

Council Chamber
Henry L. Brown Municipal Bldg.
One Grand Street
Coldwater, Michigan



May 23, 2022
5:30 p.m.
(517) 279-9501
www.coldwater.org

CITY COUNCIL MINUTES REGULAR MEETING

Meeting is live-streamed on YouTube at, bit.ly/ColdwaterVideo or on Skitter channel 61.

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MEMBERS PRESENT: Mayor Kramer called the meeting to order with the following Councilmembers present: Councilmembers Emily Rissman and Travis Machan, representing the 1st Ward; Councilmembers Chad Johnson and Jim Knaack, representing the 2nd Ward; Councilmembers Michael Beckwith and John Petzko, representing the 3rd Ward; Councilmembers Randall Hazelbaker and Scott Houtz, representing the 4th Ward.

OTHERS PRESENT: Keith Baker, Tom Eldridge, Megan Angell, Dean Walrack, Paul Jakubczak, Joe Scheid, Samantha Albright, Julie Santure, Lisa Miller, Audrey Tappenden, Katie Higgs, Tim Hart, Susan Heath; Don Reid, Kim LaSata, Dale Parshall, Angie Marsh, Kent Miller and Chris Austin.

PUBLIC COMMENTS

- Dale Parshall, 39 Balfour Dr., spoke in opposition to the proposed amendment to Uniform Traffic Code to add Exhibition Driving - Ordinance No. 852.
- State Senator 21st District, Kim LaSata, introduced herself to Council and noted she will be on the ballot in August for the new Senate District 17, which includes Coldwater following redistricting.
- Kent Miller, 171 Fairfield Dr., spoke in opposition to the possibility of publicly audible calls to prayer at the local Mosque.

CONSENT AGENDA (Item Numbers 1-3):

The items listed in the Consent Agenda are considered to be routine by the City Council and the City Manager and will be enacted by one motion. There will be no separate discussion of these items unless requested by a Councilmember or citizen. In this event, the item will be removed from the Consent Agenda and Council action will be taken separately on said item. Those items so approved under the heading "Consent Agenda" will appear in the Council minutes in their proper form.

1. City Council Regular Minutes of May 9, 2022.
2. Coldwater Housing Commission Regular Minutes of April 12, 2022.
3. City of Coldwater quarterly 2022 MERS DB Statement.

ACTION ON CONSENT AGENDA

Council Action: Motion by Councilmember Hazelbaker, seconded by Councilmember Petzko, to approve Consent Agenda Items 1-3, as presented.

Ayes: 9

Nays: 0

Motion carried.

END OF CONSENT AGENDA

PUBLIC HEARING

4. Memo from Keith Baker, City Manager, regarding FY 2022-23 budget.

Mayor Kramer opened the Budget Public Hearing at 5:38 p.m.

City Manager Keith Baker presented information regarding the FY 2022-23 budget, and answered Councilmember's questions.

Public Comments:

- None.

Mayor Kramer closed the Budget Public Hearing at 5:45 p.m.

Council Action: None – Presentation only.

END OF PUBLIC HEARING

5. Bills and Accounts: \$145,631.22.

Council Action: Motion by Councilmember Machan, seconded by Councilmember Beckwith, to approve Bills and Accounts in the amount of \$145,631.22, as presented.

Ayes: 9

Nays: 0

Motion carried.

6. City Manager's Report.

- **Officer Calcaterra** – We would like to recognize and congratulate Officer Cori Calcaterra for completing her probationary period and one-year anniversary with the Coldwater Police Department.
- **Vandalism/Graffiti** – Unfortunately, the City's parks have seen some recent occurrences of littering, graffiti and vandalism particularly at Heritage and Parkhurst Parks. If residents see any suspicious or destructive behavior, they are asked to contact 911 to have a police officer investigate. Graffiti and vandalism waste public tax dollars and reduces the enjoyment of the parks for everyone.
- **Garage Sale Signs** – Please be advised, garage sales are limited to three per property per year for up to three days each. Garage sale signs are not allowed in the right of way or on utility poles. Signs are only allowed on the property on which the sale is being held.
- **Memorial Day Observances** – The annual Memorial Day service downtown and at Oak Grove Cemetery will be taking place on Monday May 30, 2022. The ceremony downtown begins at 8:30 a.m. in the 4 Corners Park with the ceremonies at the cemetery beginning at approximately 10:30 a.m. We would like to recognize and thank Mr. Jerry Ford for his leadership and organization of this annual event. In addition, the City/CBPU offices will be closed on Monday May 30, 2022 in observance of Memorial Day.
- **Strawberry Fest** – The City's annual Strawberry Fest will be held downtown on Saturday June 18, 2022 from 9 a.m. to 3 p.m. Crafters, food vendors, musical performances and of course strawberries will fill downtown for the first time in over a year. Vendors are still encouraged to contact the Coldwater Recreation Department to reserve a spot.
- **Property Maintenance** – Warmer weather and the occasional sunshine have arrived creating optimal conditions for grass to grow. However, the City's ordinance requires that property owners keep their lawns mowed six inches or less in height. Violators will receive a letter and if still not mowed after ten days, the City will have its contractor mow the lawn and place the cost on the property tax bill. Please be a good neighbor and keep your lawn mowed.
- **Solar Picnic Table and Park Light** – A special "thank you" to local business person Dennis Peet for his donation of a new solar picnic table installed at Heritage Park. Visitors to the park will be able to charge their cell phones or plug in their computers while enjoying the



outdoors. In addition, we would like to thank the City's Municipal Services Department for installing the concrete pad and assembling the picnic table. In addition to the picnic table, a solar street light is being installed in Rotary Park to improve illumination and security around the boat launch and parking area.

- **Volunteer Opportunities** – Unfortunately, there is never enough time, funding or manpower to get everything accomplished that the City would like to do. However, that's where residents and local community-based organizations can come to the rescue! The City has opportunities to put volunteers to work. Often, we can provide materials and supplies, we just need your time and expertise. If you have a favorite park, pet project or idea and would like to help organize a group project or would like to volunteer, please contact Municipal Services Director Todd Mistor at 517-279-6936 for more information.

