

REGULAR MEETING

The meeting was called to order at 8:00 p.m., Mayor Steven M. Brown presiding.

Pledge of Allegiance to the Flag.

Invocation by Rev. Pat Bossio, Sr. of Faith Christian Assembly

PRESENT: Councilpersons Valerie Brady, Mario DiSanto, Michael Higgins, Mark Kandes, Thomas Murphy and Frank Vaslo.

ALSO PRESENT: City Attorney Ed Zelenak and City Clerk Donna Breeding

Mayor's Remarks

RESOLUTION 05-145 Minutes

By Councilman Higgins, supported by Councilman Vaslo

RESOLVED, that the minutes of the Regular Meeting held under the date of April 4, 2005 be approved as recorded.

Motion unanimously carried.

RESOLUTION 05-146 Open Bids/Shade Trees

By Councilwoman Brady, supported by Councilman DiSanto

RESOLVED, that the City Clerk be authorized to open bid proposals received marked "Shade Trees".

Motion unanimously carried.

RESOLUTION 05-147 Refer Bids/Shade Trees

By Councilwoman Brady, supported by Councilman Higgins

RESOLVED, that the bid proposals received marked "Shade Trees" be referred to the Purchasing Specialist, Superintendent of Public Works and the Finance Director for tabulation and recommendation.

Motion unanimously carried.

RESOLUTION 05-148 Open Bids/Gravel, Topsoil & Sand

By Councilwoman Brady, supported by Councilman DiSanto

RESOLVED, that the City Clerk be authorized to open bid proposals received marked "Gravel, Topsoil and Sand".

Motion unanimously carried.

RESOLUTION 05-149 Refer Bids/Gravel, Topsoil & Sand

By Councilwoman Brady, supported by Councilman Higgins

RESOLVED, that the bid proposals received marked "Gravel, Topsoil & Sand" be referred to the Purchasing Specialist, Superintendent of Public Works and the Finance Director for tabulation and recommendation.

Motion unanimously carried.

RESOLUTION 05-150 Authorization to Solicit/Moslem Shriners

By Councilman Higgins, supported by Councilman DiSanto

RESOLVED, that the Moslem Shrine Temple be granted permission to solicit donations on the streets of Lincoln Park on June 9, 10 & 11, 2005 for their "Annual Hospital Fund Drive". All reporting provisions of the local ordinance to be timely observed.

Motion unanimously carried.

RESOLUTION 05-151 Solicit RFP/Engineering Services

By Councilwoman Brady, supported by Councilman DiSanto

RESOLVED, that the Mayor and Council for the City of Lincoln Park hereby authorize the Director of Public Services and Engineering to advertise for general civil engineering consulting services for the City. Once proposals are received, a technical review committee comprised of the City Manager, the Director of Public Services and Engineering, and the DPS Superintendents will make recommendations to the Mayor and City Council.

Motion unanimously carried.

continued

RESOLUTION 05-152 Set Public Hearing/617 Park

By Council President Kandes, supported by Councilman Higgins

WHEREAS, the Hearing Board on **Dangerous Buildings** has made a finding and determination that the structure located at **617 Park** is a dangerous building under Ordinance 1444, and issued its order that the structure **be inspected within 10 days, exterior repairs be completed within 30 days, and interior violations be corrected or structure demolished within 90 days, and**

WHEREAS, pursuant to Chapter 1444 of the Lincoln Park Municipal Code, the Hearing Board on Dangerous Buildings has filed a report of it's findings and a copy of it's ORDER with the Council and has requested the Council to take the necessary action to demolish the structure, and

WHEREAS, the owners and/or other parties of interest have neglected to comply with said order and the subject structure has not been made safe or demolished.

NOW, THEREFORE BE IT RESOLVED, that pursuant to Sections 1444.08 of the Lincoln Park Municipal Code, the Council hereby establishes the date of **May 2, 2005 at 8:00 p.m.**, or as soon thereafter as the ordinary order of Council business shall permit as the date and time for a hearing to review the findings and order of the said Hearing Board, at which hearing the owners, or parties of interest shall be given the opportunity to show cause why the building should not be demolished. The Building Superintendent is directed to give notice as required by Ordinance to the owner or parties of interest of such hearing date.

Motion unanimously carried.

