

**Alma, Michigan  
July 28, 2009**

Mayor Nyman called a regular meeting of the Alma City Commission to order at 6:00 p.m. at the Alma Municipal Building.

**Present:** Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

**Absent:** None.

Mayor Nyman asked the City Commission and members of the audience to stand and recite the Pledge of Allegiance to the Flag.

Motion by Commissioner Comer seconded by Vice-Mayor Mapes to approve the minutes of the July 14, 2009 regular meeting.

**Yes:** Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

**No:** None.

Motion by Commissioner Ayers seconded by Commissioner Dancer to receive the communication from the Government Finance Officers Association (GFOA) notifying the City of Alma that it's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2008 qualifies for a Certificate of Achievement for Excellence in Financial Reporting and place it on file.

**Yes:** Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

**No:** None.

Motion by Commissioner Comer seconded by Commissioner Legene to approve the following items on the Consent Agenda for payment: \$12,176.75 to Gratiot County Planning and Permits for 50% of the total fees of active permits as of April 2009 per contract between the City of Alma and County of Gratiot; \$2,100 to Gratiot County Planning and Permits for building permits issued from 4/17/2009 through 6/30/2009 per contract between the City of Alma and Gratiot County.

**Yes:** Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

**No:** None.

Motion by Vice-Mayor Mapes seconded by Commissioner Dancer to receive the bids for the 2009 Capital Improvement Program and to award the bid to the low bidder Youngstom Contracting, Ionia for the amount of \$373,278.25.

**Yes:** Ayers, Comer, Dancer, Legene, Mapes, Mott & Nyman.

**No:** None.

The following preamble and resolution as offered by Commissioner Ayers seconded by Commissioner Comer:

**Whereas**, the City proposes to issue its tax-exempt bonds in one or more series (the "Bonds") under Act 34, Public Acts of Michigan, 2001, as amended ("Act 34") for the purpose of paying all or part of the cost of making certain capital improvements to the City's sewer system, including, without limitation, lift station and sewer line improvements, and paying bond issuance cost such as attorney fees and financial advisor fees (the "Project"); and

**Whereas**, it is anticipated that the City will advance all or a portion of the costs of the Project prior to the issuance of the Bonds, such advance to be repaid from proceeds of the Bonds upon the issuance thereof; and

**Whereas**, Section 1.150-2 of the Treasury Regulations of Income Tax (the "Reimbursement Regulations") specifies conditions under which a reimbursement allocation may be treated as an expenditure of bond proceeds, and the City intends by this resolution to qualify moneys advanced by the City to the Project for reimbursement from proceeds of the Bonds in accordance with the requirements of the Reimbursement Regulations.

**Now, Therefore, Be It Resolved** by the city commission of the City of Alma, as follows:

The maximum principal amount of Bonds expected to be issued for the Project is \$1,000,000. The City declares its official intent to issue the Bonds to finance the costs of the Project, and declares that it reasonably expects to reimburse the City's advances to the Project as anticipated by this resolution. The Bonds may be issued in one or more series and shall be authorized by proper proceedings subsequent to this resolution.

The City Clerk is hereby instructed to publish the notice once in a newspaper of general circulation in the City of Alma, which notice shall not be less than ¼ page in size in such newspaper, such notice to be substantially in the form of Exhibit A hereto.

The City Manager, the City Clerk, the City Treasurer and all other officials of the City are authorized to do all things necessary or appropriate to effectuate the provisions of this resolution and to take any actions on behalf of the City, including the execution and delivery of applications, commitments and similar instruments, necessary and appropriate to the financing contemplated by this resolution.

### **Exhibit A**

#### **Notice of Intent to Issue Bonds by the City of Alma, Michigan**

**Notice Is Hereby Given**, that the City of Alma, Michigan, intends to issue limited tax general obligation bonds in one or more series in the aggregate principal amount of not to exceed \$1,000,000 for the purpose of defraying all or part of the cost of capital improvements to the City of Alma sewer system, including, without limitation, lift station and sewer line improvements, and paying bond issuance cost such as attorney fees and financial advisor fees (the "Project").

Each series of bonds will mature in not to exceed forty (40) years and will bear interest at rates to be determined at a competitive or negotiated sale but in no event to exceed such rates as may be permitted by law.

Each series of bonds will be issued under and pursuant to the provisions of Act No. 34, Public Acts of Michigan, 2001, as amended, and the full faith and credit of the City of Alma will be pledged to pay the principal of and interest on the bonds as the same shall become due. The City of Alma will be obligated, as a first budget obligation, to advance moneys from its general funds or to levy ad valorem taxes on all taxable property within its corporate boundaries to pay the principal of and interest on the bonds as the same shall become due. Taxes levied by the City of Alma for the payment of such principal and interest will be subject to applicable constitutional and statutory limitations. The amount of taxes necessary to pay the principal and interest on the bonds, together with the taxes levied by the City of Alma for the same year, shall not exceed the limit authorized by law.

