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## REGULAR CITY COUNCIL MEETING AGENDA April 23, 2024

1. **REGULAR MEETING** - called to order at 7:00 p.m. by Mayor Mallory.
2. **ROLL CALL:**
  - Bedwin                      • Mallory
  - Darling                      • Mills
  - Dodd                         • Raab
  - Kwiatkowski
3. **PLEDGE OF ALLEGIANCE**
4. **PUBLIC COMMENTS ON AGENDA ITEMS ONLY  
(3 MINUTES PER PARTICIPANT)**
5. **APPROVAL OF AGENDA AND RECEIVE AND FILE ALL COMMUNICATIONS:**

Motion by \_\_\_\_\_ seconded by \_\_\_\_\_ to approve the agenda and receive and file all communications.
6. **APPROVAL OF PRIOR MEETING MINUTES:**
  - A. Regular City Council Meeting Minutes – March 26, 2024.

Motion by \_\_\_\_\_ seconded by \_\_\_\_\_ to approve the Regular City Council Meeting minutes of March 26, 2024, as presented.
  - B. Regular City Council Meeting Minutes – April 9, 2024.

Motion by \_\_\_\_\_ seconded by \_\_\_\_\_ to approve the Regular City Council Meeting minutes of April 9, 2024, as presented.
7. **READING OF ORDINANCES:**
  - A. Consideration of Sewer/Wastewater System Revenue Bond Authorizing Ordinance.

Motion by \_\_\_\_\_ seconded by \_\_\_\_\_ to adopt the 2024 Sewer/Wastewater System Revenue Bond Authorizing Ordinance. [ROLL CALL]
8. **RESOLUTIONS:**
  - A. Resolution to Decertify Street.

Motion by \_\_\_\_\_ seconded by \_\_\_\_\_ to approve the decertification of the described portion of Elm Street, to exclude the pedestrian bridge from State Road funding. [ROLL CALL]

B. Resolution to Tentatively Award Construction Contract – Ball Steet and Bailey Street.  
**Motion by \_\_\_\_\_ seconded by \_\_\_\_\_ to approve the resolution to tentatively award a construction contract for the Ball Street and Bailey Street Sanitary Sewer and Water Main Replacement project. [ROLL CALL]**

C. Resolution to Tentatively Award Construction Contract – South Huron Street and Cuyler Street.

**Motion by \_\_\_\_\_ seconded by \_\_\_\_\_ to approve the resolution to tentatively award a construction contract for the South Huron Street and Cuyler Street Utility Improvement Project. [ROLL CALL]**

D. Local Governing Body Resolution for Charitable Gaming Licenses.

**Motion by \_\_\_\_\_ seconded by \_\_\_\_\_ to approve the Local Governing Body Resolution for Charitable Gaming Licenses for Seedums Garden Club. [ROLL CALL]**

9. **GENERAL BUSINESS:**

A. Amendment to City Manager’s Contract.

**Motion by \_\_\_\_\_ seconded by \_\_\_\_\_ to allow Mayor Mallory to amend the City Manager’s contract start date to June 24, 2024 instead of June 1, 2024. This is due to a clerical error and the end date will also be June 24, 2027. [ROLL CALL]**

B. Listing of Public Auction Items.

**Motion by \_\_\_\_\_ seconded by \_\_\_\_\_ to allow the City of Cheboygan staff to list the presented items online for public auction. [ROLL CALL]**

C. Consideration to Rezone the Properties of Parcel ID # 055-006-100-001-06 (B-1), Parcel ID # 055-006-100-001-03 (B-1) and Parcel ID # 055-006-100-003-00 (B-1) Local Business to (R-M) Multi Family Residential.

**Motion by \_\_\_\_\_ seconded by \_\_\_\_\_ to Rezone the Properties of Parcel ID # 055-006-100-001-06 (B-1), Parcel ID # 055-006-100-001-03 (B-1) and Parcel ID # 055-006-100-003-00 (B-1) Local Business to (R-M) Multi Family Residential. [ROLL CALL]**

10. **CITY MANAGER’S REPORT:**

11. **CITY CLERK’S COMMENTS:**

12. **PUBLIC COMMENTS (3 MINUTES PER PARTICIPANT):**

13. **COMMITTEE UPDATES:**

14. **MESSAGES AND COMMUNICATIONS FROM MAYOR AND COUNCIL MEMBERS:**

15. **ADJOURNMENT:**

**REGULAR CITY COUNCIL MEETING**

**March 26, 2024**

The Regular City Council meeting was called to order by Mayor Mallory in the Council Chambers at City Hall at 7:00 p.m.

**Roll Call:**

Present: Bedwin, Mallory, Darling, and Mills.

Absent: Kwiatkowski, Dodd, and Raab

**Public Comments on Agenda Items Only:**

- None.

**Approval of Agenda and Receive and File all Communications:**

- Councilwoman Mills moved to approve the agenda and receive and file all communications. Seconded by Mayor Pro Tem Bedwin. Motion carried.

**Approval of Prior Meeting Minutes:**

- Mayor Pro Tem Bedwin moved to approve the Regular City Council meeting minutes of March 12, 2024, as presented. Seconded by Councilwoman Darling. Motion carried.

**Communications and Petitions:**

- Mark Bronson – Housing Commission Update.
  - Mark Bronson, President of the Housing Commission, gave a Housing Commission update to Council. Bronson discussed the meeting the Housing Commission recently had. At that meeting, the Commission approved four resolutions to keep the housing rehabilitation project moving forward. Bronson discussed the addition of a new Commissioner, staffing issues in the office on Cuyler Street, extending the current Executive Director’s contract for one month, and transitioning to a management team, explaining that duties and jobs will change. Bronson and Council discussed the start of the rehabilitation project.

**Departments, Board and Commissions:**

- Cheboygan Police Department, February Report.
  - Councilwoman Darling inquired about the Property Inspection statistic. Chief Rifenberg explained.

**General Business:**

- Consideration of Bids for Independent Contracted Services for Maintenance, Interments, and Sexton Services at Pine Hill Cemetery.

- Councilwoman Mills moved to authorize the City Manager to negotiate and sign a contract with Gracie Larson for Maintenance, Interments, and Sexton Services at Pine Hill Cemetery. Seconded by Mayor Pro Tem Bedwin.
- Councilwoman Mills discussed the contract and shared her research regarding Sexton wages.
- Council, City Manager Sabolsky and Clerk Singles discussed the Sexton position.
- A roll call vote was taken. Motion carried.

**City Manager's Report:**

- Sabolsky explained to Council the reason why some of these lightbulbs are out in Chambers.
- Sabolsky met with the Historical Society regarding the Bodman Building. He also met with Kristen Baggot about her proposal. Sabolsky reported that we are still trying to figure out what to do with the building. Sabolsky discussed his negotiations with Jim Conboy. He will update Council with more details when he knows more.
- Sabolsky reported that the DNR has reached out to him as they are interested in purchasing more land near the land we sold them a few years ago on Western. Sabolsky reported that the parcels are zoned Industrial. Sabolsky discussed his concerns. Sabolsky also spoke to the DNR about getting an easement for the property on US-23 that Billy Jewell is assisting the City with.
- Sabolsky told Council that there will be a Planning Commission public hearing regarding a rezoning of some parcels. Those parcels would go from Local Business (B-1) to Multi-Family Residential (R-M). Sabolsky said a large apartment development would probably be placed there.
- Sabolsky discussed the Armory building and the Repurposing Overlay Council approved. The property owner had 18 months to work on that and they did not. The owner is looking at selling that property and Sabolsky explained that it is zoned back to Residential.
- Sabolsky discussed the resolution regarding the deeds for Major City Park. Sabolsky discussed the blue building that is being worked on near the adult baseball field. We are also working on fixing up the two dugouts. The City will be working with some of the baseball organizations to raise funds for some projects.
- Sabolsky discussed the Spark grant that we received. We are seeking bids for an architect and project manager.
- Sabolsky reported that the Court Street project should start up again in the beginning of April. We are working with HRC to add more parking space to Filmore Street for Veterans Park.
- We made an offer to an individual to fill the vacant Water/Wastewater Operator position. Four Officers will be taking the Segreant written exam come May.
- Sabolsky reported that we will probably have a work session before the April 9<sup>th</sup> meeting regarding the budget.
- Regarding the concession stand, we are finalizing our contractors and subcontractors. Sabolsky discussed the progress regarding the concession stand.
- Councilwoman Mills asked regarding the access to Veterans Park on Memorial Day. Sabolsky has discussed this issue with HRC to see what can be done for accessibility.
- Sabolsky told Council that the work for Ball Street and Bailey Street/Court Street and S. Huron Street has been put out for bid. Council and Sabolsky discussed the projects.

**Clerk's Comments:**

- Clerk Singles commented on Gracie Larson’s work as the Pine Hill sexton.

**Public Comments:**

- Tom Frazier commented regarding his home on Dresser Street. The home was built in 1871. Frazier commented that there is some extensive foundation and structure issues. Frazier came to Council looking for resources or suggestions to help with the cost of repair. Sabolsky told Frazier to call City Hall and ask for Executive Assistant Martin to set up a meeting.

**Committee Updates:**

- Councilwoman Mills said Bronson gave her report.
- Councilwoman Darling reported that the Parks and Recreation Commission did not have a quorum. It was mentioned that maybe the Commission should have five members instead of seven so a quorum could be had with three. Discussion was had regarding the Commission and the number of members. The ordinance says the Commission can have a minimum of five, maximum of seven Commissioners. Dale Rieger gave an update regarding the dog park. Rieger and Council discussed the size and possible location of the park.

**Messages and Communications from Mayor and Council Members:**

- Councilwoman Darling discussed the Easter egg hunt happening this weekend.
- Councilwoman Mills discussed a grant available from DTE. However, you need to be a 501(C)(3) organization to receive the grant.
- Mayor Pro Tem Bedwin thanked the Fraziers for coming to the meeting. Mayor Pro Tem Bedwin would like to be informed of any findings for assistance.

**Adjournment:**

- Mayor Mallory adjourned the meeting at 7:45pm.

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Mayor Brett Mallory

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Clerk Alyssa Singles

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Mayor Pro Tem Adam Bedwin

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Councilwoman Diane Mills

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Councilman Kenneth Kwiatkowski

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Councilwoman Mary Darling

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Councilwoman Diane E. Raab

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Councilwoman Hayley Dodd

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**REGULAR CITY COUNCIL MEETING**

**April 9, 2024**

The Regular City Council meeting was called to order by Mayor Mallory in the Council Chambers at City Hall at 7:00 p.m.

**Roll Call:**

Present: Dodd, Mallory, Darling, Kwiatkowski, Raab, and Mills

Absent: Bedwin

**Public Comments on Agenda Items Only:**

- Janet Gahn suggested the physical bills/invoices be present at the Council meeting for Council to view. Gahn commented on 9-A: Contract for Fiscal Year Audit. Gahn expressed she believes that someone presenting the fiscal year audit should be physically here presenting to Council versus via Zoom. Gahn asked what a lowest, responsible bidder is in reference to agenda items 9-B and 9-C. Gahn asked Council questions regarding the South Huron Street and Cuyler Street project.

