

SPECIAL MEETING OF THE WEST BRANCH CITY COUNCIL HELD IN PERSON IN THE COUNCIL CHAMBERS OF CITY HALL, 121 NORTH FOURTH STREET ON MONDAY, JULY 11, 2022.

Mayor Pro-Tem Jackson called the meeting to order at 12:02 p.m.

Present: City Mayor Pro Tem Mike Jackson, Council Members Carol Adair, Joanne Bennett. Mike Jackson, Ellen Pugh, and Cathy Zimmerman.

Absent: Paul Frechette and Rusty Showalter

Other officers present: City Manager John Dantzer, and City Clerk Lori Ann Clover.

All stood for the Pledge of Allegiance.

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MOTION BY JACKSON, SECOND BY BENNETT, TO EXCUSE MAYOR PAUL FRECHETTE AND COUNCIL MEMBER RUSTY SHOWALTER

Yes — Adair, Bennett, Jackson, Pugh, Zimmerman

No – None

Absent – Frechette and Showalter

Motion carried

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MOTION BY BENNETT, SECOND BY ZIMMERMAN, TO APPROVE THE RESOLUTION AUTHORIZING NOTICE OF INTENT TO ISSUE BONDS IN THE OGEMAW COUNTY HERALD

RESOLUTION AUTHORIZING NOTICE OF INTENT AND DECLARING INTENT TO REIMBURSE

CITY OF WEST
BRANCH COUNTY
OF OGEMAW
STATE OF
MICHIGAN

Minutes of a special meeting of the City Council of the City of West Branch, County of Ogemaw, State of Michigan, held on the 11th day of July, 2022, at ____ Time. p.m., prevailing Eastern

PRESENT: Members

ABSENT: Members

The following preamble and resolution were offered by Member
_____ and supported by Member

WHEREAS, the City of West Branch, County of Ogemaw, State of Michigan (the "City"), has determined that it is necessary for the public health, safety and welfare of the City to acquire, construct, furnish and equip improvements to the City's water supply system (the "System"), including, but not limited to, the removal, replacement and installation of water mains and lead service lines in the City, construction of a water treatment plant, and drilling of new water wells, together with all necessary interests in land, rights-of way, appurtenances and attachments thereto (collectively, the "Project"); and

WHEREAS, the City has been advised by the Michigan Department of Environment, Great Lakes and Energy ("EGLE"), that financial assistance to accomplish the acquisition and construction of the Project is available through the Drinking Water State Revolving Fund ("DWSRF") Loan Program administered by EGLE and the Michigan Finance Authority (the "MFA"); and

WHEREAS, the City has made application for participation in the DWSRF loan program; and

WHEREAS, a notice of intent to issue revenue bonds must be published before the issuance of the Bonds in order to comply with the requirements of Section 33 of Act 94, Public Acts of Michigan, 1933, as amended; and

WHEREAS, the City intends at this time to state its intentions to be reimbursed from proceeds of the Bonds for any expenditures undertaken by the City for the Project prior to issuance of the Bonds. NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue the Bonds in the *Ogemaw County Herald*, a newspaper of general circulation in the City.
2. The notice of intent shall be published as a display advertisement not less than one-quarter (1/4) page in size in substantially the form attached to this resolution as Exhibit A.

3. The City Council does hereby determine that the foregoing form of Notice of Intent to Issue Bonds, and the manner of publication directed, is adequate notice to the electors of the City and users of the System, and is the method best calculated to give them notice of the City's intent to issue the Bonds, the purpose of the Bonds, the security for the Bonds, and the right of referendum of the electors with respect thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) As of the date hereof, the City reasonably expects to reimburse the City for the expenditures described in (b) below with proceeds of debt to be incurred by the City.
- (b) The expenditures described in this paragraph (b) are for the costs of acquiring and constructing the Project which were or will be paid subsequent to sixty (60) days prior to the date hereof.
- (c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$8,000,000.

5. The City hereby confirms the retention of Miller, Canfield, Paddock and Stone, P.L.C. ("Miller Canfield"), as bond counsel in connection with the Bonds. The City has been advised that Miller Canfield has represented the MFA in the past and may be representing the MFA presently in connection with various matters including the DWSRF loan program and the City consents to the representation of the MFA by Miller Canfield in connection with the DWSRF loan program that may be utilized by the City in connection with the Bonds.

