter from Mr. James Pitz, Director of the Michigan Department of Transportation, acknowledging receipt of the resolution supporting the reconstruction of the East Beltline.

251. Commissioner Deems advised that the Streets, Sidewalks, Trees & Parks Committee has scheduled a meeting with M. C. Smith & Associates to review the proposal for the landscaping of John Collins Park.

252. Commissioner Deems advised that the Real Estate Committee has referred to the Streets, Sidewalks, Trees & Parks Committee the request from Kennedy Floral to consider paying the attorney fees for the recent litigation and to designate parking spaces for exclusive use of Kennedy Floral. The Committee has recommended that the City Attorney respond to Mr. Tolley, the attorney for Kennedy Floral, advising him that it is not appropriate for the City to pay such fees or to set aside parking spaces for restricted use at this time. The City Attorney was directed to respond to Mr. Tolley.

The Mayor called a recess prior to discussing the City Clerk-Controller position.

The Mayor reconvened the meeting.

253. The Mayor reported that two persons had been asked to appear before the City Commission for interview as applicants for the City Clerk-Controller position. Mr. Timothy T. Allard was present. Mrs. Linda L. Moskalik was unable to attend. Mr. Allard was interviewed by the Commissioners.

253-A. Seibold-Deems. That Timothy T. Allard be employed (appointed) as City Clerk-Controller for the City of East Grand Rapids.

A roll call vote was taken:

Yeas: Deems, Mehney, Mertz, Seibold, Leidlein - 5
Nays: Moseley, Chezick - 2

The motion carried.

The Mayor called a recess for the purpose of discussing salary with Mr. Allard.

The meeting was reconvened.

254. Mayor Leidlein-Chezick. That Mr. Allard's yearly starting salary be \$33,500 with a review of the salary as of July 1, 1984.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

255. Commissioner Seibold expressed appreciation to the East Grand Rapids students for their accomplishments in all phases of athletics.

255-A.
BY COMMISSIONERS SEIBOLD-MEHNEY:

WHEREAS, the student body of the East Grand Rapids Schools, through their many talents, whether athletic, musical, academic or other, have exhibited exemplary ability, and

WHEREAS, they have brought extraordinary credit and attention to this community as a result of these talents in the areas of

- Boys' football - State Class B football championship
- Girls' swimming - State Class B swimming championship
- Girls' tennis - State Class B runner-up
- Mathematicians - Top 5% Part I State Mathematics Competition
- National Merit semi-finalists
- Vocal music
- Instrumental music

as well as other fields of endeavor.

NOW, THEREFORE, BY ORDER OF THE CITY COMMISSION, the undersigned does resolve that all citizens recognize these accomplishments of leadership and service to this community.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

12/5/83

256. Commissioner Moseley reported that she had received several telephone calls from residents complaining about private snowplowing contractors operating their equipment during the nighttime hours. This was referred to the City Manager.

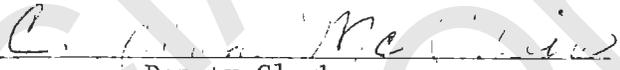
257. Commissioner Deems requested that the City Commissioners review the draft of the Comprehensive Plan submitted to them and that any comments be forwarded to him.

258. Commissioner Mehney reported that he had received a letter from Mr. Jackoboice regarding the Cascade composting area. Commissioner Moseley reported that a study has indicated that the odor can be alleviated by turning the compost more often.

259. Commissioner Moseley inquired as to the disposition of the donation from the sale of Christmas trees in the parking lot south of the Public Safety Department. The City Manager advised that the donation will again be given to the Capitol Lunch Program.

260. Commissioner Moseley inquired as to when the City ice rink will be flooded.

261. The meeting was adjourned, subject to the call of the Mayor, until December 19, 1983.



Deputy Clerk

PROCEEDINGS OF THE COMMISSION OF THE
CITY OF EAST GRAND RAPIDS, MICHIGAN

Regular Meeting Held December 19, 1983

The meeting was called to order by Mayor Leidlein.

Present: Coms. Chezick, Deems, Mehney, Mertz, Moseley, Seibold and Mayor Leidlein.
Absent: None.

Also Present: City Manager Tholen, Assistant City Manager Bremer, City Attorney Richardson, and Assistant City Attorney Huff.