RESOLUTION 05-153 Set Public Hearing/722 White

By Council President Kandes, supported by Councilman Vaslo

WHEREAS, the Hearing Board on **Dangerous Buildings** has made a finding and determination that the structure located at **722 White** is a dangerous building under Ordinance 1444, and issued its order that the structure **be inspected within 10 days, exterior repairs be completed within 30 days, and interior violations be corrected or structure demolished within 90 days, and**

WHEREAS, pursuant to Chapter 1444 of the Lincoln Park Municipal Code, the Hearing Board on Dangerous Buildings has filed a report of it's findings and a copy of it's ORDER with the Council and has requested the Council to take the necessary action to demolish the structure, and

WHEREAS, the owners and/or other parties of interest have neglected to comply with said order and the subject structure has not been made safe or demolished.

NOW, THEREFORE BE IT RESOLVED, that pursuant to Sections 1444.08 of the Lincoln Park Municipal Code, the Council hereby establishes the date of **May 2, 2005 at 8:00 p.m.**, or as soon thereafter as the ordinary order of Council business shall permit as the date and time for a hearing to review the findings and order of the said Hearing Board, at which hearing the owners, or parties of interest shall be given the opportunity to show cause why the building should not be demolished. The Building Superintendent is directed to give notice as required by Ordinance to the owner or parties of interest of such hearing date.

Motion unanimously carried.

RESOLUTION 05-154 Resolution of Support/CDBG Program

By Mayor Brown, supported by the Full Council

RESOLVED, that the Community Development Block Grant Program has been a highly successful and flexible tool for local governments to address the ongoing housing, infrastructure and first responder need of the community while revitalizing neighborhoods and providing economic opportunities and commercial revitalization, and further that local communities have developed a good working relationship with the U.S. Department of HUD and that department has developed the institutional memory and capacity to make the program a success.

THEREFORE, the Mayor and City Council strongly urge Michigan's Senators and Congressional delegation to oppose President Bush's budget proposal to cut CDBG funding and move the program to the U.S. Department of Commerce.

Motion unanimously carried.

RESOLUTION 05-155 DEQ Grant Application

By Councilman Higgins, supported by Councilman Vaslo

RESOLVED, that the Mayor and City Council have determined that is is in the City’s best interest to further develop a playground and nature walk for the handicapped and therefore do hereby support the submittal of a grant proposal to the Michigan Department of Environmental Quality by Neighborhood Funding Resources for the funding of up to \$50,000.00 worth of improvements to the Lions Park Project. FURTHER BE IT RESOLVED, that NFR be authorized to submit a grant application to MDEQ requesting \$50,000.00 for which a fee of \$1,750.00 shall be paid for writing the submission and \$1,250.00 shall be paid if grant is awarded in the full amount, otherwise the fee will be pro-rated depending on the amount awarded. Funds to come from City General Revenue Fund.
Motion unanimously carried.

RESOLUTION 05-156 2005 W/C Completion Bonds

By Councilwoman Brady, supported by Councilman Vaslo

WHEREAS, the Mayor and City Council of the City of Lincoln Park, hereinafter “Downriver Community” passed resolution (the “Resolution”), approving, ratifying and confirming the Downriver Sewage Disposal System 1994 Financing Plan and Final Judgment re: 1994 Court-Ordered Improvements relating to Improvements to the Downriver Sewage Disposal System (the “Judgment”) and authorizing and directing the Mayor and Clerk to execute and deliver the same to Wayne County (“Wayne”) for and on behalf of this Downriver Community. Capitalized terms not otherwise defined herein shall have the meanings given them in the Resolution and the Judgment; and
WHEREAS, the Mayor and City Council of the Downriver Community has passed resolutions approving, ratifying and confirming numerous supplements to the Judgment; and
WHEREAS, Wayne, in accordance with law, including but not limited to Act 185 and Act 451 of the Public Acts of Michigan, 1994, as amended (“Act 451”), will notice for entry Supplement #15 to the Judgment (the “Supplement 15 Judgment”) in the Federal Court Action; and
WHEREAS, the purpose of the Supplement #15 Judgment (including Exhibit C15 attached thereto) is to provide for additional financing for Improvements to the Downriver Sewage Disposal System in accordance with Exhibit C15 (the “Supplement #15 Improvements”); and