Council Action: Motion by Councilmember Beckwith, seconded by Councilmember Johnson, to approve and place on file the City Manager's Report, as presented.

Ayes: 9

Nays: 0

Motion carried.

7. Letter from Keith Baker, City Manager, regarding proposed sale of 10 S. Monroe Street (Lefty's Lounge) – Consider adoption of Resolution No. 22-49, and approval of Sales Agreement No. A22-15 and Development Agreement No. A22-16.

Council Action: Motion by Councilmember Petzko, seconded by Councilmember Johnson, to adopt Resolution No. 22-49 and approve Agreement Nos. A22-15 and A22-16 (attached in Addendum A), as presented.

Roll Call Vote:

Ayes: Councilmembers: Rissman, Machan, Johnson, Knaack, Beckwith, Petzko, Hazelbaker, Houtz and Mayor Kramer.

Nays: Councilmembers: None.

Motion carried.

8. Letter from Keith Baker, City Manager, regarding PILOT for Old Mill Race Apartments – Consider adoption of Ordinance No. 851.

Council Action: Motion by Councilmember Knaack, seconded by Councilmember Johnson, to adopt Ordinance No. 851 (attached in Addendum B), as presented.

Ayes: 9

Nays: 0

Motion carried.

9. Letter from Megan Angell, City Attorney, regarding proposed amendment to Uniform Traffic Code to add Exhibition Driving – consider adoption of Ordinance No. 852.

Council Action: Motion by Councilmember Machan, seconded by Councilmember Rissman, to adopt Ordinance No. 852 (attached in Addendum C), as presented.

Ayes: 9

Nays: 0

Motion carried.

10. Memo from Debra Sikorski, NSD Director/Assessor, regarding an Application for Obsolete Property Rehabilitation Exemption Certificate for KevKor Enterprises LLC, 398 Marshall St. and setting a public hearing for June 13, 2022.

Deputy Assessor Samantha Albright presented information and answered Councilmember's questions.

Council Action: Motion by Councilmember Hazelbaker, seconded by Councilmember Houtz, to set a public hearing for June 13, 2022, regarding an Application for Obsolete Property Rehabilitation Exemption Certificate for KevKor Enterprises LLC, 398 Marshall St., as presented.

Ayes: 9

Nays: 0

Motion carried.

11. Letter from Megan Angell, City Attorney, regarding proposed sale of vacant land on Allen Ave. to Sekisui Voltek and partial road vacation – Consider introduction of sales Agreement No. A22-19.

Council Action: Motion by Councilmember Knaack, seconded by Councilmember Beckwith, to

introduce for first reading Agreement No. A22-19, as presented.

Roll Call Vote:

Ayes: Councilmembers: Machan, Johnson, Knaack, Beckwith, Petzko, Hazelbaker, Houtz, Rissman and Mayor Kramer.

Nays: Councilmembers: None.

Motion carried.

12. Letter from Keith Baker, City Manager, regarding proposed sale of 71-73 W. Chicago Street – Consider introduction of Sales Agreement No. A22-21 and Development Agreement No. A22-22.

Council Action: Motion by Councilmember Beckwith, seconded by Councilmember Machan, to introduce for first reading Agreement Nos. A22-21 and A22-22, as presented.

Roll Call Vote:

Ayes: Councilmembers: Johnson, Knaack, Beckwith, Petzko, Hazelbaker, Houtz, Rissman, Machan and Mayor Kramer.

Nays: Councilmembers: None.

Motion carried.

13. Letter from Keith Baker, City Manager, regarding approval of capital improvement bonds for removal and replacement of lead service lines – Consider adoption of Resolution No. 22-51.

Council Action: Motion by Councilmember Petzko, seconded by Councilmember Houtz, to adopt Resolution No. 22-51 (attached in Addendum D), as presented.

Ayes: 9

Nays: 0

Motion carried.

14. Letter from Keith Baker, City Manager, regarding approval of bid to resurface outdoor basketball courts at Heritage Park – Consider adoption of Resolution No. 22-50.

Council Action: Motion by Councilmember Knaack, seconded by Councilmember Machan, to adopt Resolution No. 22-50 (attached in Addendum E), as presented.

Ayes: 9

Nays: 0

Motion carried.

15. Letter from Audrey Tappenden, Main Street Director/Economic Development Coordinator, regarding amending Social District regular hours of operation – Consider adoption of Resolution No. 22-52.

Council Action: Motion by Councilmember Knaack, seconded by Councilmember Machan, to adopt Resolution No. 22-52 (attached in Addendum F), as presented.

Ayes: 8

Nays: 1 – Councilmember Rissman

Motion carried.

16. Special Project Discussion.

- Mayor Kramer presented Councilmembers with the opportunity to consider possible future capital improvement projects, which could be paid for with Marihuana revenue and a portion of the City's Fund Balance.
- Councilmember Johnson noted he was not in favor of the US-12 corridor project; he wanted to look at the Marshall Street properties for projects; more surveillance cameras; and leveraging City money along with seeking matching grant funds where possible.
- Councilmember Machan noted the corridor project in Sturgis was beneficial to that downtown area; he proposed a Waterworks Park youth soccer field and mini splash pad.
- Councilmember Rissman supports most of the items in the US-12 corridor project and wants to see some safety and visual improvements all the way west to the hospital; proposed some help to the Child Advocacy Center possibly in the form of non-profit loans.
- Councilmember Houtz supports the idea of some improvements or expansion to Rotary Park, possibly in the form of an arboretum or botanical gardens with trails.
- Councilmember Petzko supports an outdoor pavilion or amphitheater possibly on the Federal Mogul property, for holding larger community events.

- Councilmember Beckwith supports Rotary Park and Waterworks Park improvements and more sidewalk repair/installation throughout the City.
- Councilmember Hazelbaker supports Rotary Park and Waterworks Park improvements, as well as more improvements for the Putnam building in anticipation of its ultimate sale.
- Councilmember Knaack supports repairs and updates to the Historic Morse Street Cemetery; possibly a pavilion at the base of Kiwanis Hill; more park cameras; Monroe Street signage, lighting and sound, plus phone chargers; Rotary Park expansion in the form of a marina, fishing dock, arboretum, etc.
- Mayor Kramer asked City staff to review Councilmember's suggestions and come back with some project options and cost estimates.