**Approval of Agenda and Receive and File all Communications:**

- Councilwoman Mills moved to approve the agenda and receive and file all communications. Seconded by Councilman Kwiatkowski. Motion carried unanimously.

**Approval of Prior Meeting Minutes:**

- Councilwoman Mills moved to approve the Regular City Council meeting minutes of March 26, 2024, as presented. Seconded by Councilwoman Darling. Councilwoman Raab, Councilwoman Dodd, and Councilman Kwiatkowski abstained from voting due to their absence at the March 26, 2024 meeting. Motion failed.

**Departments, Board and Commissions:**

- Cheboygan Fire Department, March Report.
- Cheboygan Police Department, March Report.
- Office of Emergency Management, Quarterly Report.

**Bills and Disbursements:**

- Prepaid Bills and Disbursements for the Month of March 2024.
  - Councilwoman Mills moved to approve the prepaid bills and disbursements for the month of March 2024 in the amount of \$1,664,315.32. Seconded by Councilwoman Dodd.
  - Council asked questions on the payments to ELAN Financial, AT&T, Pitney Bowes: Postage Lease, Rehmann, SBIS, Hunt, Douglas and Jade: Fire Withholding Release, and Etna Supply: Sensus Support. Treasurer Clear answered Council's questions regarding those payments.
  - A roll call vote was taken. Motion carried unanimously.

- Unpaid Bills and Disbursements for the Month of March 2024.
  - Councilman Kwiatkowski moved to approve the unpaid bills and disbursements for the month of March 2024 in the amount of \$14,520.26. Seconded by Councilwoman Mills.
  - A roll call vote was taken. Motion carried unanimously.
- Contract for Fiscal Year Audit.
  - Councilwoman Darling moved to authorize the City Manager to enter into a three-year contract with Gabridge & Co for the City's Annual Fiscal Year Audit. Seconded by Councilwoman Mills.
  - Councilwoman Raab asked if someone can come and present the audit in-person versus via Zoom like in years past. Council discussed having an in-person presentation.
  - Councilwoman Darling asked what a federal single audit report is. City Manager Sabolsky explained.
  - A roll call vote was taken. Motion carried unanimously.
- South Huron Street and Cuyler Street Utility Improvement Project.
  - Councilwoman Dodd moved to authorize the City Manager to enter into a contract with the lowest - responsible bidder for the South Huron Street and Cuyler Street Utility Improvement Project, subject to financing. Seconded by Councilwoman Mills.
  - Sabolsky explained the project cost and where the funds are coming from to pay for this project. Sabolsky explained the reason why the verbiage of "lowest – responsible bidder" was used; on both the South Huron Street and Cuyler Street Utility Improvement Project and the Ball Street and Bailey Street Sanitary Sewer and Water Main Replacement, the same company (J&N Construction) is the lowest bidder. We are not sure if they can handle both projects. If they can accomplish both this summer, they will be awarded both. HRC will be talking to the bidder to see if they can get everything done in time.
  - Council and Sabolsky discussed the project.
  - A roll call vote was taken. Motion carried unanimously.
- Ball Street and Bailey Street Sanitary Sewer and Water Main Replacement.
  - Councilman Kwiatkowski moved to authorize the City Manager to enter into a contract with the lowest - responsible bidder for the Ball Street and Bailey Street Sanitary Sewer and Water Main Replacement, subject to financing. Seconded by Councilwoman Mills.
  - Sabolsky discussed the details of this project along with how this project will be funded.
  - A roll call vote was taken. Motion carried unanimously.
- Professional Services Contract.
  - Councilwoman Mills moved to authorize the City Manager to enter into a contract with Sanders and Czapski Associates for \$78,350.00 for Professional Services for the Universal Access to Cheboygan River and Children's Trail – Phase II Project (SPARK Grant Funded). Seconded by Councilwoman Darling.
  - Sabolsky discussed the bidders for this project. Sanders and Czapski Associates worked with us during Phase I of this project.
  - A roll call vote was taken. Motion carried unanimously.

**Treasurer's Report:**

- Treasurer Clear presented and discussed the Initial Certification of Water/Sewer Liens with Council.
- Councilwoman Raab asked about the water service line verification.



**Public Comments:**

- Inverness Township Supervisor, Rodney LaHaie spoke regarding the sewer agreement between the City and Inverness Township and the Township's sewer ordinance. LaHaie discussed how changes have been made in the past regarding billing. LaHaie spoke regarding a new change to billing that has been requested/approved by the Inverness Township Board.
- Cal Oxley inquired about the status of the Court Street project. Oxley expressed concern about J&N Construction doing more projects in the City.
- Janet Gahn expressed concerns regarding the last Council meeting and the comments made regarding Meijer. Gahn commented on Councilwoman Dodd's pen.
- Greg Elliott, Inverness Township Trustee commented that he has attempted to contact Jason Karmol but has not heard back. Elliott FOIA'd a sewer forensic audit but the FOIA was denied. Elliott said he would like a copy of the report/study/survey being done. Elliott commented on the sewer for the Township discussing expenses and his own research regarding revenue and flow.

**Committee Updates:**

- Councilwoman Darling commented on the Board of Commissioners meeting. Councilwoman Darling discussed a housing project the NLEA, Northern Homes, Habitat for Humanity and the County will be working on together. The County is working on a jail project and the Veteran banners are going up soon. Councilwoman Darling said discussion was had regarding illegal immigrants and what would be done if they were dropped off in Cheboygan County.

**Messages and Communications from Mayor and Council Members:**

- Councilwoman Darling commented on the Follies performances that will be happening at the end of April. Councilwoman Darling encouraged people to join.
- Councilwoman Mills addressed some comments on Facebook regarding the pedestrian bridge, the purchase of the Water Street property by the DDA, water bills and infrastructure, City employees, local job creation and new businesses.
- Mayor Mallory inquired about the start of Court Street. Sabolsky said they have started mobilizing but certain criteria does need to be met for asphalt to be made. Sabolsky discussed why Court Street was not finished last year.
- Councilwoman Raab asked if Council members have personnel files. Councilwoman Raab discussed Council signing their Oath of Office and a Code of Ethics made by Mayor Tebo. Councilwoman Raab also inquired about a public complaint form.
- Councilwoman Darling thanked the public audience for attending the meeting.

**Adjournment:**

- Mayor Mallory adjourned the meeting at 8:06pm.

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Mayor Brett Mallory

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Clerk Alyssa Singles

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Mayor Pro Tem Adam Bedwin

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Councilwoman Diane Mills

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Councilman Kenneth Kwiatkowski

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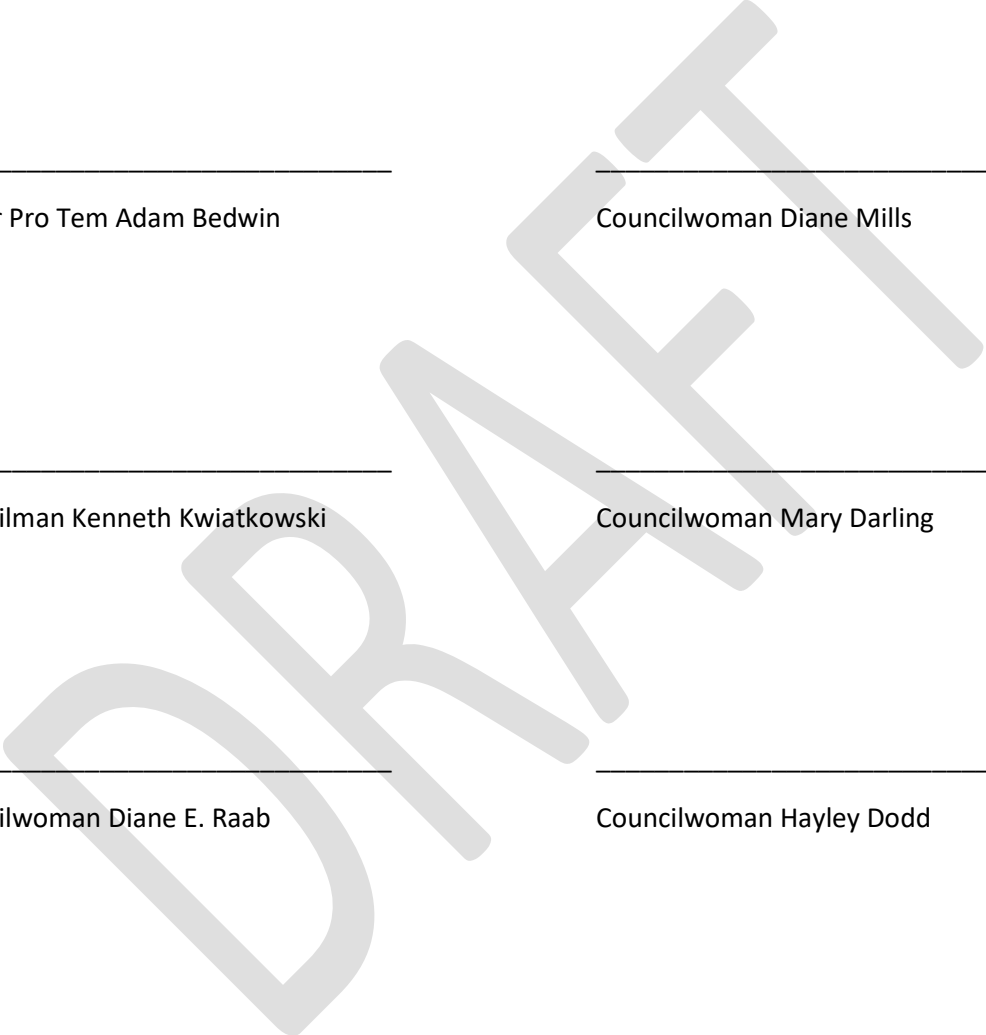
Councilwoman Mary Darling

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Councilwoman Diane E. Raab

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Councilwoman Hayley Dodd



**CITY OF CHEBOYGAN  
COUNTY OF CHEBOYGAN  
STATE OF MICHIGAN**

**2024 SEWER/WASTEWATER SYSTEM REVENUE BOND AUTHORIZING  
ORDINANCE**

AN ORDINANCE AUTHORIZING THE ISSUANCE OF SEWER/WASTEWATER SYSTEM REVENUE BONDS BY THE CITY OF CHEBOYGAN, CHEBOYGAN COUNTY, MICHIGAN, FOR THE PURPOSE OF DEFRAYING A PORTION OF THE COST OF CONSTRUCTING CERTAIN IMPROVEMENTS TO THE CITY'S SEWER/WASTEWATER SYSTEM AND WATER SYSTEM, LOCATED IN THE CITY OF CHEBOYGAN, TOGETHER WITH ANY NECESSARY RIGHTS IN LAND AND APPURTENANCES THERETO; PRESCRIBING THE FORM OF THE BONDS; PROVIDING FOR THE COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COST OF THE OPERATION AND MAINTENANCE OF THE SYSTEM; PROVIDING FOR THE PAYMENT OF THE BONDS; PROVIDING FOR THE SEGREGATION AND DISTRIBUTION OF THE REVENUES FROM THE SYSTEM; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF THE BONDS AND ENFORCEMENT THEREOF; AND PROVIDING FOR OTHER MATTERS RELATED TO THE BONDS AND THE SYSTEM.