NOW, THEREFORE, BE IT RESOLVED THAT,

1. Approval of the Supplement #15 Judgment. The Mayor and the Clerk are hereby authorized and directed to execute and deliver the Supplement #15 Judgment in substantially the form attached hereto, with such modifications thereto and to Exhibit C15 as determined necessary or appropriate by the Mayor and the Clerk, for and on behalf of the Downriver Community.
2. Declaration of Intent to be Reimbursed and Allocation Under Section 265(b)(3)(C)(iii) of the Code. The Downriver Community affirms and declares its official intent to finance or refinance its Local Share of the cost of the Supplement #15 Improvements as set forth on Exhibit C15 to the Supplement #15 Judgment with bonds that have been issued or will be issued by Wayne in a maximum principal amount not to exceed \$19,280,000 (the “Supplement #15 Bonds”), with such modifications thereto as may be made in accordance with Paragraph 1 above, which amount(s) shall be allocated to the Downriver Community for purposes of Section 265 (b)(3)(C)(iii) of the Internal Revenue Code of 1986, as amended. The Downriver Community further affirms and declares that it reasonably expects to be reimbursed by Wayne, without interest, from the proceeds of the Supplement #15 Bonds, for advances, if any, made by it towards the cost of the Supplement #15 Improvements. The Downriver Community, at the present time, has determined that there are no funds from sources other than the Supplement #15 Bonds anticipated herein that are reasonably expected to be reserved, allocated on a long term basis or otherwise set aside by it, or by any member of a controlled group (as defined in Treasury Regulation §1.150-1(e)) in which it is a member, if any, pursuant to its budget or financial policies with respect to the expenditures for the Supplement #15 Improvements expected to be reimbursed from the proceeds of the Supplement #15 Bonds. This Paragraph 2 shall not be applicable if Wayne does not issue any tax-exempt bonds to finance the Downriver Community’s Local Share of the costs of the Supplement #15 Improvements.
3. Approval of Bond Issuance.
 - (a) Subject to Paragraph 3(b), the Downriver Community hereby requests that Wayne issue the Supplement #15 Bonds contemplated hereby pursuant to Act 185, Act 451 and Act 34, Public Acts of Michigan, 2001, as amended (“Act 34”) in one or more series, as Wayne shall determine to be necessary, to finance the Downriver Community’s portion of the Supplement #15 Improvements. To the extent the Wayne has heretofore financed or paid all or a portion of the costs of the Supplement #15 Improvements, the obligation of the Downriver Community to pay or reimburse Wayne for such costs shall be deemed refinanced or refunded through the issuance by

continued

Wayne of the Supplement #15 Bonds. The Supplement #15 Bonds may be sold by Wayne through the Michigan Local Government Loan Program (“LGLP”) of the Michigan Municipal Bond Authority (“MMBA”) or to such other purchaser as Wayne shall determine, or in part to the LGLP and the MMBA and in part to another purchaser.

(b) In the event that on account of any applicable law or regulation Wayne is not permitted to issue its bonds pursuant to Paragraph 3(a) to finance the Downriver Community’s Local Share of the costs of the Supplement #15 Improvements, the obligation of the Downriver Community to make its Judgment Payments (as defined in the Judgment) to pay its Local Share of such costs pursuant to the terms of the Judgment shall not be affected thereby and is fully recognized and confirmed, and pursuant to the Judgment Wayne shall have all other rights and remedies provided by law to enforcement the obligation of the Downriver Community to make its Judgment Payments and other payments required under the Judgment in the manner and at the times required by the Judgment.