Council Action: None – Presentation and discussion only.

PUBLIC COMMENTS

- Katie Higgs, 41 Pierson St., responded to an earlier public comment, and noted she lives very near a church, which often wakes her up early on Sunday mornings to the sound of its loud bell, and also noted a call to prayer is no different in her opinion.

UNFINISHED BUSINESS

- None.

NEW BUSINESS

- None.

ADJOURNMENT

Noting no other business to come before Council, Mayor Kramer adjourned the regular meeting at 7:27 p.m.



Susan E. Heath, CMC, MiPMC
City Clerk

Fw: Ordinance 852

Baker, Keith <kBaker@coldwater.org>

Mon 5/23/2022 4:56 PM

To:

- Heath, Sue <sheath@coldwater.org>

Cc:

- **City Council** <city_council@coldwater.org>;
- Scheid, Joseph <jscheid@coldwater.org>

Sue,

Councilman Hazelbaker received this email comment today on a city council meeting agenda item being considered this evening.

Please have it available for reference.

Thanks.

Keith



Keith Baker, AICP, CFM

City Manager

kbaker@coldwater.org

(517) 279-9531 x 6911 | www.coldwater.org

One Grand St, Coldwater, MI 49036

From: Hazelbaker,Randall <rhazelbaker@coldwater.org>

Sent: Monday, May 23, 2022 4:47 PM

To: Baker, Keith <kBaker@coldwater.org>

Subject: Fwd: Ordinance 852

Get [Outlook for iOS](#)

From: Dale Parshall <parshald@gmail.com>
Sent: Monday, May 23, 2022 12:59:59 PM
To: Hazelbaker,Randall <rhazelbaker@coldwater.org>
Subject: Ordinance 852

Randall

Just a note to let you know I oppose the proposed exhibition driving ordinance. I don't understand why it is a necessity. We already have laws on the books about such things. If you want to truly give the kids a break you don't have to ticket them give them a warning. If they persist ticket them they asked for it. I think the council needs to look into the actual need for such an ordinance.

Thank you

Dale

Sent from my iPhone

CAUTION:

This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

RESOLUTION NO. 22-49
A RESOLUTION APPROVING SALE AND DEVELOPMENT OF 10 S. MONROE STREET
TO SCOTT A. LADD AND AUTHORIZING EXECUTION OF SALES AGREEMENT,
AGREEMENT NO. A22-15 AND DEVELOPMENT AGREEMENT, AGREEMENT NO. A22-16

Minutes of a regular meeting of the City Council of the City of Coldwater, County of Branch, State of Michigan (the "City"), held on May 23, 2022, at 5:30 p.m., prevailing Eastern Time.

PRESENT: Councilmembers: Emily Rissman, Travis Machan, Chad Johnson, Jim Knaack, Michael Beckwith, John Petzko, Randall Hazelbaker, Scott Houtz and Mayor Kramer.

ABSENT: Councilmembers: None.

The following preamble and resolution were offered by Councilmember Petzko, and seconded by Councilmember Johnson:

WHEREAS, The City of Coldwater ("City") is authorized to sell its property as provided in Michigan Public Act 279 of 1909, the Home Rule City Act, MCL 117.1 *et seq.* (the "Act"); and

WHEREAS, the City is further authorized to manage and control its property by the Charter of the City of Coldwater, at Chapter 2, Section 2.1; and

WHEREAS, the City acquired the property described in Sales Agreement, Agreement No. A22-15, and Development Agreement, Agreement No. A22-16, from the Michigan Department of Treasury with the intention of determining the appropriate economic development project for the property; and

WHEREAS, the site is the location of a commercial structure formerly known as Lefty's Lounge; and

WHEREAS, the City previously accepted an offer from Scott A. Ladd to lease and renovate the building into a new bar or bar/restaurant on the first floor and up to two apartments on the second floor with an option to purchase the building for \$23,500, exercisable on his investment of \$75,000 or more in improvements to the building as shown by receipts marked paid in full, his opening of a new bar or bar/restaurant that has remained open for at least six months prior to his exercise of the option, and his payment of the purchase price at a closing most recently in Agreement Nos. A21-16 and A21-17; and

WHEREAS, Scott A. Ladd wishes to take advantage of the Community Revitalization Grant program administered by the Michigan Economic Development Corporation to help him finance the redevelopment of the property, and the likelihood of Mr. Ladd receiving grant funding is more likely with an ownership interest in the property; and

WHEREAS, the Sales Agreement with Scott A. Ladd, Agreement No. A22-15 and Development Agreement, Agreement No. A22-16 were introduced at the City Council meeting on April 8, 2022, and have been on file with the City Clerk for over 30 days since their introduction in compliance with the Charter, Chapter 13 Section 13.3(2); and

WHEREAS, the City has received no further offers to purchase the property described in Agreement No. A22-15;

NOW, THEREFORE, BE IT RESOLVED by the Coldwater City Council that the City shall sell the real property described in Agreement No. A22-15, pursuant to the Development Agreement No. A22-16, to Scott A. Ladd on the terms and conditions set forth therein. The Mayor and the City Clerk are authorized to execute Agreement No. A22-15 and Agreement No. A22-16 on behalf of the City of Coldwater.

AYES: Councilmembers: Rissman, Machan, Johnson, Knaack, Beckwith, Petzko,
Houtz, Hazelbaker and Mayor Kramer.

NAYS: Councilmembers: None.

RESOLUTION DECLARED ADOPTED.



Susan E. Heath, City Clerk
City of Coldwater

I, Susan E. Heath, the City Clerk of the City of Coldwater, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Coldwater, County of Branch, State of Michigan, at a regular meeting held on May 23, 2022, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended and that the minutes of said meeting were kept and will be or have been made available as required by said Act.



Susan E. Heath, City Clerk
City of Coldwater

CITY OF COLDWATER

ORDINANCE NO. 851

TAX EXEMPTION ORDINANCE FOR THE OLD MILL RACE APARTMENTS

An Ordinance to provide for a service charge in lieu of taxes for a housing project for low income persons and families to be financed with a federally-aided Mortgage Loan pursuant to the provisions of the Michigan State Housing Development Authority Act of 1966 (1966 PA 346) as amended; MCL 125.1401, *et seq.*) (the "Act").