**WHEREAS**, it has been determined by the City Council of the City of Cheboygan, Cheboygan County, Michigan (the "City" or the "Issuer"), that it is necessary for the public health and welfare of the City to make certain improvements to the City's municipal sewer/wastewater and water systems, and related improvements, including, but not limited to, (1) the replacement of certain sanitary sewer and water main, including related appurtenances and necessary and related roadway and drainage improvements, on Ball Street from Division Street to Mackinaw Avenue continuing north to Littlefield Street to West First Street, and Bailey Street from Pine Street to State Street, and (2) the replacement of sanitary sewer and water main, including related appurtenances and necessary and related roadway and drainage improvements, on Huron Street from the dead end to Lincoln Avenue, and on Cuyler Street from the dead end to Lincoln Avenue, as well as making other necessary and related improvements to the City's sewer/wastewater system and water system, and paying engineering and financing costs (the "Project"); and

**WHEREAS**, the total cost of the Project, including incidental expenses, and legal, financing, engineering and other related issuance costs, has been estimated by the City's engineers, Hubbell, Roth & Clark, Inc., to be approximately Six Million Eight Hundred Eighty Thousand Five Hundred Fourteen Dollars (\$6,880,514); and

**WHEREAS**, the City Council has determined that it is in the best interests of the City to finance a portion of the cost of the Project through the issuance of bonds; and

**WHEREAS**, in order to maintain reasonable rates and charges and continue to provide sufficient funds for the operation and maintenance of the System, and to provide for the acquisition and construction of the Project, the City is authorized and does determine it to be in the best interests of the City to issue revenue bonds, which shall be secured by a statutory lien against the System's revenues as provided by the Revenue Bond Act of 1933, Act 94, Public Acts of Michigan, 1933, as amended (MCL 141.101, *et seq.*) (the "Act"); and

**WHEREAS**, the City Council determines that a portion of the cost of the Project is to be defrayed by the issuance of not to exceed Three Million Five Hundred Thousand Dollars

(\$3,500,000) 2024 Sewer System Revenue Bonds (the “Bonds”), to be issued in one or more series; and

**WHEREAS**, the City Council determines that it is in the best interests of the City to finance a portion of the cost of the Project through the issuance of the Bonds pursuant to the State Revolving Fund/Clean Water Revolving Fund Program(s) (the “SRF Program”) administered by the Michigan Department of Environment, Great Lakes, and Energy (“EGLE”); and

**WHEREAS**, the City has been approved by the Michigan Department of Treasury as a qualified issuer of municipal securities, and all things necessary for the authorization and issuance of revenue bonds under the Constitution and laws of the State of Michigan, ordinances and resolutions of the City, and particularly the Act, have been done, and the City is now empowered and desires to authorize the issuance of the Bonds; and

**WHEREAS**, the City Council desires to negotiate the sale of the Bonds to the Michigan Finance Authority (the “MFA” or the “Authority”) as it is in the best interests of the City to issue the Bonds through a negotiated sale to the MFA based upon the favorable terms and reduced costs of issuance that are available through the MFA pursuant to EGLE’s SRF Program, and to authorize the execution and delivery of any and all documents necessary to effectuate the sale and delivery of the Bonds to the Authority.

**NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF CHEBOYGAN ORDAINS:**

1. Necessity; Cost Estimate; Useful Life. It is hereby determined and declared to be necessary for the public health and welfare of the residents of the City to improve the System by constructing and acquiring the Project, and the City Council determines that the estimated cost of the Project, including incidental expenses, is approximately Six Million Eight Hundred Eighty Thousand Five Hundred Fourteen Dollars (\$6,880,514), and the period of usefulness of said improvements to be not less than thirty (30) years.

2. Payment of Costs. To pay a portion of the cost of acquiring and constructing the Project, including the payment of any bond discount and other costs of issuance, it is hereby determined that there be borrowed upon the credit of the income and revenues of the System the sum of not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000), and that revenue bonds be issued therefor under the provisions of the Act. The remaining Project costs will be paid for from grant proceeds and/or available City funds on hand.

3. The Michigan Finance Authority. The City Council, based upon consultations with and recommendations from its financial consultant and bond counsel, hereby determines that it is in the best interests of the City to issue the Bonds through a negotiated sale to the MFA, rather than sell the Bonds at a public sale, based upon the favorable terms [including the interest rate(s)] and reduced costs of issuance that are available through the MFA pursuant to EGLE’s SRF Program. In the event that the Bonds are sold to the MFA, the following subdivisions shall apply:

(a) Purchase Contract. The Bonds are hereby authorized to be sold to the MFA pursuant to the Act, Act 227 of 1985, Act 34 of 2001, and other applicable statutory provisions, and to bear an original issue date, and bear interest at the rates as shall be determined by the City’s Mayor, City Manager, City Clerk, or City Treasurer (each an “Authorized Officer”). In the event that the Bonds are sold to the MFA, the Issuer hereby approves, and an Authorized Officer is hereby authorized and directed to execute and deliver, the Purchase Contract, the Supplemental Agreement, the Revenue Sharing Pledge Agreement, if necessary and/or required by the MFA,

and the Issuer's Certificate as provided by the MFA for the sale to the MFA of the Bonds, if, in the judgment of the Authorized Officer, the interest rate or rates on the Bonds and other terms and conditions of the Purchase Contract and other agreements and certificates are within the parameters established in this Ordinance and in the best interests of the City to accept.

(b) Discount. The City hereby authorizes the sale of the Bonds to the MFA at a discount of not to exceed five percent (5%), and an Authorized Officer is hereby authorized and directed to approve the specific discount offered by the MFA and the interest rates for the principal amount of the Bonds, if, in the Authorized Officer's judgment, the discount, interest rates and principal amount of the Bonds are in the best interests of the City to accept.

(c) MFA's Depository. Notwithstanding any other provision of this Ordinance, so long as the MFA is the owner of the Bonds, (a) the Bonds are payable as to principal, premium, if any, and interest at the designated corporate trust office of the MFA's Depository, or at such other place as shall be designated in writing to the Issuer by the MFA; (b) the Issuer agrees that it will deposit with the MFA's Depository payments of the principal of, premium, if any, and interest on the Bonds 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 the Bonds shall be given by the Issuer and received by the MFA's Depository at least 40 days prior to the date on which such redemption is to be made.

In the event of a default in the payment of principal or interest thereon 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 one percent above the MFA's cost of providing funds (as determined by the MFA) to make payment on the bonds of the MFA issued to provide funds to purchase the Bonds, but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the MFA has been fully reimbursed for all costs incurred by the MFA (as determined by the MFA) as a consequence of the Issuer's default. Such additional interest shall be payable on the interest payment date following demand of the MFA. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the MFA) the investment of amounts in the reserve account established by the MFA for the bonds of the MFA issued to provide funds to purchase the Bonds 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 MFA issued to fund such account, the Issuer shall and hereby agrees to pay on demand only the Issuer's pro-rata share (as determined by the MFA) of such deficiency as additional interest on the Bonds.

(d) Prior Redemption. The Bonds may be subject to redemption prior to maturity by the City only with the prior written consent of the MFA and on such terms as may be required by the MFA.

Notice of redemption of any bond shall be given at least thirty (30) days prior to the date fixed for redemption by mail to the registered owner(s) at the registered address shown on the registration books kept by the Bond Registrar. Bonds shall be called for redemption in any denomination. The notice of redemption for bonds redeemed in part shall state that, upon surrender of the bond to be redeemed, a new bond or bonds in an aggregate principal amount equal to the unredeemed portion of the bond surrendered shall be issued to the registered owner thereof. No further interest payment on the bonds or portions of the bonds called for redemption shall accrue after the date fixed for redemption, provided funds are on hand with the Bond Registrar to redeem same.

(e) The Issuer hereby agrees to and approves the inclusion of the following terms and conditions in the Bonds and other related closing documents and certificates in substantially the form as provided below:

- (1) The Issuer promises to pay to the Authority the principal amount of the Bond or so much thereof as shall have been advanced to the Issuer pursuant to a Purchase Contract between the Issuer and the Authority and a Supplemental Agreement by and among the Issuer, the Authority and the State of Michigan acting through EGLE.
- (2) Interest is first payable October 1, 2024, and semiannually thereafter, and principal is payable on the first day of April commencing April 1, 2026 (as identified in the Purchase Contract) and annually thereafter, or as otherwise approved by an Authorized Officer.
- (3) Bonds may be subject to redemption prior to maturity by the Issuer only with the prior written consent of the Authority and on such terms as may be required by the Authority.
- (4) Notwithstanding any other provision of this Bond, so 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 Authority's Depository or at such other place as shall be designated in writing to the Issuer by the Authority (the "Authority's Depository"); (b) the Issuer 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 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 Issuer's deposit by 12:00 noon on the scheduled day, the Issuer 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; and (c) written notice of any redemption of this Bond shall be given by the Issuer and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.
- (5) 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 payments 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 Issuer'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 Issuer shall and hereby agrees to pay on demand only the Issuer's pro rata share

(as determined by the Authority) of such deficiency as additional interest on this Bond.

(6) During the time funds are being drawn down by the Issuer under this Bond, the Authority will periodically provide the Issuer 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 Issuer 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.

(7) Such other standard terms and provisions as may be reasonably required by the MFA for Bonds issued pursuant to the SRF Program.

4. The Bonds. The Bonds of the Issuer aggregating the principal sum of not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000) shall be issued for the purpose of paying the cost of the Project. The Bonds may be issued in one or more series, with the aggregate principal amount(s) not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000). The Bonds shall be designated “2024 Sewer System Revenue Bonds”; shall be dated the date of delivery; shall be fully registered Bonds as to principal and interest; shall be issued in any denomination approved by the Issuer and the Authority, shall bear interest at a rate or rates to be hereafter determined not exceeding 3.00% per annum, payable on October 1, 2024, and semiannually thereafter on the first day of April and October in each year, or such other interest payment dates as approved by an Authorized Officer; and shall mature on April 1 in each year as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2026	\$85,000	2041	\$115,000
2027	90,000	2042	120,000
2028	90,000	2043	120,000
2029	90,000	2044	125,000
2030	95,000	2045	125,000
2031	95,000	2046	130,000
2032	95,000	2047	130,000
2033	100,000	2048	135,000
2034	100,000	2049	135,000
2035	105,000	2050	140,000
2036	105,000	2051	140,000
2037	105,000	2052	145,000
2038	110,000	2053	145,000
2039	110,000	2054	150,000
2040	115,000	2055	155,000

An Authorized Officer is hereby authorized to adjust the maturity schedule and the principal payment amounts, the interest payment dates, determine (after consultation with the City's bond counsel and financial consultant) the priority of the statutory lien on the Net Revenues of the System associated with the Bonds, and/or reduce the principal amount of the borrowing as deemed necessary and reasonable to the Project.

5. Bond Execution. The Mayor and City Clerk are hereby authorized to manually sign, or cause their facsimile signatures to be affixed to, the Bonds in conformity with the above specifications and the City Treasurer is hereby authorized and directed to deliver the Bonds and to the purchaser thereof upon receipt of the purchase price and accrued interest, if any.

