

**CITY OF GRAND HAVEN
GRAND HAVEN, MICHIGAN
REGULAR CITY COUNCIL MEETING
MONDAY, SEPTEMBER 20, 2021**

The Regular Meeting of the Grand Haven City Council was called to order at 7:30 p.m. by Mayor Bob Monetza in the Council Chambers of City Hall.

Present: Council Members Mike Dora, Ryan Cummins, Dennis Scott, Mike Fritz, and Mayor Bob Monetza.

Absent: None.

Others Present: City Manager Patrick McGinnis, Assistant City Manager Ashley Latsch, Public Works Director Derek Gajdos, and Main Street Executive Director Jeremy Swiftney.

NEW APPOINTMENTS TO BOARDS & COMMISSIONS

21-290 Moved by Council Member **Fritz**, seconded by Council Member **Cummins** to appoint Stacey Fedewa to the Community Land Trust Board, term ending June 30, 2024. This motion carried unanimously.

PRESENTATIONS

Circle of Cakes Presentation

City Manager McGinnis expressed gratitude to those who participated in this year's Sounds of Summer Concert series, hosted by WAWL. McGinnis further acknowledged participants in the weekly Circle of Cakes event that was held at the concerts; recognizing D&W Fresh Market for donating the cakes and then crowned Gabriella Marble the Champion of the 2021 season.

APPROVAL OF CONSENT AND REGULAR AGENDAS

21-291 Moved by Council Member **Dora**, seconded by Council Member **Fritz**, to approve the consent and regular agendas, as amended. This motion carried unanimously.

Mayor Monetza requested that item 13.B be removed from the agenda because the Board of Light and Power have withdrawn all plans to pursue construction of a power supply source and offices on Harbor Island and the project as originally proposed is no longer under consideration, so the approval of the bonds as originally defined and requested is now moot.

GENERAL BUSINESS/CALL TO AUDIENCE

Mayor Monetza made a call to the audience, allowing audience members to address Council on any issue.

Jeff Miller, 1120 S. Harbor Dr., commended Councilman Dora for his compassion recently displayed in helping a homeless individual. Miller also thanked council for attending recent BLP meetings, encouraging further communication. Finally, Miller suggested it would be a sign of good will for the BLP to withdrawal their air permit request with EGLE.

Lisa Royce, 17700 Navaho Dr, Ferrysburg, expressed opposition to the Burzurk Brewing special event on the agenda, citing impacts on her rental unit next door.

Jim Hagen, 400 Lake Ave, updated council on recent information he gathered regarding solar power potential. Hagen urged council to consider implementing green energy solutions, as it's the right thing to do.

WORK SESSION CONTINUED

City Manager McGinnis updated Council on a proposed EDA grant application. McGinnis explained that the proposal for the Build Back Better program has recreational focus, including; boat launch improvements, linear park fixes, and marina enhancements. He presented the total cost being \$5,370,310, with \$2,820,001 in EDA funding, \$1,880,001 in match funding, and \$670,308 for engineering services.

Council Member Cummins expressed concern with some of the projects identified for the funding, wondering what criteria warranted their selection.

Council Member Dora stated he would like to see further statistics and current year data from the Marina. Dora agreed with Cummins' sentiment that it was hard to justify significant investment on an asset that continues to cost the city.

Mayor Monetza inquired whether the projects were included on one grant submission or if they were separate submissions.

McGinnis explained that there would be one submission with the three projects.

CONSENT AGENDA

21-292 Moved by Council Member **Fritz**, seconded by Council Member **Dora** to approve Council minutes for the Special Work Session and Regular Council Meeting of September 7, 2021. This motion carried unanimously.

21-293 Moved by Council Member **Fritz**, seconded by Council Member **Dora**, to approve the bills memo in the amount of \$4,267,993.98. This motion carried unanimously. (Attachment A)

21-294 Moved by Council Member **Fritz**, seconded by Council Member **Dora**, to approve a resolution to approve a change to the Grand Haven Area Community Land Trust by-laws increasing the number of CLT board members from five (5) to seven (7). This motion carried unanimously.

21-295 Moved by Council Member **Fritz**, seconded by Council Member **Dora**, to approve a special event request to hold the Chowdown Centertown to be held on October 16, 2021, from 1:00 p.m. to 7:00 p.m. on Seventh Street., Washington Avenue and in parking lots, #12 (behind the "Bookman") and #13 (behind "The Paint Store"). This motion carried unanimously.

NEW BUSINESS

21-296 Moved by Council Member **Dora**, seconded by Council Member **Cummins**, to approve an annual agreement extension with the Mulligan's Hollow Ski Bowl Association for ski bowl operations and waive the requirement for ice rink operation for the coming winter season, to be reviewed each year at renewal. This motion carried unanimously.

City Manager McGinnis explained that the change is due to the massive undertaking of operating the ice rink, considering the lack of participation in recent years. McGinnis noted that this will be evaluated annually.

21-297 Moved by Council Member **Fritz**, seconded by Council Member **Scott**, to approve a revised notice of intent to issue up to \$28,000,000 in electric revenue bonds to disassemble and demolish the City's existing Sims plant and conduct environmental and general remediation and mitigation of the existing site; construct or renovate a System substation; acquire and install automated meters; and make other improvements to the System, publish the notice of intent, appoint PFM as the Financial Advisor for the revenue bonds, appoint Dickinson Wright, PLLC to serve as Bond Counsel and rescind any other resolutions that conflict with this resolution. This motion carried unanimously. (Attachment B)

City Manager McGinnis explained that this Notice of Intent is a revision based on changes to the overall plan.

BLP General Manager Dave Walters further explained that both Notices of Intent will remain in effect. He emphasized that this is the second notice of intent for a single project with a revised definition.

21-298 Moved by Council Member **Scott**, seconded by Council Member **Cummins**, to approve an adjustment to the General Fund Budget due to transitions in the City Clerk's office in 2021, increasing the expenses in that department from \$263,150 to \$308,820. This motion carried unanimously.

City Manager McGinnis explained that some things were overlooked in planning for the upcoming Clerk transition and that this adjustment will account for that.

Council Member Cummins stated he was glad that there would be some overlap with the new person.