4. Authorization to Take Other Actions. The Mayor, the Clerk and all other officials of the Downriver Community are hereby authorized and directed to take all other actions and execute such other documents as they may consider necessary or appropriate in accordance with this resolution including, without limitation: (i) filing, as applicable, a qualifying statement and/or an application for prior written approval or such other document(s) with the Michigan Department of Treasury as may be required pursuant to Act 34, and paying any related fees in connection with any of the foregoing, and taking any other actions necessary or desirable under Act 34 for the Department of Treasury’s approval of the issuance of any of the Supplement #15 Bonds to finance the Supplement #15 Improvements, and the form of notice required by law; (ii) executing and delivering any documents and providing such information as may be required in connection with the LGLP, if applicable, or by applicable law or regulation, in such form as may be required by the MMBA if applicable, or by applicable law or regulation, together with such other documents as may be necessary or appropriate in connection therewith, including, if required, information concerning the Downriver Community for inclusion in a preliminary official statement and a final official statement with respect to the Supplement #15 Bonds, the circulation and dissemination of which are hereby approved, and if required a continuing disclosure agreement meeting the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended; and (iii) cooperating with Wayne, the Department of Treasury, the MMBA, Rating Agencies, bond insurers, if any, and other parties to issue the Supplement #15 Bonds timely and in accordance with all the terms and conditions of the Supplement #15 Judgment and the requirements of the LGLP, as applicable.
5. Payment of Judgment Payments. The Downriver Community acknowledges that, unless otherwise paid in cash by September 30, 2005, the Assessing Officer of the Downriver Community is required by the Judgment to assess taxes on the taxable property of the Downriver Community on the Levy Date of December 1, 2005, in an amount sufficient to pay the Judgment Payments set forth in the schedule of 2006 Judgment Payment Millage Levy Rates to be determined by Wayne. The treasurer or collecting officer of the Downriver Community shall pay such Judgment Payments to Wayne as such amounts are collected.
6. Other Resolutions Rescinded. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Motion unanimously carried.

RESOLUTION 05-157 2005 W/C Capitol Improvement Bonds

By Councilwoman Brady, supported by Councilman Vaslo

WHEREAS, the City of Lincoln Park, has determined that it is necessary for the public health, safety and welfare of the City of Lincoln Park for there to be acquired, constructed and financed certain improvements to the Downriver Sewage Disposal System (the “System”) as described on the attached Exhibit A (the “Projects”); and

WHEREAS, Act 185, Public Acts of Michigan, 1957, as amended (“Act 185”) authorizes the County of Wayne, Michigan (“Wayne”) to improve the System; and

WHEREAS, by terms of Act 185, Wayne, the City of Lincoln Park and the other municipalities which are part of the System (collectively, the “Downriver Communities”) are authorized to enter into a contract for the improvements to the System and the payment of the cost thereof by the Downriver Communities, with interest, and Wayne is then authorized pursuant to appropriate action by its Board of Commissioners, to issue bonds of Wayne to provide up to all of the funds necessary therefor, secured primarily by the full faith and credit contractual obligations of up to all of the Downriver Communities and secondarily by the full faith and credit pledge of Wayne if duly authorized by appropriate resolution of its Board of

continued

Commissioners, or to make advances on behalf of certain of the Downriver Communities pursuant to Act 185 (“Advances”); and

WHEREAS, Act 185 provides the most practicable and economic method and means for acquiring and financing the Projects, and financing under Act 185 is expected to result in the lowest cost for the money necessary to be borrowed for such purpose; and

WHEREAS, plans and an estimate of costs for the Projects have been prepared by or on behalf of Wayne, and the estimate of the total cost for the Projects is approximately \$3,805,000, of which Wayne intends to finance through one or more series of bonds in an amount not to exceed such amount, and, to the extent that Wayne may not issue bonds for any portion of such amount, by Advances made by Wayne pursuant to Act 185;

WHEREAS, Wayne and the City of Lincoln Park desire to enter into a contract to which the other Downriver Communities are also a party, as provided by Act 185, pursuant to which Wayne will issue its bonds to provide funds not to exceed \$3,805,000 to pay up to all of the costs of the Projects through the issuance of bonds pursuant to a bond authorizing resolution to be adopted by Wayne (the “Bonds”), and in addition, to the extent that Wayne may not issue bonds for any portion of such amount, Wayne may make Advances of funds pursuant to Act 185 to pay the costs of a portion of the Projects on behalf of certain Downriver Communities, subject to their agreement to repay such funds; and