6. Lost, Destroyed, Mutilated Bonds. If any Bond shall become mutilated, the Issuer, at the expense of the bondholder, shall execute, and the paying agent, if any, shall authenticate and deliver, a new Bond of like tenor in exchange and substitution for the mutilated Bond upon surrender to the paying agent of the mutilated Bond. If any Bond issued under this Ordinance shall be lost, destroyed or stolen, evidence of the loss, destruction or theft and indemnity may be submitted to the paying agent and, if this evidence is satisfactory to both the paying agent and the Issuer, an indemnity satisfactory to the paying agent and the Issuer shall be given and the Issuer, at the expense of the owner, shall execute, and the paying agent shall thereupon authenticate and deliver a new Bond of like tenor and bearing the statement required by Act 354, Public Acts of Michigan, 1972, as amended, being §§ 129.131 to 129.134, inclusive, of the Michigan Compiled Laws, or any applicable law hereafter enacted in lieu of and in substitution for the Bond so lost, destroyed or stolen. If any such Bond shall have matured or shall be about to mature, instead of issuing a substitute Bond, the paying agent may pay the same without surrender thereof.

7. Bond Form. The Bonds shall be in substantially the form as attached hereto as Exhibit A. The Mayor and City Clerk are authorized to execute the Bonds manually or by facsimile signature if authorized by law.

8. City Manager's Authority. The City Manager, or a designee thereof, if permitted by law, is hereby authorized to:



(a) file with the Department within fifteen (15) business days after issuance of the Bonds, any and all documentation required subsequent to the issuance of the Bonds, together with any statutorily required fee.

(b) execute and file any necessary applications for approvals or waivers from the Department, the MFA, and/or EGLE.

9. Application for Approval to Issue Bonds. If necessary, the City Manager or a designee thereof is hereby authorized to cause an application to be filed with the Department's Community Engagement and Finance Division for approval to issue and sell the Bonds, and the City Treasurer is authorized to provide the necessary sum to accompany said application, and to take such other steps as are necessary to sell said Bonds.

10. Delegation of Authority. The Authorized Officers, and all other officers, agents and representatives of the Issuer and each of them shall appoint a paying agent/bond registrar, and execute, issue and deliver any certificates, statements, warranties, representations, or documents necessary to effect the purposes of this Ordinance or the Bonds. The officers, agents and employees of the Issuer are authorized to take all other actions necessary and convenient to facilitate the sale and delivery of the Bonds.

11. Bond Counsel. Thrun Law Firm, P.C., is hereby appointed as bond counsel for the City and the Authority with reference to the issuance of the Bonds. Further, Thrun Law Firm, P.C., represents no other party with respect to the issuance of the Bonds.

12. Advance Payment of Project Costs. The advance payment for the Project is hereby approved, and the monies are authorized to be advanced from monies on hand in the Issuer's General Fund, Sewer Fund, or other appropriate fund, which monies will be repaid to the General Fund, Sewer Fund, or other appropriate fund, with a like amount, plus interest from the date of withdrawal, from the proceeds of the Bonds when received. The Issuer shall reimburse the General Fund, Sewer Fund, or other appropriate fund, not earlier than the date on which the costs and expenses are paid and not later than the later of:

(a) the date that is eighteen (18) months after the costs and expenses are paid; or

(b) the date the Project placed in service or abandoned, but in no event more than three (3) years after the costs and expenses are paid.

13. Security for Bonds. The Bonds hereby authorized, together with interest thereon, are payable from the net income and revenues to be derived from the operation of the System. To pay such principal and interest as and when same shall become due, there is hereby created a statutory lien upon the whole of the net revenues of the System, the priority of which lien shall be determined by an Authorized Officer, or a designee thereof, to continue until the payment in full of the principal and interest on said Bonds and said revenues shall be set aside for that purpose and identified as the "2024 Sewer System Revenue Bond and Interest Redemption Fund Account" as hereinafter specified.

14. Custodian of Funds. The City Treasurer shall be custodian of all funds belonging to and/or associated with the System and such funds shall be deposited at a bank to be determined by the City Treasurer, which bank shall be insured by the Federal Deposit Insurance Corporation. The City Treasurer is hereby directed to create the following funds and accounts into which the bond proceeds and the revenues and income from the System shall be deposited, which accounts

shall be established and maintained, except as otherwise provided, so long as any of the Bonds hereby authorized remain unpaid:

(a) Construction Account. The proceeds of the Bonds hereby authorized shall be deposited in the Construction Account in a bank to be determined by the City Treasurer, which bank shall be insured by the Federal Deposit Insurance Corporation. Said moneys shall be used solely for the purposes for which the Bonds were issued.

Any unexpended balance of the proceeds of sale remaining after completion of the Project herein authorized may, in the discretion of the City Council, to the extent of fifteen percent (15%) of the amount of the Bonds authorized by this Ordinance, be used for further improvements, enlargements and extensions to the System, provided that at the time of such expenditure or such use be approved by the Department's Community Engagement and Finance Division or its successor agency. Any remaining balance after such expenditure shall be paid into the Bond and Interest Redemption Account and shall be used for such purposes as allowed by law.

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

(b) System Receiving Fund Account. The gross income and revenues of the System shall be set aside into a separate account to be designated the Receiving Fund Account, and monies so deposited therein shall be expended and used only in the manner and order as follows:

(1) Operation and Maintenance Account. Prior to the beginning of each fiscal year, the City will prepare an annual budget of the System for the ensuing fiscal year, itemized on the basis of monthly requirements. There shall be set aside and deposited each quarter pursuant to the budget a sufficient portion of the income and revenue in the Operation and Maintenance Account to pay the reasonable and necessary current expenses of administering, operating and maintaining the System for the ensuing quarter.

(2) Bond and Interest Redemption Account. After the transfer required in (1) above, there shall be transferred each quarter from the System's Receiving Fund Account, before any other expenditures or transfer therefrom, and deposited in the System's Bond and Interest Redemption Fund Account (hereinafter called "Bond and Interest Redemption Account"), for payment of principal and interest on the Bonds a sum equal to at least one-half ( $\frac{1}{2}$ ) of the amount equal to the interest due on the next ensuing interest due date and not less than one-fourth ( $\frac{1}{4}$ ) of the principal maturing on April 1 of each year thereafter. If for any reason there is a failure to make such quarterly deposit, then an amount equal to the deficiency shall be set aside and deposited in the Bond and Interest Redemption Fund Account of the net revenues in the ensuing quarter or quarters, which amount shall be in addition to the regular quarterly deposit required during such succeeding quarter or quarters.

No further payments need be made into the Bond and Interest Redemption Account after enough of the Bonds have been retired so that the amount then held in said Account is equal to the entire amount of principal and interest which will be payable at the time of maturity of all the Bonds then remaining outstanding.

(3) General Purpose Account. The balance of income and revenue after the transfers required in (1) and (2) above have been made, shall be deposited to a General Purpose Account, which Account shall be used and disbursed only for the purpose

of paying the cost of repairing or replacing any damage to the System, which may be caused by an unforeseen catastrophe, for making extensions or improvements to the System, and when necessary, for the purpose of making payments of principal and interest on the Bonds hereby authorized if the amount in the Redemption Fund Account is not sufficient to meet such payments, then these funds shall be transferred to the Redemption Account. The funds in the General Purpose Account may be invested in obligations of the United States or such other obligations as are permitted by law. Any such investment will be a part of the General Purpose Account.

- (4) Surplus Monies. Whenever there shall accumulate in the Redemption Fund Account amounts in excess of the requirements during the next eighteen (18) months for paying the principal of Bonds falling due and interest on outstanding Bonds and in the excess of the requirements of the Operation and Maintenance Account hereinbefore established, such excess may be used by the City for redemption of Bonds in the manner set out below or for any lawful purpose of the Issuer provided that the General Purpose Account is also fully funded and the City Council determines that such funds will not be required for extraordinary maintenance expenses.

All monies remaining in the System's Receiving Account at the end of any operating year after satisfying the above requirements may be transferred to the Bond and Interest Redemption Account and used to call Bonds for redemption, or at the option of the City, transferred to the General Purpose Account and used for the purposes for which said Account was established: provided, however, that if there should be a deficit in the Operation and Maintenance Account, Bond and Interest Redemption Account or the General Purpose Account, on account of defaults in setting aside therein the amount hereinbefore required, then transfers shall be made from such funds remaining in the System's Receiving Account to such funds in the priority and order named, to the extent of such deficits.

15. Rates and Charges. Prior to the issuance of the Bonds, rates and charges for the services of said System will be fixed in an amount sufficient to pay the costs of operating and maintaining the System, and to provide sufficient revenue for principal and interest, debt service, replacement and improvement requirements and all other requirements provided herein, and otherwise comply with the covenants herein provided. The rates and charges for all services and facilities rendered by the System shall be reasonable and just, taking into consideration the costs and value of said System and the cost of maintaining, repairing and operating the same and the amounts necessary for the retirement of all Bonds and accruing interest on the Bonds and such amounts as may be necessary to meet the requirements of the preceding section.

16. Investment of Funds. Moneys in the funds and accounts established herein and moneys derived from the proceeds of sale of the Bonds, may be invested by the Issuer in United States of America obligations or in obligations the principal of and interest on which is fully guaranteed by the United States of America, and moneys derived from the proceeds of sale of the Bonds may also be invested in certificates of deposit of any bank whose deposits are insured by the Federal Deposit Insurance Corporation. Investment of moneys in the Redemption Account being accumulated for payment of the next maturing principal or interest payment on the Bonds shall be limited to obligations bearing maturity dates prior to the date of the next maturing principal or interest payment on the Bonds. In the event investments are made, any securities representing the same shall be kept on deposit with the bank or trust company having on deposit the funds in

the Receiving Account, Operation and Maintenance Account and Improvement Account shall be deposited in or credited to the Receiving Account at the end of each fiscal year. Interest earned on the Bond and Interest Redemption Account shall be used to pay debt service on the Bonds and the next required transfer from the Receiving Account shall be reduced accordingly.

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

18. Covenants. The Issuer covenants and agrees that so long as any of the Bonds hereby authorized remain unpaid as follows:

(a) It will comply with applicable State laws and regulations and continually operate and maintain the System in good condition.

(b) It will cause to be maintained and kept proper books of record and account, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the System. Not later than sixty (60) days after the close of each operating year, the City Council will cause to be prepared, on forms furnished by the Department's Community Engagement and Finance Division, if such forms are available, a statement in reasonable detail, sworn to by its City Treasurer, showing the cash income and disbursements of the System during each operating year, the assets and liabilities of the System at the beginning and close of the fiscal year, and such other information as is necessary to enable any taxpayer of the Issuer, user of the service furnished, or any holder or owner of the Bonds, or anyone acting in their interest, to be fully informed as to all matters pertaining to the financial operation of the System during such year. Such statement and books of record and account shall at all reasonable times be open to inspection by any taxpayer of the City, user of the service, or holder or holders of any Bonds, or anyone acting in their interest. The City Council of the Issuer will also cause an annual audit of such books and records and account for the preceding operating year to be made by a recognized independent certified public accountant, and will mail such audit to the supervisor/manager of the account or syndicate purchasing the Bonds. Such audit shall be completed and so made available not later than six (6) months after the close of each operating year.