### **Right To Petition For Referendum**

This notice is given, by order of the City Commission of the City of Alma, to and for the benefit of the electors of the City of Alma in order to inform them of their right to petition for a referendum upon the question of the issuance of the aforesaid bonds. The bonds will be issued, without submitting such a question to a vote of the electors, unless within 45 days after the date of publication of this notice a petition requesting a referendum upon such question, signed by not less than 10% or 15,000 of the registered electors residing within the City of Alma, whichever is the lesser, shall have been filed with the undersigned City Clerk. In the event that such petition is filed, the bonds will not be issued unless and until the issuance thereof shall have been approved by the vote of a majority of the electors of the City of Alma qualified to vote and voting thereon at a general or special elections.

### **Further Information**

Further information relative to the issuance of said bonds and the subject matter of this notice may be secured at the office of the City Clerk of the City of Alma, 525 East Superior, Alma, Michigan.

This notice is given pursuant to the provisions of Act 34, Public Acts of Michigan, 2001, as amended.

Barbara A. Gager  
Alma City Clerk

Dated: July 28, 2009

**Yes:** Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

**No:** None.

### **Resolution Declared Adopted.**

Motion by Commissioner Legene seconded by Vice-Mayor Mapes to adopt a resolution approving the City of Alma Title VI Plan.

**Yes:** Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

**No:** None.

Motion by Commissioner Comer seconded by Commissioner Ayers to receive the Alma Housing Commission Board meeting minutes of 6/16/2009 and place them on file.

**Yes:** Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

**No:** None.

Motion by Commissioner Legene seconded by Commissioner Comer to adopt a resolution appointing Phil Moore and Dave Walsh as Employer Delegates to the annual meeting of the Michigan Municipal Employees Retirement System, to be held on September 16 & 17, 2009.

**Yes:** Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

**No:** None.

Motion by Commissioner Ayers seconded by Commissioner Dancer to adopt a resolution ratifying the investment of the following City funds:

| <u>Investment Date</u> | <u>Maturity Date</u> | <u>Amount</u> | <u>Days</u> | <u>Interest Rate</u> | <u>Interest \$</u> | <u>Bank</u>     | <u>Type</u> |
|------------------------|----------------------|---------------|-------------|----------------------|--------------------|-----------------|-------------|
| 7/15/09                | 4/12/10              | \$250,000     | 271         | 0.85%                | \$1,577.74         | Citizens Bank   | CD          |
| 7/15/09                | 4/23/10              | \$100,000     | 282         | 0.62%                | \$479.09           | National City   | CD          |
| 7/16/09                | 7/15/10              | \$300,000     | 364         | 1.25%                | \$3,739.73         | Flagstar        | CDARS       |
| 7/16/09                | 10/15/09             | \$225,000     | 91          | 0.56%                | \$314.12           | Commercial Bank | CDARs       |

**Yes:** Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

**No:** None.

Motion by Commissioner Ayers seconded by Vice-Mayor Mapes to adjourn the meeting to enter Executive Session to discuss pending litigation at the end of the meeting.

**Yes:** Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

**No:** None.

Motion by Commissioner Comer seconded by Vice-Mayor Mapes to approve Warrant No. 10-02 and to authorize the City Treasurer to issue checks in payment of all claims.

**Yes:** Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

**No:** None.

Commissioner Ayers announced that today is his 25<sup>th</sup> wedding anniversary.

The City Commission thanked all involved with bringing the steam locomotives to town last weekend.

Commissioner Comer announced that the next community event will be Lucky MacDuck in September.

Commissioner Legene stated that the Steam Railroading Institute sponsored the train event last weekend. Approximately 2,600 people came to Alma as part of the event.

Assistant City Manager Ripley announced that the Gratiot County Fair for Youth will be 8/1-8/9/09. Relay for Life is the weekend of 8/7 & 8/8/09.

Mayor Nyman advised that Habitat for Humanity will be holding a fund raiser in September.

Cablecaster Ludy advised that there will be a Red Cross blood drive on 8/4/200.

The meeting adjourned to executive session at 6:28 p.m.

The regular meeting reconvened at 6:37 p.m.

The following preamble and resolution was offered by Commissioner Legene seconded by Commissioner Ayers:

**Whereas**, the city of Alma is a party defendant in the matter of Bothuel v. City of Alma, and

**Whereas**, such action arises out of a motor vehicle accident which occurred on March 3, 2008, involving a city owned vehicle, and

**Whereas**, the City of Alma is insured by the Michigan Municipal Risk Management Authority, and

**Whereas**, the Authority has retained counsel for the benefit of the City, and

**Whereas**, such counsel has recommended that the matter be amicably settled, and

**Whereas**, the City of Alma is required by its policy of insurance to contribute its deductible amount of \$75,000 to such settlement,

**Now therefore be it resolved**, that the City Commission of the City of Alma approves the settlement of the above referenced matter upon the terms recommended by counsel, and

**Be it further resolved**, that the City of Alma contribute its deductible amount of \$75,000 to such settlement, and the finance director is authorized to issue the appropriate check in such amount, payable as directed by counsel.

**Yes:** Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

**No:** None.

**Resolution Declared Adopted.**

Motion by Vice-Mayor Mapes seconded by Commissioner Legene to adjourn the meeting at 6:38 p.m.

**Yes:** Ayers, Comer, Dancer, Legene, Mapes, Mott, & Nyman.

**No:** None.

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Melvin A. Nyman, Mayor

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Barbara A. Gager, City Clerk