NOW, THEREFORE, BE IT RESOLVED THAT,

1. Approval of Acquisition and Construction of the Projects. The City of Lincoln Park hereby approves the acquisition and construction of the Projects by Wayne.
2. Approval of Contract. The City of Lincoln Park hereby approves the form of contract for the improvements to the System attached hereto as Exhibit B (the “Contract”) between the City of Lincoln Park, the other Downriver Communities, and Wayne. The Mayor and the City Clerk are hereby authorized and directed to execute and deliver the Contract in substantially the form attached hereto, with such modifications thereto as determined necessary or appropriate by the Mayor and the City Clerk, for and on behalf of the City of Lincoln Park.
3. Approval of Bond Issuance; Advancement of Funds.
 - (a) Subject to Paragraph 3(b) hereof, the City of Lincoln Park hereby requests that Wayne issue bonds pursuant to Act 185 and Act 34, Public Acts of Michigan, 2001, as amended, in one or more series, as Wayne shall determine to be necessary, in an amount not to exceed \$3,805,000 for the purpose of financing the Projects. The Bonds shall be sold by Wayne through the Michigan Local Government Loan Program (“LGLP”) of the Michigan Municipal Bond Authority (“MMBA”), or to such other purchaser as Wayne shall determine or in part to through the LGLP and the MMBA and in part to another purchaser.
 - (b) In the event that on account of any applicable law or regulation Wayne is not permitted to issue its bonds pursuant to Paragraph 3(a) to finance the City of Lincoln Park’s local share of the costs of the Projects, the City of Lincoln Park agrees that upon the making of Advances by Wayne of funds sufficient to pay the City of Lincoln Park’s local share of such costs, the City of Lincoln Park will repay such funds to Wayne pursuant to the terms of the Contract.
4. Installment Payments. The obligation of the City of Lincoln Park to pay its local share of the principal of, premium, if any, and interest on the Bonds or principal of and interest on the Advance pursuant to the terms of the Contract, is fully recognized and confirmed. The City of Lincoln Park hereby agrees to make such payments to Wayne from the sources described in the Contract in accordance with the terms set forth in the Contract and the payment schedule with respect to the Bonds or the Advances which shall be provided by Wayne to the City of Lincoln Park.
5. Authorization to Take Other Actions. The Mayor and the City Clerk and all other officials of the City of Lincoln Park are hereby authorized and directed to take all other actions and execute such other documents as they may consider necessary or appropriate in accordance with this resolution including, without limitation: (i) filing, as applicable, a qualifying statement and/or an application for prior written approval or such other document(s) with the Michigan Department of Treasury as may be required pursuant to Act 34, and paying any related fees in connection with any of the foregoing, and taking any other actions necessary or desirable under Act 34 for the Department of Treasury’s approval of the issuance of any of Wayne’s Bonds to finance the Projects, and the form of notice required by law; (ii) executing and delivering any documents and providing such information as may be required by Wayne or in connection with the LGLP, if applicable, or by applicable law or regulation, in such form as may be required by Wayne or the MMBA, if applicable, or by applicable law or regulation, together with such other documents as may be necessary or appropriate in connection therewith, including, if required, information concerning the City of Lincoln Park for inclusion in a preliminary official statement and a final official statement with respect to the Bonds, the circulation and dissemination of which are hereby

approved, and if required a continuing disclosure agreement meeting the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended; and (iii) cooperating with Wayne, the Department of Treasury, the MMBA, rating agencies, bond insurers, if any, and other parties to issue Wayne’s Bonds timely and in accordance with all the terms and conditions of Act 185, Act 34 and the requirements of the LGLP, as applicable.

- 6. Declaration of Intent to be Reimbursed and Allocation Under Section 265 (b) (3) (C) (iii) of the Code. The City of Lincoln Park affirms and declares its official intent to finance its local share of the cost of the Projects with bonds that have been issued or will be issued by Wayne in a maximum principal amount not to exceed \$3,805,000, which local share amount shall be allocated to the City of Lincoln Park for purposes of Section 265 (b) (3) (C) (iii) of the Internal Revenue Code of 1986, as amended. The City of Lincoln Park further affirms and declares that it reasonably expects to be reimbursed by Wayne, without interest, for advances made by it towards the cost of the Projects. The City of Lincoln Park, at the present time, has determined that there are no funds from sources other than the bonds anticipated herein that are reasonably expected to be reserved, allocated on a long term basis or otherwise set aside by it, or by any member of a controlled group (as defined in Treasury Regulation ©1.150-1(e)) in which it is a member, if any, pursuant to its budget or financial policies with respect to the expenditures for the Projects expected to be reimbursed from the proceeds of the bonds. This paragraph 6 shall not be applicable if Wayne does not issue any tax-exempt bonds to finance the City of Lincoln Park’s local share of the costs of the Projects.
- 7. Other Resolutions Rescinded. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Motion unanimously carried.