262. The minutes of the meeting held December 5, 1983, were approved as written.

263. Moseley-Chezick. That expense vouchers in the amount of \$382,706.59, and payroll vouchers in the amount of \$46,321.55, as approved by the Ways & Means Committee, be allowed and the Controller be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

264. A zoning variance hearing was then held upon the request of Bruce and Rebecca Baker, 2621 Oakwood Drive SE, to permit construction of a 14.5 ft. section of fence in the rear yard to be eight ft. in height rather than the required six ft. maximum on the west property line. Mr. and Mrs. Baker were present to answer questions regarding their request. They also presented pictures of the fence and advised that it had already been constructed upon advice from the builder that a variance would not be required. Mr. Howard L. Green, 2629 Oakwood Drive SE, the neighbor adjacent to Mr. and Mrs. Baker on the east, was present and stated that he had no objection to the fence. There were no objections raised.

264-A. Seibold-Deems. That the variance requested by Mr. and Mrs. Bruce Baker be granted.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

265. A letter was received from William N. Azkoul regarding the Manhattan School project development. This letter was received and filed.

266. There was no City Attorney's report.

267. The City Manager submitted a memorandum regarding water and sewer rates for 1984, and advised that it will not be necessary for East Grand Rapids to make any adjustment in the rates at this time.

268. The City Manager submitted a memorandum regarding the Housing Rehabilitation Fund status and advised that the funds can either be closed to the General Fund and the project totally terminated, can continue to be segregated, or that we can start a new program. It was the consensus of the Commission that the funds continue to be segregated, but that the program not be reactivated at this time.

269. A memorandum was received from the City Manager regarding the Auditor's Letter of Recommendation of June 30, 1983.

270. The City Manager reported on bids received for the purchase of the second of two vehicles previously approved by the City Commission for rotation into the police fleet. Due to an error in calculation with reference to cost of the recommended vehicle, action was deferred.

271. A letter was received from the East Grand Rapids Merchants Association regarding the removal of the planter boxes during the winter months.

271-A. Chezick-Mehney. That the planter boxes not be removed during the winter months unless City staff determines that a problem with respect to snow removal exists.

Yeas: Chezick, Deems, Mehney, Mertz, Seibold, Leidlein - 6
Nays: Moseley - 1

272. An invoice was received from W.B.D.C. for a current amount due of \$1,494.48 for professional services rendered September 23 thru October 21, 1983. This invoice was approved for payment.

273. The City Manager reported on an amendment to the Streetlighting Contract submitted by Consumers Power Company to permit the installation of a street light in the vicinity of 1540 Woodcliff Drive SE.

273-A. Deems-Seibold. That the amendment to the Streetlighting Contract relative to a street light to be installed in the vicinity of 1540 Woodcliff Drive be approved.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

274. The City Manager reported receipt of a letter from Robert L. Stockman, Executive Director of the West Michigan Regional Planning Commission, requesting an appointment by the City Commission of an individual to represent East Grand Rapids. No action was taken.

275. The City Manager reported that he had not been able to meet with the President of the snowplowers' association to resolve problems that exist. A further report will be forthcoming.

276. The City Manager requested approval of a resolution designating Timothy Allard as coordinator of the ICMA Retirement Corporation Compensation Plan replacing John Wielsma.

276-A.
BY COMMISSIONERS CHEZICK-DEEMS:

WHEREAS, City Clerk-Controller John Wielsma has terminated his employment with the City of East Grand Rapids, and;

WHEREAS, Timothy T. Allard will assume the office of Clerk-Controller on January 1, 1984;

NOW, THEREFORE, BE IT RESOLVED, that Clerk-Controller Timothy T. Allard is hereby designated as coordinator of the deferred compensation plan administered by the ICMA Retirement Corporation and shall receive necessary reports, notices, etc. from the ICMA Retirement Corporation as Administrator, and shall cast, on behalf of the Employer, any required votes under the program.

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

277. The Building Inspector's report for the month of November, 1983, was received and filed.

278. The Public Safety Department report for the month of November, 1983, was received and filed.

279. Commissioner Deems, reporting for the Streets, Sidewalks, Trees and Parks Committee, reported on the meeting with the Landscape Architect for Collins Park and advised that bids for this work will be solicited in the spring of 1984.

280. Commissioner Deems inquired as to the status of the ice rink. The City Manager advised that it is presently being prepared.

281. Commissioner Moseley inquired about the Christmas trees remaining on the lot south of the Public Safety Building. The City Manager advised that this cleanup will be made by Merle Johnson.

282. Commissioner Seibold advised that he has been questioned about the status of the Kent CAP and requested that a written report be submitted.

12/19/83

283. Mehney-Mertz. That this Commission go into executive session to discuss specific pending litigation.

A roll call vote was taken:

Yeas: Chezick, Deems, Mehney, Mertz, Moseley, Seibold, Leidlein - 7
Nays: 0

The motion carried.

284. The meeting was adjourned, subject to the call of the Mayor, until January 3, 1984.

C. Allen McLean
Deputy Clerk

UNOFFICIAL
Reference Only