

Regular Council Meeting of the City of Melvindale was held in the Council Chambers, on Wednesday, November 3, 2021 at 7:30 p.m.

The meeting was called to order by Mayor Wheeler T. Marsee, Jr. and roll call was taken:

PRESENT COUNCIL MEMBERS: Jackson, Filipowski, Rauser, Frederick, Densmore, Cartrette

ALSO PRESENT: Linda Land, City Clerk; Michel Belch, Treasurer; Lawrence J. Coogan, Corporation Counsel; Richard S. Ortiz, City Administrator/Finance Director; Steve Warden, Battalion Chief; Larrie Ordus, DPW Director; Brad Burns, Chief Building Official

Invocation: Deaconess Annette Taylor

A moment of silence was offered for Debbie Wilkins “Nana”, former Ordinance Officer/Police Department Secretary.

Presentation

- a) Bond Counsel - Tom Colis of Miller Canfield
- b) Healthcare – Mark Mueller, TMR & Associates

21-11-201 Moved by Densmore and supported by Filipowski, to accept the resolution authorizing the issuance of notes in anticipation of operating taxes next succeeding fiscal year not to exceed Two Million Two Hundred Fifty Thousand Dollars (\$2,250,000.00).

**RESOLUTION AUTHORIZING ISSUANCE OF NOTES
IN ANTICIPATION OF OPERATING TAXES-
NEXT SUCCEEDING FISCAL YEAR**

**CITY OF MELVINDALE
COUNTY OF WAYNE, MICHIGAN**

Minutes of a regular meeting of the City Council of the City of Melvindale, County of Wayne, Michigan (the “City”), held on the 3rd day of November, 2021, at 7:30 o’clock p.m., prevailing Eastern Time.

PRESENT: Members: Jackson, Filipowski, Rauser, Frederick, Densmore, Cartrette

ABSENT: Members: None

The following preamble and resolution were offered by Member Densmore and supported by Member Filipowski:

WHEREAS, it is hereby determined that it is necessary to borrow the sum of not to exceed Two Million Two Hundred Fifty Thousand Dollars (\$2,250,000), in anticipation of the collection of the unpaid

operating taxes for the next succeeding fiscal year of the City beginning January 1, 2022 (the “Operating Taxes”), which Operating Taxes are first due and payable on July 1, 2022, for the purpose of obtaining funds to meet operating expenses of the City; and

WHEREAS, Act No. 34 of the Public Acts of 2001, as amended (“Act 34”), authorizes the borrowing of money through the issuance of general obligation notes in anticipation of the collection of the unpaid Operating Taxes for the next succeeding fiscal year in an amount not to exceed fifty percent (50%) of the operating tax levy for the current fiscal year when the Operating Taxes for the next fiscal year are not as yet known; and

WHEREAS, the amount included for Operating Taxes in the budget for the fiscal year ending December 31, 2021 was \$5,979,529; and

WHEREAS, the City expects to receive an offer from Comerica Bank to purchase the general obligation notes.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City borrow for the above purpose the sum of not to exceed Two Million Two Hundred Fifty Thousand Dollars (\$2,250,000), issue the general obligation notes of the City (the “Notes”) in anticipation of the collection of the Operating Taxes for the fiscal year beginning January 1, 2022.

2. The Notes shall bear interest at a rate not to exceed 6% per annum, be dated as of the date of delivery, and be due and payable September 1, 2022, which is the estimated time of collection of a sufficient amount of the Operating Taxes for the fiscal year beginning January 1, 2022, to pay the Notes in full. The Notes shall be payable in lawful money of the United States of America at such bank or trust company in the State of Michigan qualified to act as paying agent as shall be designated by the original purchaser. The Notes shall be in the denomination of \$100,000, or multiples or combinations of \$5,000 in excess thereof, as shall be designated by the original purchaser of the Notes.