THE CITY OF COLDWATER ORDAINS:

SECTION 1. This Ordinance shall be known and cited as the "City of Coldwater Tax Exemption Ordinance for Old Mill Race Apartments."

SECTION 2. Purpose; City Authority; Findings of Fact.

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for low income persons and families and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the Act. The City of Coldwater is authorized by the Act to establish or change a service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses, not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing for low income persons and families is a public necessity, and as the City of Coldwater will be benefited and improved by such housing, the encouragement of the same by providing real estate tax exemption for such housing is a valid public purpose. It is further acknowledged that the continuance of the provisions of this Ordinance for the tax exemption and the service charge in lieu of all *ad valorem* taxes during the period contemplated in this Ordinance are essential to the determination of economic feasibility of the housing development that is to be constructed or rehabilitated with financing extended in reliance on such tax exemption.

The City of Coldwater acknowledges that the Sponsor (as defined below) has offered, subject to receipt of an allocation under the Low Income Housing Tax Credit Program administered by the Michigan State Housing Development Authority, to construct, own and operate a housing development identified as The Old Mill Race Apartments on certain property located at 517 W Chicago Street, parcel identification number 304-000-000-020-01, in the City of Coldwater to serve low income persons and families, and that the Sponsor has offered to pay the City on account of this housing development an annual service charge for public services in lieu of all *ad valorem* property taxes.

SECTION 3. Definition of Terms. All terms in this Ordinance shall be defined as set forth in the Act, except as follows:

A. “Act” means the State Housing Development Authority Act, being Public Act 346 of 1966, as amended.

B. “Annual Shelter Rent” means the total collections during an agreed annual period from or paid on behalf of all occupants of a housing project representing rent or occupancy charges, exclusive of charges for gas, electricity, heat, or other utilities furnished to the occupants by the Sponsor.

C. “Authority” means the Michigan State Housing Development Authority.

D. “City” means the City of Coldwater, a home rule municipality organized pursuant to Public Act 279 of 1909, as amended, and located in Branch County, Michigan.

E. “Development” means the affordable housing development located in the City known as “The Old Mill Race Apartments.”

F. “Housing Development” means a development that contains a significant element of housing for persons of low income and such elements of other housing, commercial, recreational, industrial, communal and educational facilities as the Authority has determined improves the quality of the Development as it relates to housing for persons of low income.

G. “LIHTC Program” means the Low Income Housing Tax Credit program administered by the Authority under Section 42 of the Internal Revenue Code of 1986, as amended.

H. “Low Income Persons and Families” means persons and families eligible to move into a Housing Development.

I. “Mortgage Loan” means a loan that is Federally-Aided (as defined in Section 11 of the Act) or a loan or grant made or to be made by the Authority to the Sponsor for the construction, rehabilitation, acquisition and/or permanent financing of a housing development, and secured by a mortgage on the housing development.

J. “Sponsor” means CRA Development Limited Dividend Housing Association Limited Partnership which has or intends to apply to the Authority for an allocation of Low Income Housing Tax Credits to finance a Housing Development.

K. “Utilities” means charges for gas, electric, water, sanitary sewer and other utilities furnished to the occupants that are paid by the housing development.

SECTION 4. Class of Housing Projects.

It is determined that the class of housing developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be housing developments used exclusively by Low Income Persons and Families that are financed with a Mortgage Loan. It is further determined that The Old Mill Race Apartments is of this class.

SECTION 5. Establishment of Annual Service Charge.

The housing project identified as The Old Mill Race Apartments and the property on which it will be located shall be exempt from all *ad valorem* property taxes. The City of Coldwater acknowledges that the Sponsor and the Authority have established the economic feasibility of the housing project in reliance upon the enactment and continuing effect of this Ordinance, and the qualification of the housing development for exemption from all *ad valorem* property taxes and a payment in lieu of taxes as established in this Ordinance. Therefore, in consideration of the Sponsor's offer to construct and operate the Development, the City agrees to accept payment of an annual service charge for public services in lieu of all *ad valorem* property taxes. Subject to receipt of a Mortgage Loan, the annual service charge shall be equal to 9% of the Annual Shelter Rents actually collected by the Development during each operating year. Nothing in this section shall be construed to exempt the Development and the property on which it is to be constructed from any special assessments for street or other public improvements or as a result of its location within a business improvement district authorized by 1999 Public Act 49, as amended.

SECTION 6. Contractual Effect of Ordinance.

Notwithstanding the provisions of section 15(a)(5) of the Act to the contrary, a contract between the City and the Sponsor with the Authority as third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this Ordinance.

The Housing Development, and the property on which it is constructed, shall be exempt from all *ad valorem* property taxes from and after the commencement of rehabilitation of the Housing Development by the Sponsor under the terms of this Ordinance

SECTION 7. Limitation on the Payment of Annual Service Charge.

Notwithstanding Section 5, the service charge to be paid each year in lieu of taxes for the part of the housing project that is tax exempt but which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the housing project if the housing project were not tax exempt.

The term “low income persons or families” as used herein shall be the same meaning as found in Section 15(a)(7) of the Act.

SECTION 8. Determination and Collection of Service Charge; Lien.

The annual service charge in lieu of taxes as determined under this Ordinance shall be payable in the same manner as general property taxes are payable to the City and distributed to the several units levying the general property tax in the same proportion as prevailed with the general property tax in the previous calendar year. The annual payment for each operating year shall be paid on or before September 15th of the following year. Collection procedures shall be in accordance with the provisions of the General Property Tax Act (1893 PA 206, as amended; MCL 211.1, *et seq.*). Annual payments in arrears shall be subject to interest of 1% per month until the

12th month after their due date, and to interest of 1.5% per month retroactive to the due date for annual payments in arrears for longer than 12 months. Subject to any limitations imposed by law, the Sponsor shall provide to the City such accounting records, audits, and financial reports as the City shall reasonably require to verify the computation of the annual service charge as provided by this section as of December 31st of each year. The Sponsor shall maintain such records of rent or occupancy charges received and the occupancy of units in the Development as will permit the City to verify which of the units in the Development have been occupied by low income persons or families. Annual service charges payable pursuant to this section shall be a lien on the Development, and if delinquent, without prejudice to any remedies for arrears of payment or preceding breach of covenant, shall at the election of the City be collected and enforced in the same manner as general property taxes.