(c) The Issuer will maintain and carry, for the benefit of the holders of the Bonds, insurance on all physical properties of the System of the kind and in the amounts normally carried by municipalities engaged in the operation of municipal sewer/wastewater systems. All monies received from losses under such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed, and to the extent not so used, shall be used for the purposes of calling Bonds.

(d) The Issuer will not voluntarily dispose of or transfer its title to the System or any part thereof, including lands and interest in lands, by sale, mortgage, lease or other encumbrances, without obtaining the prior written consent of at least 51% of the Bond holders of the then outstanding Bonds.

(e) Any extensions to or improvements of the System shall be made according to sound engineering principles and plans.

(f) The Issuer will periodically review the System's rates and charges for services to ensure that same are adequate to pay the costs of operating and maintaining the System and to provide sufficient revenue for the payment of principal and interest on the Bonds, debt service, replacement and improvement requirements, and any other necessary and reasonable expenses and charges. If the System's rates and charges are found to be insufficient to pay the aforementioned expenses and costs, the Issuer shall adjust the Systems rates and charges as necessary to comply with this provision. Said review of the System's rates and charges shall be conducted at least annually.

19. Rates, Billing and Enforcement. The rates charged for the services of the System, and the billing, enforcement, and collection of charges for such services, as well as the general management of the System, shall be as currently provided by the ordinances and resolutions of the City.

20. Additional Bonds. The Issuer may issue additional bonds of equal standing for the following purposes and on the following conditions:

(a) To complete construction of the Project according to the plans set forth in Section 1, bonds in the amount necessary may be issued.

(b) For the purposes of making reasonable repair, replacement, improvements or extensions to the System, additional bonds of equal standing may be issued if the Net Revenues of the System for the fiscal year preceding the year in which such additional bonds are to be issued were one hundred percent (100%) of the average annual debt service requirements on all Bonds then outstanding and together with projected net revenues equal or exceed one hundred percent (100%) of proposed new debt service on all bonds including the bonds to be issued.

The accounts and funds herein established shall be applied to all additional bonds issued pursuant to this section as if said bonds were part of the original bond issue and all revenue from any such extension or replacement constructed by the proceeds of an additional bond issue shall be paid to the System's Receiving Fund Account mentioned in this Ordinance.

Except as otherwise specifically provided, so long as any of the Bonds herein authorized are outstanding, no additional bonds or other obligations pledging any portion of the revenues of the System shall be incurred or issued by the City unless the same shall be junior and subordinate in all respects to the Bonds herein authorized.

21. Ordinance Shall Constitute Contract. The provisions of this Ordinance shall constitute a contract between the Issuer and the bondholders and after the issuance of such Bonds, this Ordinance shall not be repealed or amended in any respect which will adversely affect the rights and interests of the holders, nor shall the Issuer adopt any law, ordinance or resolution in anyway adversely affecting the rights of the holders so long as said Bonds or interest thereon remains unpaid.

22. Default of the Issuer. If there shall be default in the Redemption Account, provisions of this Ordinance or in the payment of principal or interest of any of the Bonds, upon

the filing of a suit by twenty percent (20%) of the holders of the Bonds, any court having jurisdiction of the action may appoint a receiver to administer said System on behalf of the Issuer with power to charge and collect rates sufficient to provide for the payment of the Bonds and for the payment of operation expenses and to apply income and revenues in accordance with this Ordinance and the laws of Michigan.

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

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

23. Fiscal Year of System. The fiscal year for the operation the System is from July 1 to June 30 of each year.

24. Application to Department of Treasury and Other Governmental Agencies. The Mayor, City Manager, City Clerk, City Treasurer, members, staff, counsel and Bond Counsel for the Issuer, or any of them, are authorized on behalf of the Issuer to apply for such rulings, order and approvals and file or submit such elections or other documents to any governmental agency and execute all necessary documents on behalf of the City in order that the Bonds may be validly issued and the interest thereon be exempt from federal income taxation and are further hereby authorized to execute, date and deliver such other certificates, documents, instruments, and opinions and other papers as may be required by the Purchase Contract or as may be necessary or convenient to effectuate the sale and delivery of the Bonds in accordance with the terms of the Purchase Contract.

25. Financial Consultant. The financial consulting firm of Bendzinski & Co. is hereby appointed as financial consultants to the City with reference to the issuance of the Bonds herein authorized.

26. Conflict and Severability. All ordinances, resolutions and orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed, and each section of this Ordinance and each subdivision of any section thereof is hereby declared to be independent, and the finding or holding of any section or subdivision thereof to be invalid or void, shall not be deemed to affect the validity of any other section or subdivision of this Ordinance.

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

28. Publication and Recordation. This Ordinance shall be published once in full in a newspaper of general circulation within the corporate limits of the City, qualified under Michigan law to publish the legal notice, promptly after its adoption.

29. Effective Date. This Ordinance is hereby determined to be immediately necessary for the preservation of the public health and safety of the Issuer and shall be in full force and effect from and after its passage and publication as required by law.

**APPROVED AND ENACTED** by the City Council of the City of Cheboygan, County of Cheboygan, State of Michigan, on April 23, 2024.

\_\_\_\_\_  
Mayor

(Seal)

Attest:

\_\_\_\_\_  
Alyssa Singles, City Clerk  
City of Cheboygan

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly enacted by the City Council of the City of Cheboygan, County of Cheboygan, State of Michigan, at a regular meeting held on Tuesday, the 23<sup>rd</sup> day of April, 2024, and that the meeting was conducted and public notice of the 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 the meeting were kept and will be or have been made available as required by the Act.

I further certify that the following Council Members were present at the meeting:

---

and that the following Council Members were absent:

---

I further certify that Council Member \_\_\_\_\_ moved enactment of the Ordinance, and that the motion was supported by Council Member \_\_\_\_\_.

I further certify that the following Council Members voted for enactment of the Ordinance:

---

and that the following Council Members voted against enactment of the Ordinance:

---

I further certify that the Ordinance has been recorded in the Ordinance Book and that the recording has been authenticated by the signatures of the Mayor and the City Clerk.

---

Alyssa Singles, City Clerk  
City of Cheboygan



**EXHIBIT A**

**UNITED STATES OF AMERICA  
STATE OF MICHIGAN  
COUNTY OF CHEBOYGAN  
CITY OF CHEBOYGAN  
2024 SEWER SYSTEM REVENUE BOND**

<u>Rate</u>	<u>Principal Amount</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>
____%	\$ _____	_____, 20__	_____, 2024

**REGISTERED OWNER:**

CITY OF CHEBOYGAN, COUNTY OF CHEBOYGAN STATE OF MICHIGAN (the “Issuer”), promises to pay to the Michigan Finance Authority (the “Authority” or “MFA”), primarily from the net revenues of the Issuer’s municipal sewer/wastewater system, including all appurtenances, additions, extensions and improvements thereto (the “System”), the Principal Amount of this Bond specified above, in lawful money of the United States of America on the Maturity Date specified above, with interest thereon from the Date of Original Issue specified above, or subsequent dates of the installment deliveries as shall have been advanced to the Issuer pursuant to a Purchase Contract between the Issuer and the Authority and a Supplemental Agreement by and among the Issuer, the Authority and the State of Michigan acting through the Department of Environment, Great Lakes, and Energy, until paid at the Rate specified above (the “Bond” or “Bonds”), provided that the principal repayments required herein to be paid to the Authority shall not exceed the total of the principal installments received.

Interest is first payable October 1, 2024, and semiannually thereafter, and principal is payable on the first day of April commencing April 1, 2026 (as identified in the Purchase Contract) and annually thereafter.

This Bond is a single instrument, numbered 1, evidencing multiple annual maturities delivered in installments aggregating the principal amount of \$3,500,000, is payable in installments as set forth in Schedule A, and is issued pursuant to a bond authorizing ordinance enacted by the City Council of the Issuer on April 23, 2024 (the “Ordinance”), and under and in full compliance with the constitution and statutes of the State of Michigan, including specifically Act 94, Public Acts of Michigan, 1933, as amended, and Act 34, Public Acts of Michigan, 2001, as amended, for the purpose of defraying a portion of the cost of acquiring and constructing certain improvements to the System.

This Bond is a self-liquidating bond and is payable, both as to principal and interest, [solely/primarily] from the revenues of the System, after provision has been made for reasonable and necessary expenses of operation, administration and maintenance thereof (the “Net Revenues”), and the Net Revenues are hereby irrevocably pledged and a statutory [first/junior] lien thereon is hereby recognized and created. The principal of and interest on this Bond are secured by that statutory [first/junior] lien. This Bond is not a general obligation of the Issuer and does not constitute an indebtedness of the Issuer within any constitutional, statutory or charter limitation. For a complete statement of the revenues from which, and the conditions under which, this Bond is payable, a statement of the conditions under which additional bonds of equal standing

may hereafter be issued, and the general covenants and provisions pursuant to which this Bond is issued, reference is made to the Ordinance.

The Issuer has covenanted and agreed and does hereby covenant and agree to (a) fix and maintain at all times while any bonds, including any principal installments of this Bond, payable from the Net Revenues of the System shall be outstanding, such rates for service furnished by the System as shall be sufficient to provide for payment of the interest upon and the principal of this Bond and any additional bonds of equal standing payable from the Net Revenues of the System as and when the same become due and payable, (b) create a bond and interest redemption account therefor, (c) provide for the payment of expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the same in good repair and working order, and (d) provide for such other expenditures and funds for the System as are required by the Ordinance.

Notwithstanding any other provision of this Bond, so long as the Authority is the owner of this Bond, (a) this Bond is payable as to principal, premium, if any, and interest at U.S. Bank Trust Company, National Association, or at such other place as shall be designated in writing to the Issuer by the Authority (the "Authority's Depository"); (b) the Issuer 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 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 Issuer's deposit by 12:00 noon on the scheduled day, the Issuer 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; and (c) written notice of any redemption of this Bond shall be given by the Issuer and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

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 Issuer'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 Issuer shall and hereby agrees to pay on demand only the Issuer's pro rata share (as determined by the Authority) of such deficiency as additional interest on this Bond.

During the time funds are being drawn down by the Issuer under this Bond, the Authority will periodically provide the Issuer 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 Issuer 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.

This Bond may be subject to redemption prior to maturity by the Issuer only with the prior written consent of the Authority and on such terms as may be required by the Authority.

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 have been done, have happened and have been performed in regular and due time and form as required by law. Further, the total indebtedness of the Issuer, including this Bond, does not exceed any constitutional, statutory or charter limitation.

IN WITNESS WHEREOF, City of Cheboygan, County of Cheboygan, State of Michigan, by its City Council, has caused this Bond to be signed in its name by the manual signature of its Mayor and to be countersigned by the manual signature of its City Clerk, and its corporate seal or a facsimile thereof to be hereunto affixed, all as of \_\_\_\_\_, 2024.

(Seal)

CITY OF CHEBOYGAN  
COUNTY OF CHEBOYGAN  
STATE OF MICHIGAN

By: \_\_\_\_\_  
Mayor

Countersigned:

\_\_\_\_\_  
City Clerk

RESOLUTION FOR DECERTIFICATION

At a Regular Meeting of the City Council of the City of Cheboygan, held in the City Council Chambers on the 23rd day of April 2024 at 7:00pm. With those present and absent being,

PRESENT:

ABSENT:

WHEREAS, the City of Cheboygan does wish to decertify a portion of East Elm Street. This decertification of East Elm Street is located between West Elm Street and East Elm Street for a total decertification length of 135 feet.