3. Hereafter from the first collections of the Operating Taxes for the fiscal year beginning January 1, 2022, there shall be set aside in a separate depository account (the “Note Repayment Fund” or

the “Fund”) a portion of each dollar which is not less than 125% of the percentage that the principal amount of the Notes bears to the amount of the Operating Taxes, to be used for the payment of the principal of and interest on the Notes and any other notes hereafter issued in anticipation of said taxes, and until the amount so set aside shall be sufficient for such payments, collections of the Operating Taxes shall be used for no other purpose. The right is reserved to issue additional notes of equal standing as to the Operating Taxes pledged for payment of the Notes with the Notes authorized by this resolution, subject to the limitations fixed by law.

4. The full faith and credit of the City is hereby irrevocably pledged for payment of principal of and interest on the Notes and in case of the insufficiency of the Operating Taxes pledged for the payment thereof, the City shall pay the Notes from any funds legally available therefor, and, if necessary, within applicable constitutional, charter and statutory limitations, levy sufficient taxes on all taxable property in the City for the payment thereof.

5. The Mayor and City Clerk of the City shall execute the Notes on behalf of the City, and the City’s seal or a facsimile thereof shall be imprinted or printed thereon, and the executed notes shall be delivered to the City Administrator/Finance Director of the City who shall deliver the Notes to the purchaser thereof upon the receipt of the purchase price therefor. Printed notes may be executed with facsimile signatures of the foregoing officers, in which case the Notes shall not be valid unless authenticated in a manner approved by the City Administrator/Finance Director. The foregoing officers are hereby authorized to execute and deliver a temporary note or notes and exchange, when available, final printed notes therefor at the request of the original purchaser. The Notes may be issued in book-entry only form.

6. The City Council hereby declares that it has pursued a negotiated sale of the Notes because of the flexibility provided in adjusting the timing of the sale of the Notes and the terms of the Notes at the time of sale. The City Administrator/Finance Director is authorized to negotiate the sale of the Notes within the parameters authorized in this resolution.

7. The City Council hereby designates the Notes to be “qualified tax exempt obligations” within the meaning of the Internal Revenue Code of 1986, as amended (the “Code”).

8. Any of the following: City Administrator/Finance Director and City Clerk of the City, are each hereby authorized to adjust the final Note details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing are authorized to exercise the authority and make the determinations authorized pursuant to Section 315(1)(d) of Act 34, Public Acts of Michigan, 2001, as amended, including but not limited to, determinations regarding interest rates, prices, discounts, maturity date, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, and other matters, provided that the principal amount of the Note issued shall not exceed the principal amount authorized in this resolution, the interest rate per annum on the Bonds shall not exceed six percent (6%), and the Note shall mature in not more than one (1) annual installment.

9. The Mayor, City Clerk, and City Administrator/Finance Director of the City are each authorized to file any and all applications with the Michigan Department of Treasury so as to seek approval for the Notes and to file such other documents as may be required to secure such approval, including any necessary waivers.

10. The City hereby covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest on the Notes from adjusted gross income for general federal income tax purposes under the Code, including, but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of note proceeds and moneys deemed to be note proceeds.

11. The representation of the City by Miller, Canfield, Paddock and Stone, P.L.C. as note counsel is hereby approved, notwithstanding Miller, Canfield’s periodic representation of the potential parties to the transaction, including Comerica Bank, in unrelated matters.

12. 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: Jackson, Filipowski, Rauser, Frederick, Densmore, Cartrette

NAYS: Members: None

RESOLUTION DECLARED ADOPTED:



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 Melvindale, County of Wayne, State of Michigan, at a regular meeting held on November 3, 2021, 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.



City Clerk

Passed Unanimously

21-11-202 Moved by Rauser and supported by Jackson, to adopt the Melvindale Healthcare Insurance Eligibility Attestation Form for pre 65 to take effect on January 1, 2022.

Passed Unanimously

21-11-203 Moved by Filipowski and supported by Rauser, to accept the insurance stop loss by Nationwide life insurance company per the renewal option revised October 22, 2021 as proposed by TMR & Associates.