SECTION 9. Duration.

This Ordinance shall remain in effect and shall not terminate so long as a Mortgage Loan remains outstanding and unpaid and the housing project remains subject to income and rent restrictions under the LIHTC Program. If the Development is no longer subject to income and rent restrictions under the LIHTC Program, then the exemption from all *ad valorem* property taxes established by this Ordinance shall terminate upon the payoff of the Mortgage Loan or upon the sale of the Development to an unrelated third party.

SECTION 10. Severability.

The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance, other than the section or provision so declared to be unconstitutional or invalid.

SECTION 11. Inconsistent Ordinances.

All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.

SECTION 12. Effective Date.

This Ordinance shall become effective on June 17, 2022, as provided in the City Charter.

The foregoing ordinance was duly adopted at a regular meeting of the Council of the City of Coldwater at which a quorum was present on May 23, 2022.



Susan E. Heath, City Clerk

ORDINANCE NO. 852

**AN ORDINANCE TO AMEND CHAPTER 410, UNIFORM TRAFFIC CODE
TO ADD RULE 490B – EXHIBITION DRIVING TO SECTION 410.04 AMENDMENTS,
OF THE CODIFIED ORDINANCES OF COLDWATER**

WHEREAS, the City of Coldwater (the “City”) adopted the Motor Vehicle Code, Public Act 62 of 1956 by City Ordinance 679 in 2003; and

WHEREAS, the City of Coldwater adopted the Uniform Traffic Code in 1961 as authorized by MCL 257.951, now Chapter 410 of the Codified Ordinances of the City of Coldwater; and

WHEREAS, the City Council now finds it to be in the best interests of the City to further amend the Uniform Traffic Code to provide for a civil infraction for exhibition driving;

NOW THEREFORE, THE CITY OF COLDWATER HEREBY ORDAINS:

Section 1. The City of Coldwater Chapter 410, Uniform Traffic Code, Subsection 410.04, Amendments is hereby amended to add the following rule:

Rule 490b. Exhibition Driving Defined and Prohibited; Violation is a Civil Infraction.

- (1) No operator of a motor vehicle shall engage in exhibition driving. “Exhibition driving” is the driving of a motor vehicle upon a highway or a frozen public lake, stream or pond or other place open to the general public, including, but not limited to, any area designated for the parking of motor vehicles, in an unusual manner or out of the usual flow of traffic, whether or not other traffic is present, such that it is likely to attract the attention of the public, whether or not there is anyone present, or consisting of any two or more of the following acts:
 - (a) Rapid acceleration;
 - (b) Squealing, peeling or burning of the tires;
 - (c) The swaying of the motor vehicle from side to side, commonly referred to as fish-tailing;
 - (d) Racing or running of the engine of a motor vehicle at such a speed (revolutions per minute) as to cause, in combination with the engaging of the gears, excessive or unusual noise;
 - (e) Unnecessary and excessing changing of lanes; and
 - (f) The emission of any unreasonably loud, raucous, disturbing or unnecessary notice from the engine or exhaust system of any motor vehicle.

(2) A person who violates this rule is responsible for a civil infraction.

Section 2. Effective Date. This ordinance shall be effective twenty-one (21) days after adoption and after publication as prescribed by law.

The foregoing ordinance was duly adopted at a regular meeting of the Council of the City of Coldwater at which a quorum was present on May 23, 2022.

The City of Coldwater



Susan E. Heath, CMC City Clerk

CERTIFICATION

I, the undersigned duly appointed City Clerk of the City of Coldwater, Branch County, Michigan, do hereby certify that the above ordinance, or a summary thereof, was published in The Daily Reporter, a newspaper of general circulation in the City on May 28, 2022, and that such ordinance was entered with the Ordinance Book of the City on June 17, 2022.

Dated: May 23, 2022



Susan E. Heath, CMC City Clerk

RESOLUTION NO. 22-51

**BOND AUTHORIZING RESOLUTION
2022 CAPITAL IMPROVEMENT BONDS
(LIMITED TAX GENERAL OBLIGATION)
(TAXABLE)**

**CITY OF COLDWATER
COUNTY OF BRANCH, STATE OF MICHIGAN**

Minutes of a regular meeting of the City Council of the City of Coldwater, County of Branch, State of Michigan (the “City”), held on May 23, 2022, at 5:30 p.m., prevailing Eastern Time.

PRESENT: Councilmembers: Emily Rissman, Travis Machan, Chad Johnson, Jim Knaack, Michael Beckwith, John Petzko, Randall Hazelbaker, Scott Houtz and Mayor Kramer.

ABSENT: Councilmembers: None.

The following preamble and resolution were offered by Councilmember Petzko, and supported by Councilmember Houtz:

WHEREAS, the City does hereby determine that it is necessary to acquire, construct, install, repair and improve certain capital improvements in the City, including the removal, replacement and installation of lead service lines, together with all necessary interests in land, rights-of way, appurtenances and attachments thereto (collectively, the “Project”); and

WHEREAS, the Project qualifies for the State of Michigan Drinking Water State Revolving Fund financing program being administered by the Michigan Finance Authority (the “Authority”) and the Michigan Department of Environment, Great Lakes, and Energy (“EGLE”), whereby the bonds of the City are sold to the Authority and bear interest at a fixed rate of one and seven-eighths percent (1.875%) per annum; and

WHEREAS, to finance part of the cost of the Project, the City Council deems it necessary to borrow the principal sum of not to exceed Three Million Three Hundred Thousand Dollars (\$3,300,000) and issue capital improvement bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended (“Act 34”); and