RESOLUTION 05-158 2005 W/C SRF Funds

By Councilman DiSanto, supported by Councilwoman Brady

WHEREAS, the City of Lincoln Park, has determined that it is necessary for the public health, safety and welfare of the City of Lincoln Park for there to be acquired, constructed and financed certain improvements to the Downriver Sewage Disposal System (the “System”) as described on the attached Exhibit A (the “Projects”); and

WHEREAS, Act 185, Public Acts of Michigan, 1957, as amended (“Act 185”) authorizes the County of Wayne, Michigan (“Wayne”) to improve the System; and

WHEREAS, by terms of Act 185, Wayne, the City of Lincoln Park and the other municipalities which are part of the System (collectively, the “Downriver Communities”) are authorized to enter into a contract for the improvements to the System and the payment of the cost thereof by the Downriver Communities, with interest, and Wayne is then authorized pursuant to appropriate action by its Board of Commissioners, to issue bonds of Wayne to provide up to all of the funds necessary therefor, secured primarily by the full faith and credit contractual obligations of up to all of the Downriver Communities and secondarily by the full faith and credit pledge of Wayne if duly authorized by appropriate resolution of its Board of Commissioners, or to make advances on behalf of certain of the Downriver Communities pursuant to Act 185 (“Advances”); and

WHEREAS, Act 185 provides the most practicable and economic method and means for acquiring and financing the Projects, and financing under Act 185 is expected to result in the lowest cost for the money necessary to be borrowed for such purpose; and

WHEREAS, plans and an estimate of costs for the Projects have been prepared by or on behalf of Wayne, and the estimate of the total cost for the Projects is approximately \$4,760,000, of which Wayne intends to finance through one or more series of bonds in an amount not to exceed such amount, and, to the extent that Wayne may not issue bonds for any portion of such amount, by Advances made by Wayne pursuant to Act 185;

WHEREAS, Wayne and the City of Lincoln Park desire to enter into a contract to which the other Downriver Communities are also a party, as provided by Act 185, pursuant to which Wayne will issue its bonds to provide funds not to exceed \$4,760,000 to pay up to all of the costs of the Projects through the issuance of bonds pursuant to a bond authorizing resolution to be adopted by Wayne (the “Bonds”), and in addition, to the extent that Wayne may not issue bonds for any portion of such amount, Wayne may make Advances of funds pursuant to Act 185 to pay the costs of a portion of the Projects on behalf of certain Downriver Communities, subject to their agreement to repay such funds; and

WHEREAS, it is anticipated that the Bonds will be purchased by the Michigan Municipal Bond Authority (the “Authority”) through the State Revolving Fund Program (the “SRF”);

