

Proposed Minutes  
**CITY OF PERRY REGULAR COUNCIL MEETING**

**PERRY COMMUNITY BUILDING**

REGULAR CITY COUNCIL MEETING HELD ON JUNE 16, 2009

PRESENT: COUNCILMEMBERS, TOM CHAPUT, MARK LANDERS, BRAD SHARLOW,  
CHRISTINE TOBIAS, GREGORY WEKWERT, TERRY WOOD, MAYOR,  
ROSS DELAU AND CITY CLERK, JUDY GUENTHER

ABSENT: NONE

ALSO PRESENT: TREASURER, Jo Ann Velting

Mayor Ross DeLau called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

**READING AND APPROVAL OF THE MINUTES:**

06-16-09-01

Moved by Wekwert, seconded by Sharlow that we suspend the rules, waive the reading and approve the minutes of the June 2, 2009 meeting as written. Carried, all aye.

**COMMITTEE REPORTS:**

Landers gave a Finance & Ordinance Committee report. Their next meeting will be on July 15<sup>th</sup> at 6:30pm. A draft of the Alcohol Management Policy will be given to Council at the next meeting.

Parks & Properties Committee will be meeting on June 17<sup>th</sup>, 7pm at the VFW.

The next Planning Commission meeting will be July 6<sup>th</sup> at 6:30pm in the Council Chambers.

**PRESENTATION AND APPROVAL OF THE BILLS:**

06-16-09-02

Moved by Tobias, seconded by Landers that we approve the bills as presented and that payment be authorized. Carried, all aye.

**COMMUNICATIONS:** The Mayor read a thank you note from the school thanking the City for letting them use the community room.

**OLD BUSINESS:**

7:15pm – Public Hearing Regarding Keeney St. Sidewalk Special Assessment

Public Hearing Comments: No comments from the public.

Public Hearing was closed at 7:16pm

06-16-09-03

Moved by Sharlow, seconded by Wood that we pass the following resolution:

**WHEREAS** a public hearing has been held to review the special assessment roll and confirm the assessment regarding the below described parcels of property,

**THEREFORE,** the City of Perry does hereby confirm the special assessment roll and direct that the special assessment be placed on the July 1, 2009 tax billing and subsequent City Tax billings as necessary in accordance with Perry City Code Section 206 and previous resolutions regarding this special assessment roll:

Donald & WF Miller	2009 \$78.59	Wells Fargo	2009 \$89.43
630 N Main St.	2010 \$78.59	105 Keeney St.	2010 \$89.43
Perry, MI 48872	2011 \$78.59	Perry, MI 48872	2011 \$89.43
024-48-047-000	2012 \$78.59	024-48-039-000	2012 \$89.43
145 feet	2013 \$78.59	82 feet 6inches	2013 \$89.43

Michael Stenfelt		Shannon Mac Quarrie (DVORAK)	
	2009 \$44.72		2009 \$44.72
631 N Madison St.	2010 \$44.72	205 Keeney St.	2010 \$44.72
Perry, MI 48872	2011 \$44.72	Perry, MI 48872	2011 \$44.72
024-48-040-000	2012 \$44.71	024-48-028-000	2012 \$44.71
82 feet 6inches	2013 \$44.71	82 feet 6inches	2013 \$44.71

Judy Roys & John Scheffler	2009 \$89.43	Gregory & Diane Wekwert	2009 \$19.52
207 Keeney St.	2010 \$89.43	209 Keeney St.	2010 \$19.51
Perry, MI 48872	2011 \$89.43	Perry, MI 48872	2011 \$19.51
024-48-027-000	2012 \$89.43	024-48-017-000	2012 \$19.51
82 feet 6inches	2013 \$89.43	18 feet 6inches	2013 \$19.51

Mary Wilson	2009 \$44.72
213 Keeney St.	2010 \$44.72
Perry, MI 48872	2011 \$44.72
024-48-018-000	2012 \$44.71
82 feet 6inches	2013 \$44.71

**Chaput, Sharlow, Tobias & Wood** voted "Yes"; **Landers** voted "No". **Wekwert** abstained from voting due to conflict of interest. **Motion carried.**

**Possible Adoption of Amended Sewer Ordinance**

06-16-09-04

Moved by Chaput, seconded by Wekwert that we adopt Ordinance No. 305, an ordinance to amend the Sewer Ordinance, which was read at May 19, 2009 council meeting. Carried, all aye.

**Set Special Meeting for Discussion about City and Township**

06-16-09-05

Moved by Chaput, seconded by Sharlow that a Special Meeting be held on July 28, 2009 at 7:00pm in the City Hall Council Chambers, regarding future Perry City and Township projects. Carried, all aye.