6. The City hereby confirms the retention of Baker Tilly Municipal Advisors, LLC as municipal advisor in connection with the Bonds.

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

AYES: Members

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NAYS: Members

..... RESOLUTION DECLARED ADOPTED.

Lori Ann Clover, City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of West Branch, County of Ogemaw, State of Michigan, at a special meeting held on July 11, 2022, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Lori Ann Clover, City Clerk

EXHIBIT A

NOTICE TO TAXPAYERS AND ELECTORS OF THE CITY OF WEST
BRANCH AND TO USERS OF THE CITY'S WATER SUPPLY SYSTEM
OF INTENT TO ISSUE REVENUE BONDS
AND THE RIGHT OF REFERENDUM
RELATING THERETO

PLEASE TAKE NOTICE that the City Council of the City of West Branch, County of Ogemaw, State of Michigan (the "City"), intends to issue and sell revenue bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in one or more series, in a total amount not to exceed Eight Million Dollars (\$8,000,000), for the purpose of paying all or part of the cost to acquire, construct, furnish and equip improvements to the City's existing water supply system, including, but not limited to, the removal, replacement and installation of water mains and lead service lines in the City, construction of a water treatment plant, and drilling of new water wells, together with all necessary interests in land, rights-of way, appurtenances and attachments thereto.

SOURCE OF PAYMENT OF REVENUE BONDS

THE PRINCIPAL OF AND INTEREST ON THE REVENUE BONDS SHALL BE PAYABLE

solely from the revenues received by the City from the operations of the water supply system (the "System"). The City expects the revenue bonds to be sold to the Michigan Finance Authority in connection with the Michigan Department of Environment, Great Lakes and Energy Drinking Water State Revolving Fund program in which case the bonds sold to Michigan Finance Authority may also be payable as described below. The revenues will consist of rates and charges billed to the users of the System, a schedule of which is presently on file in the office of the City Clerk. The rates and charges may from time to time be revised to provide sufficient revenues to provide for the expenses of operating and maintaining the System, to pay the principal of and interest on the bonds and to pay other obligations of the System.

BOND DETAILS

THE REVENUE BONDS will be payable in not more than forty (40) years from the date of issuance of each series of bonds and will bear interest at the rate or rates to be determined at public or private sale but in no event to exceed such rates as may be permitted by law on the unpaid balance from time to time remaining outstanding on said bonds.

ADDITIONAL SOURCE OF PAYMENT FOR BONDS

SOLD TO MICHIGAN FINANCE AUTHORITY

THE CITY MAY BE REQUIRED TO PLEDGE FOR THE PAYMENT OF THE BONDS SOLD TO THE MICHIGAN FINANCE AUTHORITY MONEY RECEIVED OR TO BE RECEIVED BY THE CITY DERIVED FROM IMPOSITION OF TAXES BY THE STATE AND RETURNED OR

TO BE RETURNED TO THE CITY AS PROVIDED BY LAW, except for money the use of which is prohibited for such purposes by the State Constitution. The City may enter into an agreement providing for the payment of taxes, which taxes are collected by the State and returned to the City as provided by law, to the authority or a trustee, and such funds may be pledged for the payment of the revenue bonds.

RIGHT OF REFERENDUM

THE REVENUE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY IS FILED WITH THE CITY CLERK WITHIN FORTY- FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS OF THE CITY VOTING THEREON.

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

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THIS NOTICE is given pursuant to the requirements of Section 33, Act 94, Public Acts of Michigan, 1933, as amended.

ADDITIONAL INFORMATION will be furnished at the office of the City Clerk upon request.

Lori Ann Clover
City Clerk
City of West Branch

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Yes — Adair, Bennett, Jackson, Pugh, Zimmerman

No – None

Absent – Frechette and Showalter

Motion carried

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Mayor Pro Tem Jackson adjourned the meeting at 12:05 pm.

Mike Jackson, Mayor Pro Tem

Lori Ann Clover, Clerk