NOW THEREFORE IT IS RESOLVED that the Cheboygan City Council hereby decertifies the described proportion of East Elm Street.

AYES:

NAYS:

ABSENT:

RESOLUTION ADOPTED.

I, Alyssa Singles, Clerk of the City of Cheboygan, HEREBY CERTIFY that the foregoing is a resolution duly made and passed at the regular Cheboygan City Council Meeting held on \_\_\_\_\_ at 7:00pm in the City Council Chambers quorum present.

\_\_\_\_\_  
Alyssa Singles, Clerk

Dated: \_\_\_\_\_



April 16, 2024

**City of Cheboygan**  
403 N. Huron St  
Cheboygan, MI 49721

Attn: Daniel Sabolsky, City Manager

Re: Ball Street and Bailey Street Sanitary Sewer and Water Main Replacement Project  
South Huron Street and Cuyler Street Utility Improvement Project  
Recommendations for Contractor Award

Dear Daniel:

Please reference the attached bid tabulations for the bids received on April 4, 2024. A summary of the bids is below:

**Ball Street and Bailey Street Sanitary Sewer and Water Main Replacement Project**

Engineer's Estimate = \$4,001,771.50

2 bidders

Range from \$3,367,697.35 to \$3,907,219.25

**South Huron Street and Cuyler Street Utility Improvement Project**

Engineer's Estimate = \$2,680,884.75

4 bidders

Range from \$2,452,147.94 to \$3,168,659.50

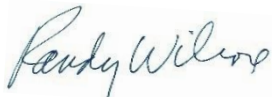
Please note that J&N Construction, LLC was the lowest responsive bidder for both projects. We recommend that the City award both contracts to J&N Construction.

Language was added to section 11 of the Instruction to Bidders via Addendum to address a scenario where a Contractor is the low bidder on multiple projects taking place in Cheboygan, but only has the capacity to construct one of the projects. J&N Construction has stated that they have capacity to complete both projects.

If you have any questions, please contact us.

Very truly yours,

**HUBBELL, ROTH & CLARK, INC.**



Randy Wilcox, PE – Senior Associate

Attachments: Bid Tabulations

Cc: Jason Karmol, Cheboygan  
Bryan Swenson, - HRC

**8-B and 8-C**

BID TABULATION  
**BALL STREET AND BAILEY STREET SANITARY SEWER AND WATER MAIN REPLACEMENT**  
 CITY OF CHEBOYGAN

Bids Due: Thursday, April 4, 2024 at 1:00 p.m.  
 HRC Job # 20230740

J & N Construction, LLC  
 1223 Anna Drive  
 Gaylord, MI 49735  
 Phone: (989) 732-8318

E.F. Wilkinson & Sons, Inc.  
 6993 S. Extension Road  
 Cheboygan, MI 49721  
 Phone: (231) 627-5732

Engineer's Estimate

Item	Quantity	Unit	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
1. Mobilization, Max	1	LSUM	\$200,000.00	\$200,000.00	\$230,000.00	\$230,000.00	\$364,000.00	\$364,000.00
2. Dr Structure, Rem	27	Ea	\$150.00	\$4,050.00	\$2,500.00	\$67,500.00	\$475.00	\$12,825.00
3. Sewer, Rem, Less than 24 inch	622	Ft	\$23.00	\$14,306.00	\$50.00	\$31,100.00	\$25.00	\$15,550.00
4. Sewer, Rem, 24 inch to 48 inch	16	Ft	\$30.00	\$480.00	\$80.00	\$1,280.00	\$35.00	\$560.00
5. Curb and Gutter, Rem	4146	Ft	\$8.00	\$33,168.00	\$7.00	\$29,022.00	\$10.00	\$41,460.00
6. Pavt, Rem	292	Syd	\$9.00	\$2,628.00	\$10.00	\$2,920.00	\$10.00	\$2,920.00
7. Sidewalk, Rem	1038	Syd	\$3.00	\$3,114.00	\$10.00	\$10,380.00	\$12.00	\$12,456.00
8. Exploratory Excavation and Utility Locating	900	Ft	\$43.00	\$38,700.00	\$30.00	\$27,000.00	\$45.00	\$40,500.00
9. Embankment, CIP	738	Cyd	\$16.00	\$11,808.00	\$7.00	\$5,166.00	\$25.00	\$18,450.00
10. Excavation, Earth	2900	Cyd	\$31.00	\$89,900.00	\$7.00	\$20,300.00	\$15.00	\$43,500.00
11. Subgrade Undercutting, Type II	300	Cyd	\$22.00	\$6,600.00	\$25.00	\$7,500.00	\$25.00	\$7,500.00
12. Dewatering	1	LSUM	\$20,000.00	\$20,000.00	\$30,000.00	\$30,000.00	\$15,000.00	\$15,000.00
13. Soil Erosion and Sedimentation Control	1	LSUM	\$8,400.00	\$8,400.00	\$20,000.00	\$20,000.00	\$10,000.00	\$10,000.00
14. Subbase, CIP	1491	Cyd	\$19.00	\$28,329.00	\$18.00	\$26,838.00	\$25.00	\$37,275.00
15. Aggregate Base, 6 inch	424	Syd	\$11.00	\$4,664.00	\$12.50	\$5,300.00	\$11.00	\$4,664.00
16. Aggregate Base, 10 inch	17057	Syd	\$12.00	\$204,684.00	\$12.00	\$204,684.00	\$16.00	\$272,912.00
17. Aggregate Surface Cse, 6 inch	603	Syd	\$11.00	\$6,633.00	\$20.00	\$12,060.00	\$15.00	\$9,045.00
18. Maintenance Gravel	950	Ton	\$17.00	\$16,150.00	\$1.00	\$950.00	\$35.00	\$33,250.00
19. Approach, CI II	212	Ton	\$20.00	\$4,240.00	\$25.00	\$5,300.00	\$43.00	\$9,116.00
20. Shld, CI II, 6 inch	629	Syd	\$13.00	\$8,177.00	\$14.00	\$8,806.00	\$11.00	\$6,919.00
21. Steel Casing Pipe, 18 inch, Jack and Bore	85	Ft	\$540.00	\$45,900.00	\$650.00	\$55,250.00	\$800.00	\$68,000.00
22. Sewer, CI IV, 12 inch, Tr Det B	395	Ft	\$105.00	\$41,475.00	\$60.00	\$23,700.00	\$105.00	\$41,475.00
23. Sewer, CI IV, 24 inch, Tr Det B	16	Ft	\$130.00	\$2,080.00	\$100.00	\$1,600.00	\$125.00	\$2,000.00
24. Sewer Tap, 12 inch	16	Ea	\$400.00	\$6,400.00	\$1,000.00	\$16,000.00	\$500.00	\$8,000.00
25. Sewer Tap, 18 inch	2	Ea	\$500.00	\$1,000.00	\$2,000.00	\$4,000.00	\$550.00	\$1,100.00
26. Sewer Tap, 24 inch	2	Ea	\$600.00	\$1,200.00	\$3,000.00	\$6,000.00	\$600.00	\$1,200.00
27. Video Taping Sewer and Culv Pipe	3910	Ft	\$4.15	\$16,226.50	\$2.00	\$7,820.00	\$3.00	\$11,730.00
28. Dr Structure Cover, Adj, Case 1	14	Ea	\$700.00	\$9,800.00	\$500.00	\$7,000.00	\$600.00	\$8,400.00
29. Dr Structure Cover, Type G	1	Ea	\$464.00	\$464.00	\$900.00	\$900.00	\$1,200.00	\$1,200.00
30. Dr Structure Cover, Type K	28	Ea	\$826.00	\$23,128.00	\$1,510.00	\$42,280.00	\$1,200.00	\$33,600.00
31. Dr Structure, 24 inch dia	19	Ea	\$2,120.00	\$40,280.00	\$1,500.00	\$28,500.00	\$2,000.00	\$38,000.00
32. Dr Structure, 48 inch dia	6	Ea	\$3,170.00	\$19,020.00	\$2,700.00	\$16,200.00	\$3,000.00	\$18,000.00
33. Dr Structure, Tap, 12 inch	6	Ea	\$1,100.00	\$6,600.00	\$1,000.00	\$6,000.00	\$750.00	\$4,500.00
34. Dr Structure Cover, Type 1040A, Modified	11	Ea	\$626.00	\$6,886.00	\$300.00	\$3,300.00	\$1,000.00	\$11,000.00
35. HMA Surface, Rem	15584	Syd	\$3.50	\$54,474.00	\$5.00	\$77,820.00	\$4.25	\$66,147.00
36. Hand Patching	25	Ton	\$263.00	\$6,575.00	\$400.00	\$10,000.00	\$200.00	\$5,000.00
37. HMA, 4EML	2443	Ton	\$94.75	\$231,474.25	\$90.25	\$220,480.75	\$110.00	\$268,730.00
38. HMA, 5EML	1666	Ton	\$114.45	\$190,673.70	\$109.00	\$181,594.00	\$110.00	\$183,260.00
39. Driveway, Nonreinf Conc, 6 inch	265	Syd	\$68.00	\$18,020.00	\$75.00	\$19,875.00	\$70.00	\$18,550.00
40. Curb and Gutter, Conc, Det F4	5382	Ft	\$28.00	\$150,696.00	\$33.00	\$177,606.00	\$35.00	\$188,370.00
41. Detectable Warning Surface	193	Ft	\$52.00	\$10,036.00	\$60.00	\$11,580.00	\$55.00	\$10,615.00
42. Curb Ramp Opening, Conc	193	Ft	\$28.00	\$5,404.00	\$33.00	\$6,369.00	\$35.00	\$6,755.00
43. Sidewalk, Conc, 4 inch	5620	Sft	\$5.50	\$30,910.00	\$8.00	\$44,960.00	\$7.50	\$42,150.00
44. Curb Ramp, Conc, 6 inch	3279	Sft	\$8.00	\$26,232.00	\$9.50	\$31,150.50	\$11.50	\$37,708.50
45. Post, Mailbox	7	Ea	\$80.00	\$560.00	\$120.00	\$840.00	\$125.00	\$875.00
46. Barricade, Type III, High Intensity, Double Sided, Lighted, Furn	32	Ea	\$194.25	\$6,216.00	\$185.00	\$5,920.00	\$150.00	\$4,800.00
47. Barricade, Type III, High Intensity, Double Sided, Lighted, Oper	32	Ea	\$1.05	\$33.60	\$1.00	\$32.00	\$10.00	\$320.00
48. Channelizing Device, 42 inch, Fluorescent, Furn	30	Ea	\$40.95	\$1,228.50	\$39.00	\$1,170.00	\$20.00	\$600.00
49. Channelizing Device, 42 inch, Fluorescent, Oper	30	Ea	\$1.05	\$31.50	\$1.00	\$30.00	\$1.25	\$37.50
50. Minor Traf Devices	1	LSUM	\$85,000.00	\$85,000.00	\$49,475.00	\$49,475.00	\$173,000.00	\$173,000.00
51. Plastic Drum, Fluorescent, Furn	35	Ea	\$40.95	\$1,433.25	\$39.00	\$1,365.00	\$35.00	\$1,225.00
52. Plastic Drum, Fluorescent, Oper	35	Ea	\$1.05	\$36.75	\$1.00	\$35.00	\$1.00	\$35.00
53. Sign, Portable, Changeable Message, NTCIP-Compliant, Furn	4	Ea	\$4,987.50	\$19,950.00	\$4,750.00	\$19,000.00	\$2,900.00	\$11,600.00
54. Sign, Portable, Changeable Message, NTCIP-Compliant, Oper	4	Ea	\$525.00	\$2,100.00	\$500.00	\$2,000.00	\$150.00	\$600.00
55. Sign, Type B, Temp, Prismatic, Furn	170	Sft	\$5.25	\$892.50	\$5.00	\$850.00	\$3.00	\$510.00
56. Sign, Type B, Temp, Prismatic, Oper	170	Sft	\$1.05	\$178.50	\$1.00	\$170.00	\$1.00	\$170.00
57. Sign, Type B, Temp, Prismatic, Spec, Furn	162	Sft	\$8.40	\$1,360.80	\$8.00	\$1,296.00	\$10.00	\$1,620.00
58. Sign, Type B, Temp, Prismatic, Spec, Oper	162	Sft	\$1.05	\$170.10	\$1.00	\$162.00	\$0.75	\$121.50
59. Traf Regulator Control	1	LSUM	\$25,000.00	\$25,000.00	\$118,000.00	\$118,000.00	\$15,000.00	\$15,000.00
60. Turf Establishment	5068	Syd	\$8.05	\$40,797.40	\$5.00	\$25,340.00	\$8.50	\$43,078.00
61. Maintaining Water Sprinkler System (Max 15)	-	Ea	\$400.00	\$0.00	\$400.00	\$0.00	\$400.00	\$0.00
62. Gate Valve and Box, 8 inch	13	Ea	\$2,753.00	\$35,789.00	\$2,800.00	\$36,400.00	\$3,000.00	\$39,000.00
63. Hydrant, Rem	6	Ea	\$185.00	\$1,110.00	\$500.00	\$3,000.00	\$850.00	\$5,100.00
64. Water Serv	34	Ea	\$2,984.00	\$101,456.00	\$1,500.00	\$51,000.00	\$2,300.00	\$78,200.00
65. Water Serv, Long	37	Ea	\$3,009.00	\$111,333.00	\$2,000.00	\$74,000.00	\$3,500.00	\$129,500.00
66. Abandon Existing 4 inch Water Main	1409	Ft	\$6.00	\$8,454.00	\$14.00	\$19,726.00	\$5.00	\$7,045.00
67. Abandon Existing 6 inch Water Main	1628	Ft	\$7.00	\$11,396.00	\$16.00	\$26,048.00	\$6.00	\$9,768.00
68. Abandon Existing 8 inch Water Main	525	Ft	\$8.00	\$4,200.00	\$25.00	\$13,125.00	\$7.00	\$3,675.00
69. Water Main, 8 inch	3903	Ft	\$100.00	\$390,300.00	\$98.00	\$382,494.00	\$125.00	\$487,875.00
70. EJ 5BR250 with Snow Barrel Hydrant Assembly	10	Ea	\$9,048.00	\$90,480.00	\$8,000.00	\$80,000.00	\$10,000.00	\$100,000.00
71. Sanitary Sewer, PVC, 8 inch, Tr Det B2	3603	Ft	\$110.00	\$396,330.00	\$200.00	\$720,600.00	\$100.00	\$360,300.00
72. Sanitary Sewer, PVC, 12 inch, Tr Det B2	36	Ft	\$125.00	\$4,500.00	\$260.00	\$9,360.00	\$140.00	\$5,040.00
73. Sanitary Structure, Rem	13	Ea	\$550.00	\$7,150.00	\$5,000.00	\$65,000.00	\$550.00	\$7,150.00
74. Sanitary Structure, Tap, 8 inch	2	Ea	\$1,800.00	\$3,600.00	\$2,500.00	\$5,000.00	\$1,500.00	\$3,000.00
75. Sanitary Sewer, Serv Lead, PVC, 6 inch	2252	Ft	\$97.00	\$218,444.00	\$60.00	\$135,120.00	\$75.00	\$168,900.00
76. Sanitary Sewer Lead, Rem and Abandon	61	Ea	\$650.00	\$39,650.00	\$500.00	\$30,500.00	\$2,500.00	\$152,500.00
77. Sanitary Structure Cover, Adj, Case 1	4	Ea	\$1,052.00	\$4,208.00	\$500.00	\$2,000.00	\$600.00	\$2,400.00