## State Revolving Fund Project Plan Resolution

06-16-09-06

Moved by Chaput, seconded by Wood that we pass the following resolution:

WHEREAS, the City of Perry recognizes the need to make improvements to its existing sanitary sewer and treatment system; and

WHEREAS, the City of Perry authorized Workhorse Civil Design to prepare a Project Plan, which recommends rehabilitation of the existing Waste Water Treatment Lagoons; and

WHEREAS, said Project Plan was presented at a Public Hearing held on June 16, 2009 and all public comments have been considered and addressed;

NOW THEREFORE BE IT RESOLVED, that the City of Perry formally adopts said Project Plan and agrees to implement the Selected Alternative (Alternative 4).

BE IT FURTHER RESOLVED that the City Mayor, a position currently held by Ross Delau, is designated as the authorized representative for all activities associated with the project referenced above, including the submittal of said Project Plan as the first step in applying to the State of Michigan for a State Revolving Fund Loan to assist in the implementation of the selected alternative.

BE IT FURTHER RESOLVED that the City Clerk, a position currently held by Judy Guenther, is designated as an alternate authorized representative to act in the absence of the authorized representative. Carried, all aye.

## NEW BUSINESS:

### Bond Resolution

06-16-09-07

Moved by Wekwert, seconded by Sharlow that we pass the following resolution:

WHEREAS, the City Council deems it to be in the best interest of the City of Perry (the "City") to purchase, acquire and construct certain improvements to the City's Sanitary Sewer System, including, but not limited to improvements to the City's wastewater treatment facilities (the "Improvements") and to finance the Improvements by the issuance of bonds pursuant to Act 94 of the Public Acts of Michigan of 1933, as amended ("Act 94"); and

WHEREAS, pursuant to Section 33 of Act 94 it is necessary to publish a Notice of Intent to Issue Bonds for the Improvements; and

WHEREAS, the City may incur substantial capital expenditures for the Improvements prior to the issuance of the Bonds, and desires to be reimbursed for such expenditures from the Bond proceeds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council determines to purchase, acquire and construct the Improvements with an estimated useful life of more than twenty (20) years, and to pay for the cost through the issuance of revenue bonds pursuant to Act 94 in an amount of not to exceed \$2,800,000 (the "Bonds").
2. A Notice of Intent to Issue Bonds be published in accordance with Section 33 of Act 94, and the City Clerk is authorized and directed to publish the Notice of Intent to Issue Bonds in the *Independent*, a newspaper of general circulation in the City, determined to be the newspaper reaching the largest number of persons to whom such Notice is directed, which Notice shall be substantially in the form as set forth on Exhibit A attached hereto.
3. At such time as the Bonds are issued, the City shall be reimbursed out of the proceeds of the Bonds any expenditures it has made prior to the issuance of the Bonds, in an amount not-to-exceed \$2,800,000. This resolution is intended to satisfy the requirements of Section 150 of the Internal Revenue Code of 1986, as amended.
4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

#### EXHIBIT A

[NOTE TO PUBLISHER - PUBLICATION MUST BE 1/4 PAGE SIZE]

#### NOTICE OF INTENT TO ISSUE BONDS TO THE ELECTORS OF THE CITY OF PERRY

PLEASE TAKE NOTICE that the City Council of the City of Perry (the "City") intends to issue bonds, in one or more series, in a maximum amount of not to exceed \$2,800,000.

The bonds shall be issued for the purpose of defraying the cost of acquisition, construction of improvements to the Sanitary Sewer System of the City, including, but not limited to improvements to the City's wastewater treatment facilities, as well as all work necessary and incidental to these improvements and to pay the costs of issuing the Municipal Securities and capitalized interest, if any.

The bonds of this issue shall mature within the maximum terms permitted by law with interest on the unpaid balance at a rate not to exceed the maximum rate permitted by law. The bonds shall be issued pursuant to Act 94 of the Public Acts of Michigan of 1933, as amended.

#### SOURCE OF PAYMENT

The Principal of and Interest on the bonds shall be payable from the net revenues derived from the operation of the Sanitary Sewer System. In addition, the bonds may be secured by the full faith and credit of the City as limited by applicable constitutional and statutory limitations on the taxing power of the City.

**RIGHT OF REFERENDUM**

The bonds will be issued without a vote of the electors approving such bonds, unless, within 45 days from the date of publication of this Notice of Intent, a petition, signed by not less than 10% of the registered electors residing within the limits of the City of Perry shall have been filed with the City Clerk, or other recording officer of the City, requesting a referendum upon the question of the issuance of the bonds. If such a petition is filed, the bonds shall not be issued until approved by the vote of a majority of the electors of the City qualified to vote and voting thereon at a general or special election.

This Notice is published pursuant to the requirements of Section 33 of Act 94 of the Public Acts of Michigan of 1933, as amended. Carried, all aye.