UNFINISHED BUSINESS

21-299 Moved by Council Member **Fritz**, seconded by Council Member **Cummins** to approve a special event for the Burzurk Brewing OktoBurzFest to be held on Washington Ave., on Saturday, October 9, from 2:00 p.m. to 11:00 p.m., allowing amplified music until 10:00 p.m. and alcohol consumption. This motion carried unanimously.

Burzurk Owner Tyler Forbes clarified details of his special event request.

Council Member Scott requested that they stop their live music by 9pm rather than 10pm.

Council Member Cummins commented that events bring economic benefits to other surrounding businesses, noting that he supports the request.

Council Member Dora noted that he appreciates their willingness to work with their neighbors to be accommodating.

REPORTS BY CITY COUNCIL

Council Member Fritz commended all the music happening around the City this summer and thanked all of the event organizers. Fritz also encouraged everyone to check out the Hispanic Heritage Festival.

Council Member Cummins noted that he attended the 9/11 Ceremony, as well as an MML update. Cummins expressed an interest in creating a sustainability plan citing it as a community need. In conclusion Cummins inquired whether Council would be seeing an Annual Report Presentation soon.

Council Member Dora stated that he participated in the Labor Day Bridge Walk and had also participated in many of the concert series throughout the summer. Dora encouraged everyone to attend the Chowdown Centertown event as well as the upcoming Diesel Plant tours.

Council Member Scott expressed that he was comfortable with the City's current fiscal condition, recalling times when the city had to borrow funds in order to operate.

Mayor Monetza added that, if interested, people could view the City's fiscal condition on the City's website. Monetza also noted that this summer had been very fulfilling after a tough year. He expressed he was looking forward to the festivities put on by the Hispanic Heritage Fiesta in the coming week.

REPORT BY CITY MANAGER

City Manager McGinnis reminded City Council of the upcoming MML Conference. McGinnis also noted that a block party policy would be coming before Council soon.

GENERAL BUSINESS/CALL TO AUDIENCE

Mayor Monetza made a call to the audience, allowing audience members to address Council on any issue.

Field Reichardt, 427 Sand Dr, expressed gratitude for opportunity to participate in meetings remotely. Reichardt also suggested that the City bring in the MSDDA and Community Foundation to evaluate snowmelt solutions.

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Jim Hagen, 400 Lake Ave, supports Council questioning the EDA proposals presented earlier. He suggested reworking the marina to make it more financially sound, working with what we have and not going for more bonds.

ADJOURNMENT

After hearing no further business, Mayor Monetza adjourned the meeting at 9:52 p.m.


Robert Monetza, Mayor
Ashley Latsch, Assistant City Manager

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ATTACHMENT A

To: Patrick McGinnis, City Manager
From: Amy Bessinger, Finance Director
CM Date: 09.20.21
RE: Bills From Payables Warrant

FUND NUMBER	FUND NAME	WARRANT 09.08.21	WARRANT 09.15.21	ACH WARRANT 09.15.21	CREDIT CARD WARRANT 09.10.21	VOIDS	TOTALS
101	General Fund	\$63,518.35	\$38,878.89	\$14,362.06	\$10,730.70	\$0.00	\$127,490.00
202	Major Street Fund	\$1,688.40	\$1,144.87	\$0.00	\$0.00	\$0.00	\$2,833.27
203	Local Street Fund	\$1,154.09	\$1,034.86	\$0.00	\$200.00	\$0.00	\$2,388.95
225	Land Acquisition Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
236	Main St Dist Dev	\$16.85	\$0.00	\$0.00	\$1,006.57	\$0.00	\$1,023.42
251	Econ. Dev. Corp. Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
252	Brownfield Redevelopment Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
253	Brd LSRRF TIF	\$0.00	\$1,722.50	\$0.00	\$0.00	\$0.00	\$1,722.50
254	Downtown TIF	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
255	GLTIF Spec Rev Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
256	UTGO Inf Spec Rev Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
257	LTGO Bond Rev Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
258	2015 UTGO Bond Rev	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
275	Housing Fund	\$0.00	\$466.37	\$0.00	\$15.89	\$0.00	\$482.26
276	Lighthouse Maintenance Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
278	Community Land Trust	\$0.00	\$25.00	\$0.00	\$108.98	\$0.00	\$133.98
310	Assessment Bond Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
351	Operating Debt Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
352	Brownfield TIF Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
353	Downtown TIF Debt	\$0.00	\$0.00	\$77,150.00	\$0.00	\$0.00	\$77,150.00
355	GLTIF Debt Serv Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
356	UTGO Inf Debt Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
357	LTGO Debt	\$0.00	\$0.00	\$57,600.00	\$0.00	\$0.00	\$57,600.00
358	2015 UTGO Bond Debt Fund	\$0.00	\$0.00	\$101,200.00	\$0.00	\$0.00	\$101,200.00
360	2020 LTGO Bond - Warber Drain	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
369	Building Auth Debt Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
401	Public Improvements Fund	\$0.00	\$15,647.86	\$0.00	\$1,668.81	\$0.00	\$17,316.67
402	Fire Truck Replacement Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
403	Brownfield TIF Const	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
404	Downtown TIF Const.	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
455	GL TIF Construction Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
456	UTGO Inf Construction Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
457	LTGO Bond Construction Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
458	2015 UTGO Bond Inf Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
469	Building Auth. Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
508	North Ottawa Rec Authority	\$0.00	\$0.00	\$0.00	\$1,056.24	\$0.00	\$1,056.24
581	Airpark Fund	\$778.37	\$6,055.00	\$437.06	\$0.00	\$0.00	\$7,270.43
582	Chinook Pier Rental Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
590	City Sewer Fund	\$1,368.78	\$186.32	\$390.00	\$0.00	\$0.00	\$1,945.10
591	City Water Fund	\$17,093.45	\$7,423.69	\$407.48	\$545.00	\$0.00	\$25,469.62
594	City Marina Fund	\$3,830.40	\$609.09	\$95.27	\$250.03	\$0.00	\$4,784.79
661	Motorpool Fund	\$13,226.56	\$1,949.32	\$19,846.40	\$21.95	\$0.00	\$35,044.23
677	Self Insurance Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
678	Retirement Health Fund	\$166,057.15	\$40,220.80	\$0.00	\$0.00	\$0.00	\$206,277.95
679	Health Benefit Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
701	Trust & Agency Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
703	Tax Collection Fund	\$37,179.30	\$3,098,206.84	\$79,439.87	\$0.00	\$0.00	\$3,214,826.11
711	Cemetery Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
750	Payroll Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
800	Sewer Authority Operations	\$0.00	\$198,825.27	\$2,484.77	\$621.54	\$0.00	\$201,931.58
800	Sewer Authority SL Force Mn	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
800	Sewer Authority Plant Mod	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
800	GH/SL SA-2013 Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
800	GH/SL SA-SLPS/Force Main Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
800	GH/SL SA-Local Lift Station Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
800	GH/SL SA-2018 Plant Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
810	NOWS Operating	\$58,186.67	\$1,468.88	\$5,541.33	\$0.00	\$0.00	\$65,196.88
810	NOWS Plant Debt	\$0.00	\$114,850.00	\$0.00	\$0.00	\$0.00	\$114,850.00
810	NOWS Replacement	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		\$364,098.37	\$3,528,715.66	\$358,954.24	\$16,225.71	\$0.00	\$4,267,993.98