BID TABULATION  
**BALL STREET AND BAILEY STREET SANITARY SEWER AND WATER MAIN REPLACEMENT**  
 CITY OF CHEBOYGAN

Bids Due: Thursday, April 4, 2024 at 1:00 p.m.  
 HRC Job # 20230740

J & N Construction, LLC  
 1223 Anna Drive  
 Gaylord, MI 49735  
 Phone: (989) 732-8318

E.F. Wilkinson & Sons, Inc.  
 6993 S. Extension Road  
 Cheboygan, MI 49721  
 Phone: (231) 627-5732

Engineer's Estimate

Item	Quantity	Unit	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
78. Abandon Existing 6 inch Sanitary Sewer	573	Ft	\$6.00	\$3,438.00	\$40.00	\$22,920.00	\$5.00	\$2,865.00
79. Abandon Existing 8 inch Sanitary Sewer	2467	Ft	\$7.00	\$17,269.00	\$50.00	\$123,350.00	\$7.00	\$17,269.00
80. Sanitary Sewer, PVC, 18 inch, Tr Det B2	16	Ft	\$400.00	\$6,400.00	\$250.00	\$4,000.00	\$200.00	\$3,200.00
81. Sanitary Structure Cover, Type 1040A, Modified	20	Ea	\$626.00	\$12,520.00	\$990.00	\$19,800.00	\$1,000.00	\$20,000.00
82. Sanitary Structure, 48 inch dia, Modified	16	Ea	\$3,981.00	\$63,696.00	\$7,000.00	\$112,000.00	\$7,000.00	\$112,000.00
Alternate Bid Item A - Water Main, Rem	3,562	Ft	\$31.00	\$110,422.00	\$70.00	\$249,340.00	\$30.00	\$106,860.00
Alternate Bid Item B - Sewer, REM, Less 24 inch	3,662	Ft	\$50.00	\$183,100.00	\$90.00	\$329,580.00	\$25.00	\$91,550.00

**TOTAL BID AMOUNT**

**\$3,367,697.35 \***

**\$3,907,219.25 \***

**\$4,001,771.50**

ENGINEER: Randy Wilcox, P.E.  
 Hubbell, Roth & Clark, Inc.  
 1925 Breton Rd SE, Suite 100  
 Grand Rapids, MI 49506

\*Amount changed by Engineer





BID TABULATION

**SOUTH HURON STREET AND CUYLER STREET UTILITY IMPROVEMENT PROJECT**  
CITY OF CHEBOYGAN

Bids Due: Thursday, April 4, 2024 at 1:00 p.m.  
**HRC Job # 20230741**

**J & N Construction, LLC**  
1223 Anna Drive  
Gaylord, MI 49735  
Phone: (989) 732-8318

**Tri-County Excavating Group, LLC**  
704 W. Conway Road  
Harbor Springs, MI 49740  
Phone: (231) 347-5182

**E.F. Wilkinson & Sons, Inc.**  
6993 S. Extension Road  
Cheboygan, MI 49721  
Phone: (231) 627-5732

**Elmer's Crane and Dozer, Inc.**  
704 E. Progress Street  
Holland, MI 49746  
Phone: (989) 742-4802

**Engineer's Estimate**

Item	Quantity	Unit	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
Alternate Bid Item A - Water Main, Rem	1,443	Ft	\$31.00	\$44,733.00	\$59.00	\$85,137.00	\$70.00	\$101,010.00	\$131.00	\$189,033.00	\$30.00	\$43,290.00
Alternate Bid Item B - Sewer, REM, Less 24 inch	4,615	Ft	\$50.00	\$230,750.00	\$63.00	\$290,745.00	\$70.00	\$323,050.00	\$132.00	\$609,180.00	\$25.00	\$115,375.00
<b>TOTAL BID AMOUNT</b>				<b>\$2,452,147.94</b>		<b>\$2,505,111.56</b>		<b>\$2,596,918.60</b>		<b>\$3,168,659.60 *</b>		<b>\$2,680,884.75</b>

ENGINEER: Randy Wilcox, P.E.  
Hubbell, Roth & Clark, Inc.  
1925 Breton Rd SE, Suite 100  
Grand Rapids, MI 49506

\*Total adjusted by Engineer

**A RESOLUTION TO TENTATIVELY AWARD  
A CONSTRUCTION CONTRACT  
FOR BALL STREET AND BAILEY STREET SANITARY SEWER  
AND WATER MAIN REPLACEMENT PROJECT**

**WHEREAS**, the City of Cheboygan wishes to construct improvements to its existing wastewater collection system and water distribution system; and

**WHEREAS**, the water and wastewater system improvements project formally adopted on April 23, 2024 will be funded through Michigan’s SRF Program; and

**WHEREAS**, The City of Cheboygan has sought and received construction bids for the proposed improvements and has received a low bid in the amount of \$3,367,697.35 from J & N Construction, LLC; and

**WHEREAS**, the project engineer, Hubbell, Roth & Clark, Inc., has recommended awarding the contract to the low bidder.

**NOW THEREFORE BE IT RESOLVED**, that the City of Cheboygan tentatively awards the contract for construction of the proposed wastewater system improvements project to J & N Construction, LLC contingent upon successful financial arrangements with the SRF Program.

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstain: \_\_\_\_\_

Absent: \_\_\_\_\_

I certify that the above Resolution was adopted by the Cheboygan City Council on April 23, 2024

BY: Alyssa Singles, Clerk

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**A RESOLUTION TO TENTATIVELY AWARD  
A CONSTRUCTION CONTRACT  
FOR SOUTH HURON STREET AND CUYLER STREET  
UTILITY IMPROVEMENT PROJECT**

**WHEREAS**, the City of Cheboygan wishes to construct improvements to its existing wastewater collection system and water distribution system; and

**WHEREAS**, the water and wastewater system improvements project formally adopted on April 23, 2024 will be funded through Michigan’s SRF Program; and

**WHEREAS**, The City of Cheboygan has sought and received construction bids for the proposed improvements and has received a low bid in the amount of \$2,452,147.94 from J & N Construction, LLC; and

**WHEREAS**, the project engineer, Hubbell, Roth & Clark, Inc., has recommended awarding the contract to the low bidder.

**NOW THEREFORE BE IT RESOLVED**, that the City of Cheboygan tentatively awards the contract for construction of the proposed wastewater system improvements project to J & N Construction, LLC contingent upon successful financial arrangements with the SRF Program.