Passed Unanimously

21-11-204 Moved by Cartrette and supported by Filipowski, to accept the Humana Healthcare post 65 renewals for PEN I and post 65 employees.

Passed Unanimously

Proclamation: National Native American Heritage Month

21-11-205 Moved by Filipowski and supported by Densmore, to approve the Regular Council meeting minutes dated October 6, 2021.

Passed Unanimously

Audience Participation

21-11-206 Moved by Cartrette and supported by Rauser, to authorize the City to accept the 2022 Annual Permit Package, A-22117, from Wayne County DPS, Engineering Div, to occupy Wayne County roads right of ways for the purpose of pavement repair and restoration.

Passed Unanimously

21-11-207 Moved by Cartrette and supported by Filipowski, to direct Lawrence J. Coogan, City Attorney and Bradley Burns, Chief Building Official to file a response letter opposing House Bill 4722 and further said letter is to be signed by the Mayor and City Council of Melvindale.

Passed Unanimously

21-11-208 Moved by Jackson and supported by Filipowski, to authorize Linda Land, City Clerk, to publish a Public Hearing Notice on November 17, 2021 for the Police and Fire Special Assessment.

Passed Unanimously

21-11-209 Moved by Filipowski and supported by Rauser, to waive the seven (7) day waiting period and further for resolution #208 to take immediate effect.

Passed Unanimously

21-11-210 Moved by Jackson and supported by Filipowski, to amend resolution #21-03-043 to include step increases for clerical, ordinance enforcement, and senior coordinator to reflect Chapter 35, Office Clerks salaries of the AFSCME collective bargaining agreement.

Passed Unanimously

21-11-211 Moved by Filipowski and supported by Jackson, to approve Hennessey Engineers Proposal for design and Bidding Services Hennessey Project No. 91006 not to exceed \$237,577.24.

Passed Unanimously

21-11-212 Moved by Cartrette and supported by Rauser, to enter into closed session at 8.35 p.m. regarding Melvindale Days.

Passed Unanimously

21-11-213 Moved by Filipowski and supported by Cartrette, to reconvene the Regular Council meeting at 8.45 p.m.

Passed Unanimously

21-11-214 Moved by Filipowski and supported by Rauser, to receive and place on file the September 2021 Treasurer's report.

Passed Unanimously

21-11-215 Moved by Frederick and supported by Cartrette, to increase the pay for the part-time staff at the arena to \$12.00 (twelve dollars) per hour and the supervisor pay to \$16.00 (sixteen dollars) per hour.

Yeas: Jackson, Rauser, Frederick, Densmore, Cartrette

Nays: none

Abstain: Filipowski

Motion Passes

21-11-216 Moved by Filipowski and supported by Cartrette, to table the reappointment of Betty Brown to the Aging Commission, new term expires November 20, 2024.

Passed Unanimously

21-11-217 Moved by Filipowski and supported by Rauser, to table the reappointment of Hennessey Engineers to the Construction Board of Appeals, new term expires November 17, 2027.

Passed Unanimously

21-11-218 Moved by Filipowski and supported by Rauser, to table the reappointment of Gloria Bermudez to the Board of Review, new term expires November 20, 2024.

Passed Unanimously

21-11-219 Moved by Filipowski and supported by Rauser, to table the reappointment of Lawrence J. Coogan to the Building Authority, new term expires November 20, 2024.

Passed Unanimously

21-11-220 Moved by Filipowski and supported by Rauser, to table the reappointment of Janette Decaire to the Downtown Development Authority, new term expires November 19, 2025.

Passed Unanimously

21-11-221 Moved by Filipowski and supported by Rauser, to table the reappointment of Kevin McIsaac to the Economic Development Corporation, new term expires November 17, 2027.

Passed Unanimously

21-11-222 Moved by Filipowski and supported by Rauser, to table the reappointment of Lisa Gardner to the Economic Development Corporation (EDC), new term expires November 17, 2027.

Passed Unanimously

21-11-223 Moved by Filipowski and supported by Rauser, to table the reappointment of Robert Nehez to the Historical Commission, new term expires November 18, 2026.