Tonight, City Council will be approving, subject to audit, bills for this period, totaling as follows:

\$4,267,993.98 Total Approved Bills
\$3,421,104.08 Minus eligible bills for release without prior approval: including Utility,
\$846,889.92 Retirement, Insurance, Health Benefit, and Tax Collection Funds

Attachment B

CITY COUNCIL

Adoption Copy

RESOLUTION AUTHORIZING REVISED NOTICE OF INTENT
TO ISSUE REVENUE BONDS FOR
ELECTRIC UTILITY FACILITIES, EQUIPMENT,
AND SITE AND SYSTEM IMPROVEMENTS

REVISED NOTICE OF INTENT TO ISSUE BONDS

At a regular meeting of the City Council of the City of Grand Haven (the "City Council"),
held on the 20th day of September, 2021, at 7:30 p.m., Michigan Time.

PRESENT: Council Members Mike Dora, Ryan Cummins, Dennis Scott, Mike Fritz, and Mayor
Bob Monetza

ABSENT: None

The following Resolution and Preambles were offered by Council member Fritz and
seconded by Council member Scott.

WHEREAS, The City of Grand Haven, Michigan (the "City") provides in its City Charter
that subject to the general direction of the Council, the Board of Light and Power of The City of
Grand Haven, Michigan (the "Board") shall have charge of the City's electric services, and the
Board operates facilities for the generation and distribution of electricity, including all plants,
works, instrumentalities and properties used or useful in connection with the generation and
distribution of electricity (the "System"); and

WHEREAS, the Revenue Bond Act, Act 94, Public Acts of Michigan, 1933, as amended
("Act 94") permits the City to issue revenue bonds payable solely from the net revenues derived
from the operation of the System (the "Revenue Bonds") in order to finance plants, works,

instrumentalities, and properties used or useful in connection with utility systems such as the System; and

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

WHEREAS, the City previously approved the publication of the original notice of intent, which described a project that included: disassemble and demolish the City's existing Sims plant and conduct environmental and general remediation and mitigation of the existing site; construct or renovate a System substation; construct, renovate and equip electric utility office and control facilities; acquire and install hot water heaters or other heat sources for use by the City's snow melt system; acquire and install automated meters; acquire, construct and install natural gas-fired reciprocating internal combustion engines to produce electricity, including all equipment and any appurtenances and attachments thereto; and make other improvements to the System; and

WHEREAS, the Board and the City have decided to: reduce the principal amount of Revenue Bonds to be issued; exclude from the project (i) the gas-fired reciprocating internal combustion engines and all equipment and any appurtenances and attachments thereto; (ii) the office and control facilities; and (iii) the heat sources for the snow melt system; and add certain improvements to the System described below; and

WHEREAS, the Board has determined that it is or may become necessary for the public health, safety and welfare of the City and the users of the System to: disassemble and demolish the City's existing Sims plant and conduct environmental and general remediation and mitigation of the existing site; acquire and install automated meters; construct or renovate a System substation on Harbor Island; make additional substation improvements to the Board's Osipoff, North, and

Sternberg substations and certain distribution circuit upgrades and make other improvements to the System included in the Board's Capital Plan (as revised, the "Revised Project"); and

WHEREAS, issuance of Revenue Bonds as permitted by Act 94 in an amount not-to-exceed Twenty-Eight Million Dollars (\$28,000,000) appears to be the most practical means to finance the Revised Project; and

WHEREAS, the Internal Revenue Service has issued Treasury Regulation § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended, governing proceeds of debt used for reimbursement, pursuant to which the Board must declare official intent to reimburse expenditures with proceeds of such debt before making the expenditures.

NOW, THEREFORE, BE IT RESOLVED THAT:

(1) Publication of Revised Notice of Intent. The City shall publish a revised Notice of Intent to issue the Revenue Bonds once as a display advertisement at least one-quarter (1/4) page in size in substantially the following form:

**REVISED NOTICE
TO ELECTORS OF THE CITY OF GRAND HAVEN
OF INTENT TO ISSUE REVENUE BONDS
FOR ELECTRIC UTILITY FACILITIES, EQUIPMENT
AND SITE AND SYSTEM IMPROVEMENTS
AND RIGHT OF REFERENDUM**

PLEASE TAKE NOTICE that The City of Grand Haven, Michigan intends to authorize the issuance and sale of Revenue Bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended, payable solely from Revenues received by the Board of Light and Power ("Board") from the operations of the Electric Utility System ("System"). The City previously published an initial notice of intent on March 6, 2020 for the purpose of notifying the electors of a proposed issuance of not to exceed \$75,000,000 in Revenue Bonds for the purpose of providing funds to: disassemble and demolish the City's existing Sims plant and conduct environmental and general remediation and mitigation of the existing site; construct or renovate a System substation; renovate and equip electric utility office and control facilities; acquire and install hot water heaters or other heat sources for use by the City's snow melt system; acquire and install automated meters; acquire, construct and install natural gas-fired reciprocating internal combustion engines to produce electricity, including all equipment and any appurtenances and attachments thereto; and make other improvements to the System (collectively, the "Initial Project").