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstain: \_\_\_\_\_

Absent: \_\_\_\_\_

I certify that the above Resolution was adopted by the Cheboygan City Council on April 23, 2024

BY: Alyssa Singles, Clerk

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**From:** Emilie Stawiarski <emshuron@gmail.com>  
**Sent:** Friday, April 5, 2024 1:24 PM  
**To:** asingles@cheboygan.org  
**Subject:** Resolution Needed  
**Attachments:** Local Governing Body Resolution.jpg

Alyssa,

I am the President of Seedums Garden Club, Inc. of Cheboygan. We are hosting a conference on Sept 12, 2024 in Mackinaw City and will be raffling off our pumpkin centerpieces in a roll type raffle and a quilt with a plain paper entry ONLY at the conference which is limited to Michigan Garden Club members and certified Master Gardeners from the tip of the mitt. Tickets will cost \$1 each (6 for \$5) for the centerpieces and \$5 each for the quilt.

In applying for a raffle license with the State of Michigan, I have all the Qualification Documents needed to complete the application process except for the **Local Governing Body Resolution for Charitable Gaming Licenses**. I have attached a copy of the document needed and hope that it can be approved by the City of Cheboygan.

Can you please let me know when the next meeting of the City Council will be held?  
Thank you.

Emilie Stawiarski, President  
Seedums Garden Club, Inc.  
PO Box 183  
Cheboygan, MI 49721

989.938.6490

*Be kinder than necessary, for everyone you meet is fighting some kind of battle.*



Charitable Gaming Division  
 Box 30023, Lansing, MI 48909  
 OVERNIGHT DELIVERY  
 101 E. Hillsdale, Lansing MI 48933  
 (517) 335-5780  
 www.michigan.gov/cg

**LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES**  
 (Required by MCL 432.103(K)(ii))

At a \_\_\_\_\_ meeting of the \_\_\_\_\_  
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by \_\_\_\_\_ on \_\_\_\_\_  
DATE

at \_\_\_\_\_ a.m./p.m. the following resolution was offered:  
TIME

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the request from Seedums Garden Club of Cheboygan  
NAME OF ORGANIZATION CITY

county of Cheboygan, asking that they be recognized as a  
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable  
 gaming licenses, be considered for \_\_\_\_\_  
APPROVAL/DISAPPROVAL

<input type="checkbox"/> APPROVAL	<input type="checkbox"/> DISAPPROVAL
Yeas: _____	Yeas: _____
Nays: _____	Nays: _____
Absent: _____	Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and  
 adopted by the \_\_\_\_\_ at a \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL  
 meeting held on \_\_\_\_\_  
DATE

SIGNED: \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE CLERK

\_\_\_\_\_  
PRINTED NAME AND TITLE

\_\_\_\_\_  
ADDRESS

COMPLETION: Required.  
 PENALTY: Possible denial of application.  
 BSL-CG-1153(R6/09)



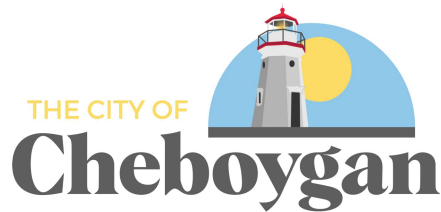
**2006 GMC Pickup Truck and Plow**



**2001 Hot Patcher**



**2000 Yamaha Snowmobile & 1997 Rough Rider Trailer**



403 N Huron St  
PO Box 39  
Cheboygan, MI 49721  
231-627-9931  
www.cheboygan.org

## Regular Planning Commission Meeting

Monday, April 22, 2024 / 6:00PM

City Council Chambers

**1. Roll Call:**

- Granger
- Kopernik
- O'Brien
- Horntvedt
- Rogers
- Sullivan

**2. Approval of Prior Minutes: September 25<sup>th</sup>, 2023**

**3. New Business:**

- a. Public Hearing – Rezoning of Parcels 055-006-100-001-06, 055-006-100-001-03, 055-006-100-003-00, 055-006-100-001-02. Correction: Parcel 055-006-100-001-02 is not intended for rezoning due to a clerical error.**

Tierra Realty Trust, LLC, South Huron LTD LLC., and Michigan Department of Natural Resources has filed a Petition to Amend Zoning to rezone ~~four~~ three parcels, Parcels 055-006-100-001-06, 055-006-100-001-03, 055-006-100-003-00, and ~~055-006-100-001-02~~ from Local Business (B-1) to Multi-Family Residential (R-M)

**4. Commission Member Comments:**

**5. Staff Report:**

**6. Public Comment:**

**7. Adjourn:**

*MISSION STATEMENT*

*The Mission of the City of Cheboygan is to promote economic opportunity and enhance quality of life through innovative commitment of human and natural resources with continued planning, financial allocation, and implementation of goals by responsive staff, and elected and appointed officials.*

*The City of Cheboygan is an Equal Opportunity Provider and Employer.*





**CITY OF CHEBOYGAN, MICHIGAN  
PETITION TO AMEND ZONING**

Petitioner: TIERRA REALTY TRUST, LLC

Address: 4050 OAK BANK COURT ORCHARD LAKE MI 48323

Cell Phone: 575-770-7829

Email: scrozier@tierrarealty.com

**OFFICE USE ONLY:**

Date Received: 2/13/24

\*Fee Received: 3/5/24

(\*fee = \$450.00 – subject to change)

Please note: All questions must be answered completely. If additional space is needed, number and attach additional sheets.

**ACTION REQUESTED:**

The petitioner requests the City of Cheboygan approve the following petition for a zoning amendment. This amendment is for a text amendment “A” or a change to the zoning map “B” or both.

- A. Zoning text change
- B. Zoning map change
- A&B Both zoning text and map change

NOTE: The amendment may be adopted as proposed, further revised or not adopted.

**A.** Text amendment: Use another copy of this page for each different section being nominated for a text change.

This request is to change the text of section (§) NOT APPLICABLE

The change is shown below, using underlining or bold face, like this, to show new text, and strike out, ~~like this~~, to show words to be deleted:

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additional sheets attached: yes no

Why, what is the purpose, of the proposed zoning text change? \_\_\_\_\_

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**B. Map change (rezoning):** Use another copy of this page for each different area being nominated for rezoning.

This request is to rezone land from: B-1 to R-M

**Property Information:**

**Legal Description of land to be rezoned:** COM CEN 1/4 COR SEC 6; TH N 85D 58M 41S W 33.04 FT TO WLY R/W HURON ST; TH N 1D 2M E ALG R/W 300FT TO POB; TH N 85D 58M 41S W 694.15FT TO ELY R/W DMRR; TH ALG RR R/W CHD BEARS N 0D 42M 36S W 222.18FT; TH S 86D 53M 55 E 700.43FT TO WLY R/W HURON ST; TH S 1D 2M W ALG R/W 232.83FT TO POB \*\*ALSO\*\* THE FRL S1/2 OF FRL NW1/4 LYING W OF THE RR R/W SEC 6 \*EXC. COM AT THE W 1/4 COR OF SD SEC; TH S 85D 58M 41 S E ALG THE E-W 1/4 LI 960.77FT TO THE WLY ROW LI OF HURON ST, TH N 01D 02M E ALG SD ROW LI 300FT TO THE POB. TH N 85D 58M 41S W 415FT; TH N 01D 02M E 210FT; TH S 85D 58M 41S E 415FT; TH S 01D 02M W 210FT TO POB. T37N,RIW 646/342;929/566;996/821;996/825

- attach additional sheets, if necessary
- attach copy of map showing proposed change

Property size: 3.96

Parcel (tax) number: 16 - 055 -006 -100 -001 -06

Address(es) of the property: TBD  
(If new construction and address not known yet, an address will be assigned by the Assessor upon issuance of the Zoning Permit)

A. Attach or list all deed restrictions for the property at question: NONE

additional sheets attached

B. List names and addresses of all other persons, firms, or corporations having a legal or equitable interest in the property at question: SOUTH HURON LTD LLC

additional sheets attached

C. This area is  unplatted,  platted,  will be platted. If platted, name of plat:

D. What is the present use of the property? VACANT LAND

**STATEMENT TO JUSTIFY THE PROPOSED AMENDMENT:**

State specifically the reason for the proposed amendment at this time: To allow the development of multifamily rental housing.

Will the zoning amendment conform with the City of Cheboygan Land Use Master Plan?  yes  no  
If yes, explain how: It will match current zoning of most of the properties to the east and west that are already zoned R-M Multi-Family Residential.

If the zoning amendment does not conform with the land use plan, why should the change be made, or why should the land use plan also be amended to accommodate this proposed zoning amendment. Be specific, brief and document statements. Indicate if the existing zoning is in error, or if conditions have changed to warrant amending the zoning ordinance: \_\_\_\_\_

additional data attached

What will the impacts of the zoning amendment anticipated to be on all landowners in the zoning district affected by the amendment? There will be no negative impacts to surrounding landowners. Amendment will provide much needed housing to the area. Property is bounded on the west by S. Western Avenue, on the east by the DNR rail trail, the south by Stempky Street and the north by vacant land.

List and describe the attached sheets:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

The undersigned affirms that he/she is the petitioner or agent representing the petitioner requesting the zoning change and that the answers and statements contained herein are true.

Signed: J MWR  
Date: 2/12/24

*Please call 231-627-9931 with any questions on the completion of this form.*

**In reviewing an application for the rezoning of and, whether the application be made with or without an offer of conditions or, in considering any rezoning on the initiative of Council or the Planning Commission, factors that shall be considered by the Planning Commission and the City Council include, but are not limited to, the following:**

- \_\_\_\_\_ 1. Whether the reasoning is consistent with the policies and uses proposed for that area in the City's Master Land Use Plan;
- \_\_\_\_\_ 2. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding areas;
- \_\_\_\_\_ 3. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning; and
- \_\_\_\_\_ 4. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

*(Planning Commission or City Council to check off the above, if met.)*

Date Application & Public Hearing heard by the Planning Commission: \_\_\_\_\_  
Planning Commission's recommendation and conditions (if any):

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Date voted on by City Council: \_\_\_\_\_  
City Council's decision and conditions (if any):

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**amartin@cheboygan.org**

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**From:** asingles@cheboygan.org  
**Sent:** Monday, April 15, 2024 12:47 PM  
**To:** 'Daniel Sabolsky'; amartin@cheboygan.org  
**Subject:** FW: Public Hearing Notice April 22, 2024

**Categories:** Red Category

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**From:** mike konicki <mikekonicki47@gmail.com>  
**Sent:** Monday, April 15, 2024 12:44 PM  
**To:** asingles@cheboygan.org; Linda konicki <lindakonicki48@gmail.com>; Missy Koszegi <missy.koszegi@cbgreatlakes.com>  
**Subject:** Public Hearing Notice April 22, 2024

I received a public hearing notice for the City Planning Commission regarding the rezoning of four parcels of property from Local Business B-1 to Multi-Family Residential R-M.

Parcel #4 .48 Acres 902 S Huron Street should not be included in the rezoning changes and left as B-1.

I am the owner of Parcel #1 and Parcel #2 and approve the zoning change. Parcel #4 is owned by Rehmann Real Estate LLC which I was a former owner of and is currently an office building and should not be rezoned to R-M.

Should you have additional questions please contact me at the address below.

Michael J Konicki South Huron LTD LLC.  
733 Pocahontas Beach Road  
Cheboygan, Michigan 49721

# Rezone Request



4/17/2024, 10:00:14 AM

Parcel Information

Streets