continued

NOW, THEREFORE, BE IT RESOLVED THAT,

1. Approval of Acquisition and Construction of the Projects. The City of Lincoln Park hereby approves the acquisition and construction of the Projects by Wayne.
2. Approval of Contract. The City of Lincoln Park hereby approves the form of contract for the improvements to the System attached hereto as Exhibit B (the "Contract") between the City of Lincoln Park, the other Downriver Communities, and Wayne. The Mayor and the City Clerk are hereby authorized and directed to execute and deliver the Contract in substantially the form attached hereto, with such modifications thereto as determined necessary or appropriate by the Mayor and the City Clerk, for and on behalf of the City of Lincoln Park.
3. Approval of Bond Issuance; Advancement of Funds.
 - (a) Subject to Paragraph 3(b) hereof, the City of Lincoln Park hereby requests that Wayne issue a series of bonds pursuant to Act 185 and Act 34, Public Acts of Michigan, 2001, as amended, and subject to the requirements of the SRF, in an amount not to exceed \$4,760,000 for the purpose of financing the Projects. The Bonds shall be sold by Wayne through the SRF of the Authority.
 - (b) In the event that on account of any applicable law or regulation Wayne is not permitted to issue its bonds pursuant to Paragraph 3(a) to finance the City of Lincoln Park's local share of the costs of the Projects, the City of Lincoln Park agrees that upon the making of Advances by Wayne of funds sufficient to pay the City of Lincoln Park's local share of such costs, the City of Lincoln Park will repay such funds to Wayne pursuant to the terms of the Contract.
4. Installment Payments. The obligation of the City of Lincoln Park to pay its local share of the principal of, premium, if any, and interest on the Bonds or principal of and interest on the Advance pursuant to the terms of the Contract, is fully recognized and confirmed. The City of Lincoln Park hereby agrees to make such payments to Wayne from the sources described in the Contract in accordance with the terms set forth in the Contract and the payment schedule with respect to the Bonds or the Advances which shall be provided by Wayne to the City of Lincoln Park.
5. Authorization to Take Other Actions. The Mayor and the City Clerk and all other officials of the City of Lincoln Park are hereby authorized and directed to take all other actions and execute such other documents as they may consider necessary or appropriate in accordance with this resolution including, without limitation: (i) filing, as applicable, a qualifying statement and/or an application for prior written approval or such other document(s) with the Michigan Department of Treasury as may be required pursuant to Act 34, and paying any related fees in connection with any of the foregoing, and taking any other actions necessary or desirable under Act 34 for the Department of Treasury's approval of the issuance of any of Wayne's Bonds to finance the Projects, and the form of notice required by law; (ii) executing and delivering any documents and providing such information as may be required by Wayne or in connection with the SRF, if applicable, or by applicable law or regulation, in such form as may be required by Wayne or the Authority, if applicable, or by applicable law or regulation, together with such other documents as may be necessary or appropriate in connection therewith, including, if required, information concerning the City of Lincoln Park for inclusion in a preliminary official statement and a final official statement with respect to the Bonds, the circulation and dissemination of which are hereby approved, and if required a continuing disclosure agreement meeting the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended; and (iii) cooperating with Wayne, the Department of Treasury, the Authority, rating agencies, bond insurers if any, and other parties to issue Wayne's Bonds timely and in accordance with all the terms and conditions of Act 185, Act 34 and the requirements of the SRF, as applicable.
6. Declaration of Intent to be Reimbursed and Allocation Under Section 265 (b) (3) (C) (iii) of the Code. The City of Lincoln Park affirms and declares its official intent to finance its local share of the cost of the Projects with bonds that have been issued or will be issued by Wayne in a maximum principal amount not to exceed \$4,760,000, which local share amount shall be allocated to the City of Lincoln Park for purposes of Section 265 (b) (3) (C) (iii) of the Internal Revenue Code of 1986, as amended. The City of Lincoln Park further affirms and declares that it reasonably expects to be reimbursed by Wayne, without interest, for advances made by it towards the cost of the Projects. The City of Lincoln Park, at the present time, has determined that there are no funds from sources other than the bonds anticipated herein that are reasonably expected to be reserved, allocated on a long term basis or otherwise set aside by it, or by any member of a controlled group (as defined in Treasury Regulation §1.150-1(e)) in which it is a member, if any, pursuant to its budget or financial policies with respect to the expenditures for the Projects expected to be reimbursed from the proceeds of the bonds. This paragraph 6 shall not be

continued

applicable if Wayne does not issue any tax-exempt bonds to finance the City of Lincoln Park’s local share of the costs of the Projects.

- 7. Other Resolutions Rescinded. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Motion unanimously carried.

RESOLUTION 05-159 Ord. Amendment/Cross Connection

By Councilwoman Brady, supported by Councilman DiSanto

RESOLVED, that AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF LINCOLN PARK BY ADDING A NEW CHAPTER 1043 – CROSS CONNECTION AND BACKFLOW PREVENTION be given its first and second reading by TITLE only.

THE CITY OF LINCOLN PARK ORDAINS:

That the Codified Ordinances of the City of Lincoln Park be amended by adding a new Chapter 1043, entitled “CROSS CONNECTION AND BACKFLOW PREVENTION”.

Motion unanimously carried.

RESOLUTION 05-160 Authorization to Purchase Server

By Councilman Higgins, supported by Councilman Vaslo

WHEREAS, the City of Lincoln Park is in the process of upgrading the MUNIS server to meet the needs of updated financial software modules; and

WHEREAS, the City can purchase this server from the State of Michigan through the Extended Purchasing Program (MiDEAL) and receive the lowest competitive price,

THEREFORE, BE IT RESOLVED, that the bid process be waived and a Dell PowerEdge 2800 Server be purchased through the State of Michigan Master Computer Contract vendor, Electronic Data Systems.

Per the recommendation of the Purchasing Specialist, IT Contractor and the Finance Director.

Funds to come from Account #101.923.983.

Motion unanimously carried.

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

There being no further business, the meeting adjourned at 9:00 p.m.

STEVEN M. BROWN, MAYOR

DONNA BREEDING, CITY CLERK