This revised notice is to notify the electors of two changes: 1) the not to exceed principal amount of the Revenue Bonds will be reduced and shall not exceed \$28,000,000; and 2) the project description is revised to a) exclude i) the gas-fired reciprocating internal combustion engines and all equipment and any appurtenances and attachments thereto; ii) the office and control facilities; and iii) the heat sources for the snow melt system; and b) add certain improvements to the System described below. A portion of the Initial Project was financed with bond anticipation notes.

As revised, the Project will now include the following: disassemble and demolish the City's existing Sims plant and conduct environmental and general remediation and mitigation of the existing site; acquire and install automated meters; construct or renovate a System substation on Harbor Island; make additional substation improvements to the Board's Osipoff, North, and Sternberg substations and certain distribution circuit upgrades, and make other improvements to the System included in the Board's Capital Plan (as revised, the "Revised Project"). The proceeds of the Revenue Bonds will be used to pay for the costs of the Revised Project, to pay a portion of the bond anticipation notes and to pay costs of issuance.

SOURCE OF PAYMENT OF REVENUE BONDS

THE PRINCIPAL OF AND INTEREST ON THE REVENUE BONDS SHALL BE PAYABLE solely from the net revenues received by the Board from the operations of the System. The revenues will consist of rates, fees and charges billed to the users of the System, a schedule of which is presently on file at <https://ghblp.org>. The rates, fees, and charges may from time to time be revised to provide sufficient net revenues to provide for the expenses of operating and maintaining the System, to pay the principal of and interest on the Revenue Bonds and any other bonds of the System, and to pay other obligations of the System. The Revenue Bonds will **not** pledge the full faith and credit of the City. The Revenue Bonds will **not** be a general obligation of the City.

The Revenue Bonds may be issued in one or more series and may be combined with bonds issued for other purposes, and each series will mature in not to exceed thirty-five (35) annual installments with interest at such interest rate or rates to be determined at public or negotiated sale but in no event to exceed such rates as may be permitted by law.

RIGHT OF REFERENDUM

THE REVENUE BONDS WILL BE ISSUED WITHOUT VOTE OF THE ELECTORS UNLESS A VALID PETITION REQUESTING AN ELECTION ON THE QUESTION OF ISSUING THE REVENUE BONDS, SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY, IS FILED WITH THE CITY CLERK OF THE CITY OF GRAND HAVEN WITHIN FORTY-FIVE (45) DAYS AFTER THE DATE OF PUBLICATION OF THIS NOTICE. If a valid petition is filed, the Revenue Bonds cannot be issued unless approved by a majority vote of the electors of the City voting on the question of their issuance. This notice is given pursuant to the requirements of Section 33 of Act 94, Public Acts of Michigan, 1933, as amended.

ADDITIONAL INFORMATION may be obtained at the administrative offices of the Board of Light and Power of The City of Grand Haven, Michigan, 1700 Eaton Drive, Grand Haven, Michigan 49417.

_____, Corporate Secretary
Board of Light and Power of The City of
Grand Haven, Michigan

(2) Sufficiency of Notice. The City Clerk is hereby directed to publish the revised Notice of Intent in the Grand Haven Tribune, a newspaper of general circulation in the City qualified under State law to publish legal notices, which is hereby determined to be the newspaper that will reach the largest number of persons to whom the notice is directed. The City Council hereby determines that the revised Notice of Intent and the manner of publication directed is the method best calculated to give notice to the electors of the City and the users of the System of the Board's intent to issue the Revenue Bonds, the purposes of the Revenue Bonds, the source of payment of the Revenue Bonds, and the right of referendum relating thereto.

(3) Statement of Intent under Treas. Reg. § 1.150-2. The City hereby makes the following amended declaration of intent 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:

(1) The City reasonably expects to reimburse itself for the expenditures described in (2) below with proceeds of debt to be incurred by the City.

(2) The expenditures described in this paragraph (2) are to pay certain costs associated with the Revised Project which were or will be paid subsequent to sixty (60) days prior to the date hereof (or in the case of the portions of the Initial Project that will be included in the Revised Project, sixty (60) days prior to March 2, 2020, when the City Council made its declaration of intent with respect to the Initial Project) or which will be paid prior to the issuance of the debt from the funds of the System.

(3) As of the date hereof, the estimated maximum principal amount of debt expected to be issued for reimbursement purposes, including reimbursement of debt issuance costs, is \$14,000,000, which debt may be issued in one or more series and/or together with debt for other purposes.

(4) A reimbursement allocation of the expenditures described in paragraph (2) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Revised Project are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Revised Project to reimburse the either the Board or the City for a capital expenditure made pursuant to this Resolution.

(5) The expenditures for the Revised Project are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of "placed in service" under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

(6) No proceeds of the borrowing paid to the Board or the City in reimbursement pursuant to this Resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in paragraph (4) above.

(4) Financial Advisor. PFM is appointed Financial Advisor to serve the Board and the City as Financial Advisor for the Revenue Bonds.

(5) Bond Counsel. Dickinson Wright PLLC, Lansing, Michigan, is appointed to serve the Board and the City as bond counsel for the Revenue Bonds. The Board and the City acknowledge that Dickinson Wright PLLC has represented from time to time, and currently represents various underwriters, financial institutions, and other potential participants in the bond financing process, in matters not related to the issuance and sale of the Revenue Bonds.

(6) Conflicting Resolutions. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

This Resolution shall be effective immediately upon its adoption.

YEAS: Dora, Cummins, Scott, Fritz, Monetza

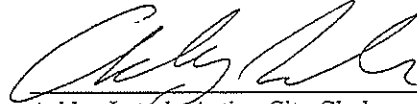
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NAYS: None

ABSTENTIONS: None

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Grand Haven, Ottawa County, Michigan, at a regular meeting held on September 20, 2021, and the notice of said meeting was given, and the meeting was held and the minutes therefor were filed in accordance with the Open Meetings Act, Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by publication or posting at least 18 hours prior to the time set for the meeting.