WHEREAS, a notice of intent was published in accordance with Act 34 which provides that the capital improvement bonds may be issued without a vote of the electors of the City unless a proper petition for an election on the question of the issuance of the bonds is filed with the City Clerk within a period of forty-five (45) days from the date of publication, and no such petition was filed within the requisite period.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Authorization of Bonds; Bond Terms. Bonds of the City designated 2022 CAPITAL IMPROVEMENT BONDS (LIMITED TAX GENERAL OBLIGATION) (TAXABLE) (the “Bonds”) are authorized to be issued in the aggregate principal sum of not to exceed Three Million Three Hundred Thousand Dollars (\$3,300,000) as finally determined by order of the EGLE for the purpose of paying the cost of the Project, including the costs incidental to the issuance, sale and delivery of the Bonds. The Bonds shall be in the form of a single fully-registered, nonconvertible bond of the denomination of the full principal amount thereof, dated as of the date of delivery, payable in principal installments as finally determined at the time of sale of the Bonds and approved by the Authority and either the Mayor, City Manager, City Clerk or Finance Director (each an “Authorized Officer”). Final determination of the principal amount of and interest on the Bonds and the payment dates and amounts of principal installments of the Bonds shall be evidenced by the execution of a purchase contract (the “Purchase Contract”) between the City and the Authority providing for sale of the Bonds and each of the Authorized Officers is authorized and directed to execute and deliver the Purchase Contract when it is in final form and to make the determinations set forth above; provided, however, that the first principal installment shall be due no earlier than April 1, 2023, the total number of principal installments shall not exceed twenty (20), and the total principal amount shall not exceed \$3,300,000.

The Bonds shall bear interest at an interest rate per annum on the par value thereof as evidenced by execution of the Purchase Contract, but in any event not to exceed one and seven-eighths percent (1.875%) per annum and any of the Authorized Officers as shall be appropriate shall deliver the Bonds in accordance with the delivery instructions of the Authority. The principal amount of the Bonds is expected to be drawn down by the City periodically, and interest on the principal amount shall accrue from the date such principal amount is drawn down by the City.

The Bonds shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Bonds shall be payable as provided in the Bond form in this Resolution.

The Bonds or principal installments thereof shall be subject to prepayment prior to maturity by the City with the prior approval of the Authority.

The City Treasurer shall record on the registration books payment by the City of each installment of principal or interest or both when made and the cancelled checks or other records evidencing such payments shall be returned to and retained by the City Treasurer.

Upon payment by the City of all outstanding principal of and interest on the Bonds, the Authority shall deliver the Bonds to the City for cancellation.

2. Execution of Bonds. The Mayor and City Clerk are authorized to execute and deliver the Bonds in accordance with the delivery instructions of the Authority. The Bonds of this issue shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and City Clerk of the City and shall have the seal of the City, or a facsimile thereof, printed

or impressed on the Bonds. The Bonds bearing the manual or facsimile signatures of the Mayor and the City Clerk sold to the Authority shall require no further authentication.

3. Transfer of Bonds. Any Bond may be transferred upon the books required to be kept pursuant to this section by the person in whose name it is registered, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the transfer agent. Whenever any Bond or Bonds shall be surrendered for transfer, the 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 payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer. The City shall not be required (i) to issue, register the transfer of or exchange any Bond during a period beginning at the opening of business 15 days before the day of the giving of a notice of redemption of Bonds selected for redemption as described in the form of Bonds contained in Section 6 of this Resolution and ending at the close of business on the day of that giving of notice, or (ii) to register the transfer of or exchange any Bond so selected for redemption in whole or in part, except the unredeemed portion of Bonds being redeemed in part. The City shall give the transfer agent notice of call for redemption at least 20 days prior to the date notice of redemption is to be given.

The transfer agent shall keep or cause to be kept at its principal office sufficient books for the registration and transfer of the 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.

4. Limited Tax Pledge; Debt Retirement Fund; Defeasance of Bonds. The City hereby pledges its limited tax full faith and credit for the prompt payment of the Bonds. The City shall, each year budget the amount of the debt service coming due in the next fiscal year on the principal of and interest on the Bonds and shall advance as a first budget obligation from its general funds available therefor, or, if necessary, levy taxes upon all taxable property in the City subject to applicable constitutional, statutory and charter tax rate limitations, such sums as may be necessary to pay such debt service in said fiscal year.

The City Treasurer is authorized and directed to open a depository account with a bank or trust company designated by the City Board, to be designated 2022 CAPITAL IMPROVEMENT BONDS DEBT RETIREMENT FUND (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Bonds as they mature.

In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional redemption, the principal of, premium, if any, and interest on the Bonds, shall be deposited in trust, this Resolution shall be defeased and the owners of the Bonds shall have no further rights under this Resolution except to receive payment

of the principal of, premium, if any, and interest on the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.

5. Construction Fund; Proceeds of Bond Sale. The City Treasurer is authorized and directed to open a separate depository account with a bank or trust company designated by the City Council, to be designated 2022 CAPITAL IMPROVEMENT BONDS CONSTRUCTION FUND (the "Construction Fund") and deposit into said Construction Fund the proceeds of the Bonds less accrued interest, if any, which shall be deposited into the Debt Retirement Fund. The moneys in the Construction Fund shall be used solely to pay the costs of the Project and the costs of issuance of the Bonds.

6. Bond Form. The Bonds shall be in substantially the following form with such changes or completion as necessary or appropriate to give effect to the intent of this Resolution and subject to such modifications which may be required by the Michigan Attorney General and the Authority and approved by bond counsel:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF BRANCH

CITY OF COLDWATER
2022 CAPITAL IMPROVEMENT BOND
(LIMITED TAX GENERAL OBLIGATION)
(TAXABLE)

REGISTERED OWNER: Michigan Finance Authority

PRINCIPAL AMOUNT: _____ Dollars (\$____,000)

DATE OF ORIGINAL ISSUE: July 18, 2022

The CITY OF COLDWATER, County of Branch, State of Michigan (the “City”), for value received, hereby promises to pay to the Michigan Finance Authority (the “Authority”), or registered assigns, the Principal Amount shown above, or such portion thereof as shall have been advanced to the City pursuant to a Purchase Contract between the City and the Authority and a Supplemental Agreement by and among the City, the Authority and the State of Michigan acting through the Department of Environmental Quality, in lawful money of the United States of America, unless prepaid or reduced prior thereto as hereinafter provided.