**3<sup>rd</sup> Quarter Budget and Amendments**

City Treasurer, Jo Ann Velting presented the 3<sup>rd</sup> Quarter Budget Report and Amendments for 2008/2009 as follows:

FUND	ACCOUNT DESCRIPTION	ADJUSTMENT	NEW BUDGET TOTAL	PAGE
<b>GENERAL</b>				
101-305.000-970.000	CAPITAL OUTLAY	\$2,650.00	\$9,650.00	4
101-336.000-801.060	9-1-1 MEMBERSHIP	\$1,600.00	\$2,500.00	4
101-400.000-817.000	CONSULTING FEES	\$750.00	\$750.00	4
101-923.000-965.100	TO HIGHWAY MAJOR	\$20,000.00	\$20,000.00	6
101-923.000-965.200	TO HIGHWAY LOCAL	\$10,000.00	\$17,000.00	6
<b>TOTAL GENERAL</b>		<b>\$35,000.00</b>		
<b>NEW BUDGET TOTAL FOR GENERAL</b>			<b>\$1,209,152.00</b>	
<b>HIGHWAY MAJOR</b>				
202-000.000-691.000	CONTRIB. FROM OTHER FUNDS	\$20,000.00	\$20,000.00	6
<b>NEW BUDGET TOTAL FOR HIGHWAY MAJOR</b>			<b>\$111,882.00</b>	
<b>HIGHWAY LOCAL</b>				
202-463.000-716.000	HEALTH INSURANCE	\$3,680.00	\$11,508.00	6
202-463.000-943.000	EQUIP. RENT TO MOTOR POOL	\$7,000.00	\$24,000.00	6
<b>TOTAL HWY. MAJOR</b>		<b>\$10,680.00</b>		
<b>NEW BUDGET TOTAL FOR HIGHWAY MAJOR</b>			<b>\$106,881.00</b>	
<b>HIGHWAY LOCAL</b>				
203-000.000-691.000	CONTRIB. FROM OTHER FUNDS	\$10,000.00	\$17,000.00	7
<b>NEW BUDGET TOTAL FOR HIGHWAY LOCAL</b>			<b>\$77,616.00</b>	
<b>HIGHWAY LOCAL</b>				
203-463.000-943.000	EQUIP. RENT TO MOTOR POOL	\$8,000.00	\$18,000.00	7
<b>TOTAL HWY. LOCAL</b>		<b>\$8,000.00</b>		
<b>NEW BUDGET TOTAL FOR HIGHWAY LOCAL</b>			<b>\$78,168.00</b>	

06-16-09-08

Moved by Landers, seconded by Wood that we approve the 3<sup>RD</sup> Quarter 2008/2009 Budget Report and Amendments as presented by the City Treasurer. Carried, all aye.

**First Reading-Ordinance No. 306 Regarding Amendment to the Zoning Ordinance**

The Planning Commission recommended council adopt the Ordinance amendment regarding Zoning B-2, Automobile Service Garages, after having their public hearing held on June 1,2009.

06-16-09-09

Move by Sharlow, seconded by Wekwert that the following Ordinance No. 306,an Ordinance to amend Zoning B-2, Automobile Service Garages which reads as follows, be placed on the next agenda for possible adoption:

**THE CITY ORDAINS:**

City Code Sections 1268.08 (g) (h) (i) and (j) are hereby deleted.

The following Code Sections are hereby substituted in their place and stead.

- (g) All coverings of the service or filling station gasoline pumps shall be no taller than the principal structure and constructed of compatible materials. Such canopies shall not be lit internally for signage purposes. All proposed lighting shall be fully recessed.
- (h) Gasoline pumps shall be located not less than fifteen feet from any lot line, and shall be arranged so that motor vehicles do not park upon or overhang any public sidewalk, street or right-of-way while waiting for or receiving fuel service.
- (i) A filling or service station shall have no more than eight gasoline pumps and two enclosed stalls for servicing, lubrication, greasing and/or one enclosed stall may be included for each additional 2,000 square feet of lot area above the minimum area set forth in subsection (b) hereof.

Carried, all aye.

**ANY OTHER BUSINESS THAT MAY COME BEFORE COUNCIL:**

The Police Union Contract was briefly discussed and will be placed on the next agenda.

**COUNCIL DISCUSSIONS & OBSERVATIONS:**

Larry Alpert from SATA would like Council's questions sent to him before the next meeting.

**ITEMS FOR NEXT AGENDA:**

1. MERS
2. Approval of Digital Alley Camera from Motor Pool Fund
3. SATA
4. Discuss Police Vehicle Trade-in
5. Traffic Control Orders (Four)
6. Possible Pawn Broker Business Request
7. Ratification of Police Union Contract
8. Possible approval of Ordinance No. 306, Amendment to /zoning Ordinance.

**ADJOURNMENT: 8:23 P. M.**

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Ross A. DeLau, Mayor Date

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Judy A. Guenther, City Clerk Date