Ashley Latsch, Acting City Clerk
City of Grand Haven, Michigan

Dated: September 20, 2021

4832-5737-0106 v4 [57570-106]

**CITY OF GRAND HAVEN
GRAND HAVEN, MICHIGAN
REGULAR CITY COUNCIL MEETING
MONDAY, SEPTEMBER 20, 2021**

The Regular Meeting of the Grand Haven City Council was called to order at 7:30 p.m. by Mayor Bob Monetza in the Council Chambers of City Hall.

Present: Council Members Mike Dora, Ryan Cummins, Dennis Scott, Mike Fritz, and Mayor Bob Monetza.

Absent: None.

Others Present: City Manager Patrick McGinnis, Assistant City Manager Ashley Latsch, Public Works Director Derek Gajdos, and Main Street Executive Director Jeremy Swiftney.

NEW APPOINTMENTS TO BOARDS & COMMISSIONS

21-290 Moved by Council Member **Fritz**, seconded by Council Member **Cummins** to appoint Stacey Fedewa to the Community Land Trust Board, term ending June 30, 2024. This motion carried unanimously.

PRESENTATIONS

Circle of Cakes Presentation

City Manager McGinnis expressed gratitude to those who participated in this year's Sounds of Summer Concert series, hosted by WAWL. McGinnis further acknowledged participants in the weekly Circle of Cakes event that was held at the concerts; recognizing D&W Fresh Market for donating the cakes and then crowned Gabriella Marble the Champion of the 2021 season.

APPROVAL OF CONSENT AND REGULAR AGENDAS

21-291 Moved by Council Member **Dora**, seconded by Council Member **Fritz**, to approve the consent and regular agendas, as amended. This motion carried unanimously.

Mayor Monetza requested that item 13.B be removed from the agenda because the Board of Light and Power have withdrawn all plans to pursue construction of a power supply source and offices on Harbor Island and the project as originally proposed is no longer under consideration, so the approval of the bonds as originally defined and requested is now moot.

GENERAL BUSINESS/CALL TO AUDIENCE

Mayor Monetza made a call to the audience, allowing audience members to address Council on any issue.

Jeff Miller, 1120 S. Harbor Dr., commended Councilman Dora for his compassion recently displayed in helping a homeless individual. Miller also thanked council for attending recent BLP meetings, encouraging further communication. Finally, Miller suggested it would be a sign of good will for the BLP to withdrawal their air permit request with EGLE.

Lisa Royce, 17700 Navaho Dr, Ferrysburg, expressed opposition to the Burzurk Brewing special event on the agenda, citing impacts on her rental unit next door.

Jim Hagen, 400 Lake Ave, updated council on recent information he gathered regarding solar power potential. Hagen urged council to consider implementing green energy solutions, as it's the right thing to do.

WORK SESSION CONTINUED

City Manager McGinnis updated Council on a proposed EDA grant application. McGinnis explained that the proposal for the Build Back Better program has recreational focus, including; boat launch improvements, linear park fixes, and marina enhancements. He presented the total cost being \$5,370,310, with \$2,820,001 in EDA funding, \$1,880,001 in match funding, and \$670,308 for engineering services.

Council Member Cummins expressed concern with some of the projects identified for the funding, wondering what criteria warranted their selection.

Council Member Dora stated he would like to see further statistics and current year data from the Marina. Dora agreed with Cummins' sentiment that it was hard to justify significant investment on an asset that continues to cost the city.

Mayor Monetza inquired whether the projects were included on one grant submission or if they were separate submissions.

McGinnis explained that there would be one submission with the three projects.

CONSENT AGENDA

21-292 Moved by Council Member **Fritz**, seconded by Council Member **Dora** to approve Council minutes for the Special Work Session and Regular Council Meeting of September 7, 2021. This motion carried unanimously.

21-293 Moved by Council Member **Fritz**, seconded by Council Member **Dora**, to approve the bills memo in the amount of \$4,267,993.98. This motion carried unanimously. (Attachment A)

21-294 Moved by Council Member **Fritz**, seconded by Council Member **Dora**, to approve a resolution to approve a change to the Grand Haven Area Community Land Trust by-laws increasing the number of CLT board members from five (5) to seven (7). This motion carried unanimously.

21-295 Moved by Council Member **Fritz**, seconded by Council Member **Dora**, to approve a special event request to hold the Chowdown Centertown to be held on October 16, 2021, from 1:00 p.m. to 7:00 p.m. on Seventh Street., Washington Avenue and in parking lots, #12 (behind the "Bookman") and #13 (behind "The Paint Store"). This motion carried unanimously.

NEW BUSINESS

21-296 Moved by Council Member **Dora**, seconded by Council Member **Cummins**, to approve an annual agreement extension with the Mulligan's Hollow Ski Bowl Association for ski bowl operations and waive the requirement for ice rink operation for the coming winter season, to be reviewed each year at renewal. This motion carried unanimously.

City Manager McGinnis explained that the change is due to the massive undertaking of operating the ice rink, considering the lack of participation in recent years. McGinnis noted that this will be evaluated annually.

21-297 Moved by Council Member **Fritz**, seconded by Council Member **Scott**, to approve a revised notice of intent to issue up to \$28,000,000 in electric revenue bonds to disassemble and demolish the City's existing Sims plant and conduct environmental and general remediation and mitigation of the existing site; construct or renovate a System substation; acquire and install automated meters; and make other improvements to the System, publish the notice of intent, appoint PFM as the Financial Advisor for the revenue bonds, appoint Dickinson Wright, PLLC to serve as Bond Counsel and rescind any other resolutions that conflict with this resolution. This motion carried unanimously. (Attachment B)

City Manager McGinnis explained that this Notice of Intent is a revision based on changes to the overall plan.

BLP General Manager Dave Walters further explained that both Notices of Intent will remain in effect. He emphasized that this is the second notice of intent for a single project with a revised definition.

21-298 Moved by Council Member **Scott**, seconded by Council Member **Cummins**, to approve an adjustment to the General Fund Budget due to transitions in the City Clerk's office in 2021, increasing the expenses in that department from \$263,150 to \$308,820. This motion carried unanimously.

City Manager McGinnis explained that some things were overlooked in planning for the upcoming Clerk transition and that this adjustment will account for that.