During the time the Principal Amount is being drawn down by the City under this bond, the Authority will periodically provide to the City a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the City of its obligation to repay the outstanding Principal Amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this bond.

The Principal Amount shall be payable on the dates and in the annual principal installment amounts set forth on the Schedule A attached hereto and made a part hereof, as such Schedule may be adjusted if less than \$_____ is disbursed to the City or if a portion of the Principal Amount is prepaid as provided below, with interest on said principal installments from the date each said installment is delivered to the holder hereof until paid at the rate of one and seven-eighths percent (1.875%) per annum. Interest is first payable on October 1, 2022, and semiannually thereafter and principal is payable on the first day of April, commencing April 1, 2023 (as identified in the Purchase Contract) and annually thereafter.

Notwithstanding any other provision of this bond, as long as the Authority is the owner of this bond, (a) this bond is payable as to principal, premium, if any, and interest at the designated office of U.S. Bank Trust Company, National Association, Detroit, Michigan, or at such other place as shall be designated in writing to the City by the Authority (the “Authority’s Depository”); (b) the City agrees that it will deposit with the Authority’s Depository payments of the principal

of, premium, if any, and interest on this bond in immediately available funds at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; and (c) written notice of any redemption of this bond shall be given by the City and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

Additional Interest

In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase this bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the City's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provide funds to purchase this bond fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the City shall and hereby agrees to pay on demand only the City's pro rata share (as determined by the Authority) of such deficiency as additional interest on this bond.

This bond is the single, fully registered, nonconvertible bond in the principal sum of \$_____, issued for the purpose of paying all or part of the cost of improvements to the City's water supply system, including the removal, replacement and installation of lead service lines, together with all necessary interests in land, rights-of way, appurtenances and attachments thereto. This bond is issued under the provisions of Act 34, Public Acts of Michigan, 2001, as amended and a duly adopted resolution of the City.

Principal installments of this bond are subject to prepayment by the City prior to maturity only with the prior written consent of the Authority and on such terms as may be required by the Authority.

This bond is transferable only upon the books of the City by the registered owner in person or the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the transfer agent, duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new 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 resolution, and upon payment of the charges, if any, therein prescribed.

This bond, including the interest thereon, is payable as a first budget obligation from the general funds of the City, and the City is required, if necessary, to levy ad valorem taxes on all

taxable property in the City for the payment thereof, subject to applicable constitutional, statutory and charter tax rate limitations.

It is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this bond, exist and have been done and performed in regular and due form and time as required by law, and that the total indebtedness of the City, including this bond, does not exceed any constitutional, statutory or charter debt limitation.

IN WITNESS WHEREOF, the City of Coldwater, by its City Council, has caused this bond to be signed in the name of the City by the [manual][facsimile] signatures of its Mayor and City Clerk and [a facsimile of] its corporate seal [impressed] [to be printed hereon], all as of the Date of Original Issue.

CITY OF COLDWATER
County of Branch
State of Michigan

(SEAL)

By: _____
Its: Mayor

By: _____
Its: City Clerk

DEQ Project No.: 7567-01
DEQ Approved Amt: \$_____

SCHEDULE A

Based on the schedule provided below unless revised as provided in this paragraph, repayment of principal of the Bond shall be made until the full amount advanced to the City is repaid. In the event the Order of Approval issued by the Department of Environment, Great Lakes and Energy (the "Order") approves a principal amount of assistance less than the amount of the Bond delivered to the Authority, the Authority shall only disburse principal up to the amount stated in the Order. In the event (1) that the payment schedule approved by the City and described below provides for payment of a total principal amount greater than the amount of assistance approved by the Order or (2) that less than the principal amount of assistance approved by the Order is disbursed to the City by the Authority, or (3) that any portion of the principal amount of assistance approved by the Order and disbursed to the City is forgiven pursuant to the Order, the Authority shall prepare a new payment schedule which shall be effective upon receipt by the City.

<u>Principal Installment</u> <u>Due on</u>	<u>Amount of Principal</u> <u>Installment</u>
April 1, 2023	\$145,000
April 1, 2024	140,000
April 1, 2025	140,000
April 1, 2026	145,000
April 1, 2027	150,000
April 1, 2028	150,000
April 1, 2029	155,000
April 1, 2030	155,000
April 1, 2031	160,000
April 1, 2032	160,000
April 1, 2033	165,000
April 1, 2034	170,000
April 1, 2035	170,000
April 1, 2036	175,000
April 1, 2037	180,000
April 1, 2038	180,000
April 1, 2039	185,000
April 1, 2040	190,000
April 1, 2041	190,000
April 1, 2042	195,000

Interest on the bond shall accrue on principal disbursed by the Authority to the City which has not been forgiven pursuant to the Order from the date such portion is disbursed, until paid, at the rate of 1.875% per annum, payable October 1, 2022, and semi-annually hereafter.

The City agrees that it will deposit with the Authority's Depository, or such other place as shall be designated in writing to the City by the Authority payments of the principal of, premium, if any, and interest on this bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise. In the event that the Authority's Depository has not received the City's deposit by 12:00 noon on the scheduled day, the City shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment.

7. Sale of Bonds. The City hereby determines that it is in the best interest of the City to negotiate the sale of the Bonds to the Authority because the Drinking Water State Revolving Fund financing program provides significant interest savings to the City compared to competitive sale in the municipal bond market. The Authorized Officers are hereby authorized to make application to the Authority and to the EGLE for placement of the Bonds with the Authority.

8. Execution of Documents. The actions taken by the Authorized Officers with respect to the Bonds prior to the adoption of this Resolution are ratified and confirmed. The Authorized Officers are authorized to execute and deliver the Purchase Contract, Supplemental Agreement and Issuer's Certificate to the Authority. Prior to the delivery of the Bonds to the Authority, any Authorized Officer is hereby authorized to make such changes to the form of Bond contained in Section 6 of this Resolution as may be necessary to conform to the requirements of Act 227, Public Acts of Michigan, 1985, as amended ("Act 227"), including, but not limited to changes in the principal maturity and interest payment dates and references to additional security required by Act 227.