Passed Unanimously

21-11-224 Moved by Filipowski and supported by Rauser, to table the reappointment of Sue Herman to the Housing Commission, new term expires November 18, 2026.

Passed Unanimously

21-11-225 Moved by Filipowski and supported by Rauser, to table the reappointment of Sue Herman to the Library Commission, new term expires November 18, 2026.

Passed Unanimously

21-11-226 Moved by Filipowski and supported by Rauser, to table the reappointment of Vickie Fitzgerald to the Parks & Recreation Commission, new term expires November 20, 2024.

Passed Unanimously

21-11-227 Moved by Filipowski and supported by Rauser, to table the reappointment of Keith Lozar to the Parks & Recreation Commission, new term expires November 20, 2024.

Passed Unanimously

21-11-228 Moved by Filipowski and supported by Rauser, to table the reappointment of Jazmin Smith to the Parks & Recreation Commission, new term expires November 20, 2024.

Passed Unanimously

21-11-229 Moved by Filipowski and supported by Rauser, to table the reappointment of Lois Chiello to the Parks & Recreation Commission, new term expires November 20, 2024.

Passed Unanimously

21-11-230 Moved by Filipowski and supported by Rauser, to table the reappointment of Renee Marlow to the Planning Commission, new term expires November 20, 2024.

Passed Unanimously

21-11-231 Moved by Filipowski and supported by Rauser, to table the reappointment of Michael Kollmorgen to the Planning Commission, new term expires November 20, 2024.

Passed Unanimously

21-11-232 Moved by Frederick and supported by Rauser, to table the reappointment of Joe Alvarado to the Public Safety Commission, new term expires November 18, 2026.

Passed Unanimously

21-11-233 Moved by Densmore and supported by Cartrette, to table the reappointment of Richard Ortiz to the Pension I Board, new term expires November 15, 2023.

Passed Unanimously

21-11-234 Moved by Filipowski and supported by Rauser, to table the reappointment of Jeremy Ladd to the Zoning Board of Appeals, new term expires November 20, 2024.

Passed Unanimously

21-11-235 Moved by Filipowski and supported by Rauser, to table the reappointment of Dennis Walker to the Zoning Board of Appeals, new term expires November 20, 2024.

Passed Unanimously

21-11-236 Moved by Filipowski and supported by Rauser, to table the nomination of Lois Fort to the Library Commission, new term expires November 15, 2023.

Passed Unanimously

21-11-237 Moved by Filipowski and supported by Rauser, to table the nomination of Gloria Bermudez to the Library Commission, new term expires November 19, 2025.

Passed Unanimously

21-11-238 Moved by Filipowski and supported by Rauser, to table the nomination of Sean Briscoe to the Parks & Recreation Commission to fill his unexpired term, term expires November 16, 2022.

Passed Unanimously

21-11-239 Moved by Filipowski and supported by Rauser, to table the nomination of Autumn-Rhea Smith to the Parks & Recreation Commission, term expires November 15, 2023.

Passed Unanimously

21-11-240 Moved by Filipowski and supported by Rauser, to table the nomination of Tracy Powell to the Parks & Recreation Commission, new term expires November 20, 2024.

Passed Unanimously

21-11-241 Moved by Filipowski and supported by Rauser, to receive and place on file the resignation letter from Jeannine Ansley of the Economic Development Corporation (EDC) effective October 14, 2021, term expires November 17, 2021.

Passed Unanimously

Second Audience Participation

21-11-242 Moved by Filipowski and supported by Jackson, to receive and place on file the invoice and cover sheet and to authorize the payment of the approved invoices totaling \$946,457.54 and the electronic transfers totaling \$318,031.86.

Passed Unanimously

21-11-243 Moved by Cartrette and supported by Rauser, to adjourn at 9:14 p.m., no objections, so ordered.

Passed Unanimously

Wheeler T. Marsee, Jr., Mayor

Linda Land, City Clerk