Council Member Cummins stated he was glad that there would be some overlap with the new person.

UNFINISHED BUSINESS

21-299 Moved by Council Member **Fritz**, seconded by Council Member **Cummins** to approve a special event for the Burzurk Brewing OktoBurzFest to be held on Washington Ave., on Saturday, October 9, from 2:00 p.m. to 11:00 p.m., allowing amplified music until 10:00 p.m. and alcohol consumption. This motion carried unanimously.

Burzurk Owner Tyler Forbes clarified details of his special event request.

Council Member Scott requested that they stop their live music by 9pm rather than 10pm.

Council Member Cummins commented that events bring economic benefits to other surrounding businesses, noting that he supports the request.

Council Member Dora noted that he appreciates their willingness to work with their neighbors to be accommodating.

REPORTS BY CITY COUNCIL

Council Member Fritz commended all the music happening around the City this summer and thanked all of the event organizers. Fritz also encouraged everyone to check out the Hispanic Heritage Festival.

Council Member Cummins noted that he attended the 9/11 Ceremony, as well as an MML update. Cummins expressed an interest in creating a sustainability plan citing it as a community need. In conclusion Cummins inquired whether Council would be seeing an Annual Report Presentation soon.

Council Member Dora stated that he participated in the Labor Day Bridge Walk and had also participated in many of the concert series throughout the summer. Dora encouraged everyone to attend the Chowdown Centertown event as well as the upcoming Diesel Plant tours.

Council Member Scott expressed that he was comfortable with the City's current fiscal condition, recalling times when the city had to borrow funds in order to operate.

Mayor Monetza added that, if interested, people could view the City's fiscal condition on the City's website. Monetza also noted that this summer had been very fulfilling after a tough year. He expressed he was looking forward to the festivities put on by the Hispanic Heritage Fiesta in the coming week.

REPORT BY CITY MANAGER

City Manager McGinnis reminded City Council of the upcoming MML Conference. McGinnis also noted that a block party policy would be coming before Council soon.

GENERAL BUSINESS/CALL TO AUDIENCE

Mayor Monetza made a call to the audience, allowing audience members to address Council on any issue.

Field Reichardt, 427 Sand Dr, expressed gratitude for opportunity to participate in meetings remotely. Reichardt also suggested that the City bring in the MSDDA and Community Foundation to evaluate snowmelt solutions.

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Jim Hagen, 400 Lake Ave, supports Council questioning the EDA proposals presented earlier. He suggested reworking the marina to make it more financially sound, working with what we have and not going for more bonds.

ADJOURNMENT

After hearing no further business, Mayor Monetza adjourned the meeting at 9:52 p.m.


Robert Monetza, Mayor
Ashley Latsch, Assistant City Manager

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ATTACHMENT A

To: Patrick McGinnis, City Manager
From: Amy Bessinger, Finance Director
CM Date: 09.20.21
RE: Bills From Payables Warrant

FUND NUMBER	FUND NAME	WARRANT 09.08.21	WARRANT 09.15.21	ACH WARRANT 09.15.21	CREDIT CARD WARRANT 09.10.21	VOIDS	TOTALS
101	General Fund	\$63,518.35	\$38,878.89	\$14,362.06	\$10,730.70	\$0.00	\$127,480.00
202	Major Street Fund	\$1,588.40	\$1,144.87	\$0.00	\$0.00	\$0.00	\$2,833.27
203	Local Street Fund	\$1,154.09	\$1,034.86	\$0.00	\$200.00	\$0.00	\$2,388.95
225	Land Acquisition Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
236	Main St Dist Dev	\$16.85	\$0.00	\$0.00	\$1,006.57	\$0.00	\$1,023.42
251	Econ. Dev. Corp. Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
252	Brownfield Redevelopment Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
253	Brfd LSRRF TIF	\$0.00	\$1,722.50	\$0.00	\$0.00	\$0.00	\$1,722.50
254	Downtown TIF	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
255	GLTIF Spec Rev Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
256	UTGO Inf Spec Rev Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
257	LTGO Bond Rev Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
258	2015 UTGO Bond Rev	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
275	Housing Fund	\$0.00	\$466.37	\$0.00	\$15.89	\$0.00	\$482.26
276	LightHouse Maintenance Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
278	Community Land Trust	\$0.00	\$25.00	\$0.00	\$108.98	\$0.00	\$133.98
310	Assessment Bond Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
351	Operating Debt Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
352	Brownfield TIF Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
353	Downtown TIF Debt	\$0.00	\$0.00	\$77,150.00	\$0.00	\$0.00	\$77,150.00
355	GLTIF Debt Serv Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
356	UTGO Inf Debt Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
357	LTGO Debt	\$0.00	\$0.00	\$57,600.00	\$0.00	\$0.00	\$57,600.00
358	2015 UTGO Bond Debt Fund	\$0.00	\$0.00	\$101,200.00	\$0.00	\$0.00	\$101,200.00
360	2020 LTGO Bond - Warber Drain	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
369	Building Auth Debt Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
401	Public Improvements Fund	\$0.00	\$15,647.86	\$0.00	\$1,668.81	\$0.00	\$17,316.67
402	Fire Truck Replacement Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
403	Brownfield TIF Const	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
404	Downtown TIF Const.	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
455	G/L TIF Construction Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
456	UTGO Inf Construction Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
457	LTGO Bond Construction Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
458	2015 UTGO Bond Inf Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
469	Building Auth. Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
508	North Ottawa Rec Authority	\$0.00	\$0.00	\$0.00	\$1,056.24	\$0.00	\$1,056.24
581	Airpark Fund	\$778.37	\$6,055.00	\$437.06	\$0.00	\$0.00	\$7,270.43
582	Chinook Pier Rental Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
590	City Sewer Fund	\$1,368.78	\$186.32	\$390.00	\$0.00	\$0.00	\$1,945.10
591	City Water Fund	\$17,093.45	\$7,423.69	\$407.48	\$545.00	\$0.00	\$25,469.62
594	City Marina Fund	\$3,830.40	\$609.09	\$95.27	\$250.03	\$0.00	\$4,784.79
661	Motorpool Fund	\$13,226.56	\$1,949.32	\$19,846.40	\$21.95	\$0.00	\$35,044.23
677	Self Insurance Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
678	Retirement Health Fund	\$166,057.15	\$40,220.80	\$0.00	\$0.00	\$0.00	\$206,277.95
679	Health Benefit Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
701	Trust & Agency Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
703	Tax Collection Fund	\$37,179.30	\$3,098,206.94	\$79,439.87	\$0.00	\$0.00	\$3,214,826.11
711	Cemetery Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
750	Payroll Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
800	Sewer Authority Operations	\$0.00	\$198,825.27	\$2,484.77	\$621.54	\$0.00	\$201,931.58
800	Sewer Authority SL Force Mn	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
800	Sewer Authority Plant Mod	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
800	GH/SL SA-2013 Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
800	GH/SL SA-SLPS/Force Main Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
800	GH/SL SA-Local Lift Station Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
800	GH/SL SA-2018 Plant Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
810	NOWS Operating	\$58,186.67	\$1,468.88	\$5,541.33	\$0.00	\$0.00	\$65,196.88
810	NOWS Plant Debt	\$0.00	\$114,850.00	\$0.00	\$0.00	\$0.00	\$114,850.00
810	NOWS Replacement	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		\$364,098.37	\$3,528,715.66	\$358,954.24	\$16,225.71	\$0.00	\$4,267,993.98