9. Approval of Bond Counsel. The representation of the City by Miller, Canfield, Paddock and Stone, P.L.C. ("Miller Canfield"), as bond counsel is hereby approved, notwithstanding the representation by Miller Canfield of the Authority which may include advising the Authority on its borrowing.

10. Approval of Bond Details. The Authorized Officers are each hereby authorized to adjust the final bond details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing is authorized to exercise the authority and make the determinations authorized pursuant to Section 315(1)(d) of Act 34, including but not limited to determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, and other matters, provided that the principal amount of Bonds issued shall not exceed the principal amount authorized in this Resolution, the interest rate per annum on the Bonds shall not exceed one and seven-eighths percent (1.875%) per annum, and the Bonds shall mature in annual installments not to exceed twenty (20) in number.

11. Useful Life of Project. The estimated period of usefulness of the Project is hereby declared to be not less than twenty (20) years.

12. Authorization of Other Actions. The Authorized Officers are each authorized and directed to take all other actions necessary or advisable, and to make such other filings with any parties, to enable the sale and delivery of the Bonds as contemplated herein.

13. Approval of Municipal Advisor. The representation of the City by Northland Securities, Inc. as municipal advisor is hereby approved.

(Balance of this page intentionally left blank)

14. Rescission. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution be and the same hereby are rescinded.

AYES: Councilmembers: Rissman, Machan, Johnson, Knaack, Beckwith,
Petzko, Houtz, Hazelbaker and Mayor Kramer.
NAYS: Councilmembers: None.

RESOLUTION DECLARED ADOPTED.



Susan Heath, Clerk
City of Coldwater

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Coldwater, County of Branch, State of Michigan, at a regular meeting held on May 23, 2022, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.



Susan Heath, Clerk
City of Coldwater

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RESOLUTION NO. 22-50

**A RESOLUTION TO APPROVE BID FOR RESURFACING OF
HERITAGE PARK OUTDOOR BASKETBALL COURT**

Minutes of a regular meeting of the City Council of the City of Coldwater, County of Branch, State of Michigan (the "City"), held on May 23, 2022, at 5:30 p.m., prevailing Eastern Time.

PRESENT: Councilmembers: Emily Rissman, Travis Machan, Chad Johnson, Jim Knaack, Michael Beckwith, John Petzko, Randall Hazelbaker, Scott Houtz and Mayor Kramer.

ABSENT: Councilmembers: None.

The following preamble and resolution were offered by Councilmember Knaack, and seconded by Councilmember Machan:

WHEREAS, the City received three bids for the resurfacing of the Heritage Park outdoor basketball court, to include excavation of existing court, fine grade and compact, install base and asphalt and stripe two new basketball courts; and

WHEREAS, the apparent responsible low bidder is Excell Paving Plus of Coldwater, Michigan, who has successfully completed previous projects for the City of Coldwater; and

WHEREAS, the project has been included in the City's 2022-23 FY capital improvement budget; and

WHEREAS, the bid includes a one-year warranty and bond in the amount of the full cost of the contract;

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of Coldwater hereby adopts Resolution No. 22-50 to award the bid for the resurfacing of the Heritage Park outdoor basketball court, including excavation of existing court, fine grade and compact, install base and asphalt and stripe two new basketball courts, to Excell Paving Plus of Coldwater, Michigan in the amount of \$27,675.00 and authorize the Mayor and City Clerk to execute required documents.

AYES: Councilmembers: Rissman, Machan, Johnson, Knaack, Beckwith, Petzko, Houtz, Hazelbaker and Mayor Kramer.

NAYS: Councilmembers: None.



RESOLUTION DECLARED ADOPTED.

Susan E. Heath, City Clerk
City of Coldwater

I, Susan E. Heath, the City Clerk of the City of Coldwater, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Coldwater, County of Branch, State of Michigan, at a regular meeting held on May 23, 2022, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended and that the minutes of said meeting were kept and will be or have been made available as required by said Act.



Susan E. Heath, City Clerk
City of Coldwater

RESOLUTION NO. 22-52

**A RESOLUTION TO AMEND THE SOCIAL DISTRICT REGULAR HOURS OF OPERATION IN
DOWNTOWN COLDWATER**

Minutes of a regular meeting of the City Council of the City of Coldwater, County of Branch, State of Michigan (the "City"), held on May 23, 2022 at 5:30 p.m., prevailing Eastern Time.

PRESENT: Councilmembers: Emily Rissman, Travis Machan, Chad Johnson, Jim Knaack, Michael Beckwith, John Petzko, Randall Hazelbaker, Scott Houtz and Mayor Kramer.

ABSENT: Councilmembers: None.

The following preamble and resolution were offered by Councilmember Knaack, and seconded by Councilmember Mahan:

WHEREAS, on June 6, 2021 Michigan Liquor Control Commission (MLCC) approved the City's local designation of a Social District; and

WHEREAS, the Coldwater Social District and its Commons areas remains subject to revocation or alteration as needed to maintain the health, safety, or welfare of the public; and

WHEREAS, there have been no public health or safety issues identified as a result of the social district's first year of operation; and

WHEREAS, it is the goal of Council to use the district as a tool to support economic development and downtown revitalization, and to ensure that the district is user-friendly to businesses and guests alike;

NOW, THEREFORE, BE IT RESOLVED the Coldwater City Council hereby:

1. Amends the regular hours of the Social District to include daily use from 11 am – 10 pm.
2. Amends the Social District Management Plan, attached as Addendum A.

BE IT FURTHER RESOLVED that the City Clerk is authorized and directed to forward this Resolution and the attached management and maintenance plans to the MLCC as required by the Act together with this resolution.

AYES: Councilmembers: Machan, Johnson, Knaack, Beckwith, Petzko, Houtz, Hazelbaker and Mayor Kramer.

NAYS: Councilmembers: Rissman

RESOLUTION DECLARED ADOPTED.



Susan E. Heath, City Clerk
City of Coldwater

I, Susan E. Heath, the City Clerk of the City of Coldwater, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Coldwater, County of Branch, State of Michigan, at a regular meeting held on May 23, 2022, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended and that the minutes of said meeting were kept and will be or have been made available as required by said Act.



Susan E. Heath, City Clerk
City of Coldwater