Tonight, City Council will be approving, subject to audit, bills for this period, totaling as follows:

\$4,267,993.98 Total Approved Bills
 \$3,421,104.05 Minus eligible bills for release without prior approval: including Utility,
 \$846,889.92 Retirement, Insurance, Health Benefit, and Tax Collection Funds

Attachment B

CITY COUNCIL

Adoption Copy

RESOLUTION AUTHORIZING REVISED NOTICE OF INTENT
TO ISSUE REVENUE BONDS FOR
ELECTRIC UTILITY FACILITIES, EQUIPMENT,
AND SITE AND SYSTEM IMPROVEMENTS

REVISED NOTICE OF INTENT TO ISSUE BONDS

At a regular meeting of the City Council of the City of Grand Haven (the "City Council"),
held on the 20th day of September, 2021, at 7:30 p.m., Michigan Time.

PRESENT: Council Members Mike Dora, Ryan Cummins, Dennis Scott, Mike Fritz, and Mayor
Bob Monetza

ABSENT: None

The following Resolution and Preambles were offered by Council member Fritz and
seconded by Council member Scott.

WHEREAS, The City of Grand Haven, Michigan (the "City") provides in its City Charter
that subject to the general direction of the Council, the Board of Light and Power of The City of
Grand Haven, Michigan (the "Board") shall have charge of the City's electric services, and the
Board operates facilities for the generation and distribution of electricity, including all plants,
works, instrumentalities and properties used or useful in connection with the generation and
distribution of electricity (the "System"); and

WHEREAS, the Revenue Bond Act, Act 94, Public Acts of Michigan, 1933, as amended
("Act 94") permits the City to issue revenue bonds payable solely from the net revenues derived
from the operation of the System (the "Revenue Bonds") in order to finance plants, works,

instrumentalities, and properties used or useful in connection with utility systems such as the System; and

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

WHEREAS, the City previously approved the publication of the original notice of intent, which described a project that included: disassemble and demolish the City's existing Sims plant and conduct environmental and general remediation and mitigation of the existing site; construct or renovate a System substation; construct, renovate and equip electric utility office and control facilities; acquire and install hot water heaters or other heat sources for use by the City's snow melt system; acquire and install automated meters; acquire, construct and install natural gas-fired reciprocating internal combustion engines to produce electricity, including all equipment and any appurtenances and attachments thereto; and make other improvements to the System; and

WHEREAS, the Board and the City have decided to: reduce the principal amount of Revenue Bonds to be issued; exclude from the project (i) the gas-fired reciprocating internal combustion engines and all equipment and any appurtenances and attachments thereto; (ii) the office and control facilities; and (iii) the heat sources for the snow melt system; and add certain improvements to the System described below; and

WHEREAS, the Board has determined that it is or may become necessary for the public health, safety and welfare of the City and the users of the System to: disassemble and demolish the City's existing Sims plant and conduct environmental and general remediation and mitigation of the existing site; acquire and install automated meters; construct or renovate a System substation on Harbor Island; make additional substation improvements to the Board's Osipoff, North, and

Sternberg substations and certain distribution circuit upgrades and make other improvements to the System included in the Board's Capital Plan (as revised, the "Revised Project"); and

WHEREAS, issuance of Revenue Bonds as permitted by Act 94 in an amount not-to-exceed Twenty-Eight Million Dollars (\$28,000,000) appears to be the most practical means to finance the Revised Project; and

WHEREAS, the Internal Revenue Service has issued Treasury Regulation § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended, governing proceeds of debt used for reimbursement, pursuant to which the Board must declare official intent to reimburse expenditures with proceeds of such debt before making the expenditures.

NOW, THEREFORE, BE IT RESOLVED THAT:

(1) Publication of Revised Notice of Intent. The City shall publish a revised Notice of Intent to issue the Revenue Bonds once as a display advertisement at least one-quarter (1/4) page in size in substantially the following form:

**REVISED NOTICE
TO ELECTORS OF THE CITY OF GRAND HAVEN
OF INTENT TO ISSUE REVENUE BONDS
FOR ELECTRIC UTILITY FACILITIES, EQUIPMENT
AND SITE AND SYSTEM IMPROVEMENTS
AND RIGHT OF REFERENDUM**

PLEASE TAKE NOTICE that The City of Grand Haven, Michigan intends to authorize the issuance and sale of Revenue Bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended, payable solely from Revenues received by the Board of Light and Power ("Board") from the operations of the Electric Utility System ("System"). The City previously published an initial notice of intent on March 6, 2020 for the purpose of notifying the electors of a proposed issuance of not to exceed \$75,000,000 in Revenue Bonds for the purpose of providing funds to: disassemble and demolish the City's existing Sims plant and conduct environmental and general remediation and mitigation of the existing site; construct or renovate a System substation; renovate and equip electric utility office and control facilities; acquire and install hot water heaters or other heat sources for use by the City's snow melt system; acquire and install automated meters; acquire, construct and install natural gas-fired reciprocating internal combustion engines to produce electricity, including all equipment and any appurtenances and attachments thereto; and make other improvements to the System (collectively, the "Initial Project").

This revised notice is to notify the electors of two changes: 1) the not to exceed principal amount of the Revenue Bonds will be reduced and shall not exceed \$28,000,000; and 2) the project description is revised to a) exclude i) the gas-fired reciprocating internal combustion engines and all equipment and any appurtenances and attachments thereto; ii) the office and control facilities; and iii) the heat sources for the snow melt system; and b) add certain improvements to the System described below. A portion of the Initial Project was financed with bond anticipation notes.

As revised, the Project will now include the following: disassemble and demolish the City's existing Sims plant and conduct environmental and general remediation and mitigation of the existing site; acquire and install automated meters; construct or renovate a System substation on Harbor Island; make additional substation improvements to the Board's Osipoff, North, and Sternberg substations and certain distribution circuit upgrades, and make other improvements to the System included in the Board's Capital Plan (as revised, the "Revised Project"). The proceeds of the Revenue Bonds will be used to pay for the costs of the Revised Project, to pay a portion of the bond anticipation notes and to pay costs of issuance.

SOURCE OF PAYMENT OF REVENUE BONDS

THE PRINCIPAL OF AND INTEREST ON THE REVENUE BONDS SHALL BE PAYABLE solely from the net revenues received by the Board from the operations of the System. The revenues will consist of rates, fees and charges billed to the users of the System, a schedule of which is presently on file at <https://ghblp.org>. The rates, fees, and charges may from time to time be revised to provide sufficient net revenues to provide for the expenses of operating and maintaining the System, to pay the principal of and interest on the Revenue Bonds and any other bonds of the System, and to pay other obligations of the System. The Revenue Bonds will **not** pledge the full faith and credit of the City. The Revenue Bonds will **not** be a general obligation of the City.

The Revenue Bonds may be issued in one or more series and may be combined with bonds issued for other purposes, and each series will mature in not to exceed thirty-five (35) annual installments with interest at such interest rate or rates to be determined at public or negotiated sale but in no event to exceed such rates as may be permitted by law.

RIGHT OF REFERENDUM

THE REVENUE BONDS WILL BE ISSUED WITHOUT VOTE OF THE ELECTORS UNLESS A VALID PETITION REQUESTING AN ELECTION ON THE QUESTION OF ISSUING THE REVENUE BONDS, SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY, IS FILED WITH THE CITY CLERK OF THE CITY OF GRAND HAVEN WITHIN FORTY-FIVE (45) DAYS AFTER THE DATE OF PUBLICATION OF THIS NOTICE. If a valid petition is filed, the Revenue Bonds cannot be issued unless approved by a majority vote of the electors of the City voting on the question of their issuance. This notice is given pursuant to the requirements of Section 33 of Act 94, Public Acts of Michigan, 1933, as amended.

ADDITIONAL INFORMATION may be obtained at the administrative offices of the Board of Light and Power of The City of Grand Haven, Michigan, 1700 Eaton Drive, Grand Haven, Michigan 49417.

_____, Corporate Secretary
Board of Light and Power of The City of
Grand Haven, Michigan

(2) Sufficiency of Notice. The City Clerk is hereby directed to publish the revised Notice of Intent in the Grand Haven Tribune, a newspaper of general circulation in the City qualified under State law to publish legal notices, which is hereby determined to be the newspaper that will reach the largest number of persons to whom the notice is directed. The City Council hereby determines that the revised Notice of Intent and the manner of publication directed is the method best calculated to give notice to the electors of the City and the users of the System of the Board's intent to issue the Revenue Bonds, the purposes of the Revenue Bonds, the source of payment of the Revenue Bonds, and the right of referendum relating thereto.

(3) Statement of Intent under Treas. Reg. § 1.150-2. The City hereby makes the following amended declaration of intent 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:

(1) The City reasonably expects to reimburse itself for the expenditures described in (2) below with proceeds of debt to be incurred by the City.

(2) The expenditures described in this paragraph (2) are to pay certain costs associated with the Revised Project which were or will be paid subsequent to sixty (60) days prior to the date hereof (or in the case of the portions of the Initial Project that will be included in the Revised Project, sixty (60) days prior to March 2, 2020, when the City Council made its declaration of intent with respect to the Initial Project) or which will be paid prior to the issuance of the debt from the funds of the System.

(3) As of the date hereof, the estimated maximum principal amount of debt expected to be issued for reimbursement purposes, including reimbursement of debt issuance costs, is \$14,000,000, which debt may be issued in one or more series and/or together with debt for other purposes.

(4) A reimbursement allocation of the expenditures described in paragraph (2) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Revised Project are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Revised Project to reimburse the either the Board or the City for a capital expenditure made pursuant to this Resolution.

(5) The expenditures for the Revised Project are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of "placed in service" under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

(6) No proceeds of the borrowing paid to the Board or the City in reimbursement pursuant to this Resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in paragraph (4) above.

(4) Financial Advisor. PFM is appointed Financial Advisor to serve the Board and the City as Financial Advisor for the Revenue Bonds.

(5) Bond Counsel. Dickinson Wright PLLC, Lansing, Michigan, is appointed to serve the Board and the City as bond counsel for the Revenue Bonds. The Board and the City acknowledge that Dickinson Wright PLLC has represented from time to time, and currently represents various underwriters, financial institutions, and other potential participants in the bond financing process, in matters not related to the issuance and sale of the Revenue Bonds.

(6) Conflicting Resolutions. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

This Resolution shall be effective immediately upon its adoption.

YEAS: Dora, Cummins, Scott, Fritz, Monetza

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NAYS: None

ABSTENTIONS: None

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Grand Haven, Ottawa County, Michigan, at a regular meeting held on September 20, 2021, and the notice of said meeting was given, and the meeting was held and the minutes therefor were filed in accordance with the Open Meetings Act, Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by publication or posting at least 18 hours prior to the time set for the meeting.



Ashley Latsch, Acting City Clerk
City of Grand Haven, Michigan

Dated: September 20, 2021

4832-5737-0106 v4 [57570-106]