

**AGENDA**  
**WYOMING CITY COUNCIL MEETING**  
**CITY COUNCIL CHAMBERS**  
**TUESDAY, SEPTEMBER 3, 2013, 7:00 P.M.**

- 1) Call to Order**
- 2) Invocation**  
Pastor Ken Reynolds, Resurrection Life Church
- 3) Pledge of Allegiance**
- 4) Roll Call**
- 5) Student Recognition**
- 6) Approval of Minutes**  
From the Regular and Committee of the Whole meetings of August 19, 2013
- 7) Approval of Agenda**
- 8) Public Hearings**
- 9) Public Comment on Agenda Items** (3 minute limit per person)
- 10) Presentations and Proclamations**
  - a) Presentations
  - b) Proclamations
- 11) Petitions and Communications**
  - a) Petitions
  - b) Communications
- 12) Reports from City Officers**
  - a) From City Council
  - b) From City Manager
- 13) Budget Amendments**
- 14) Consent Agenda**
- 15) Resolutions**
  - a) To Authorize Members of the City Council to Attend the Government Matters Annual Legislative Luncheon
  - b) To Amend a Portion of the City of Wyoming Fee Schedule
- 16) Award of Bids, Contracts, Purchases, and Renewal of Bids and Contracts**
  - c) To Approve Payment for Testing Services Associated with the Burlingame Avenue Bridge Over Buck Creek Project
- 17) Ordinances**
  - 12-13 To Add a Definition to Section 90-2 Definitions "A" for Athletic Training Facilities and to Add Sections 90-472(6), 90-507(11), 90-542(3) and 90-371(22) to the Code of the City of Wyoming (Athletic Training Facilities) (FINAL READING)
  - 13-13 To Amend Section 90-61(2) to the Code of the City of Wyoming (Vision Clearance Corner) (FINAL READING)
  - 14-13 To Amend Section 90-796(3), 90-798(5), 90-799(2)(d) and Portions of Tables 90-799-2 and 90-799-4 of the Code of the City of Wyoming (Signage) (FINAL READING)
  - 15-13 To Provide for the Issuance and Sale of Sewage Disposal System Revenue Refunding Bonds of Equal Standing with Certain Outstanding Sewage Disposal System Revenue Bonds, to Pay the Cost of Refunding Certain of the City's Sewage

Disposal System Revenue Bonds and to Prescribe the Form of the Refunding Bonds; to Provide for the Collection of Revenues from the System Sufficient for the Purpose of Paying the Costs of Operation and Maintenance of the System and to Pay the Principal of and Interest on the Refunding Bonds and Outstanding Bonds of the System; to Provide an Adequate Reserve Fund for the Refunding Bonds and Outstanding Bonds of the System; to Provide for the Segregation and Distribution of the Revenues; to Provide for the Rights of the Holders of the Refunding Bonds and Outstanding Bonds of the System in Enforcement Thereof; and to Provide for Other Matters Relating to the System and the Refunding Bonds and Outstanding Bonds of the System (IMMEDIATE EFFECT)

- 16-13 To Provide for the Issuance and Sale of Water Supply System Revenue Refunding Bonds of Equal Standing with Certain Outstanding Water Supply System Revenue Bonds, to Pay the Cost of Refunding Certain of the City's Water Supply System Revenue Bonds and to Prescribe the Form of the Refunding Bonds; to Provide for the Collection of Revenues from the System Sufficient for the Purpose of Paying the Costs of Operation and Maintenance of the System and to Pay the Principal of and Interest on the Refunding Bonds and Outstanding Bonds of the System; to Provide an Adequate Reserve Fund for the Refunding Bonds and Outstanding Bonds of the System; to Provide for the Segregation and Distribution of the Revenues; to Provide for the Rights of the Holders of the Refunding Bonds and Outstanding Bonds of the System in Enforcement Thereof; and to Provide for Other Matters Relating to the System and the Refunding Bonds and Outstanding Bonds of the System (IMMEDIATE EFFECT)

- 18) Informational Material**
- 19) Acknowledgment of Visitors**
- 20) Closed Session** (as necessary)
- 21) Adjournment**

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO AUTHORIZE MEMBERS OF THE CITY COUNCIL TO ATTEND THE  
GOVERNMENT MATTERS ANNUAL LEGISLATIVE LUNCHEON

WHEREAS:

1. The Government Matters Annual Legislative Luncheon will be held on September 16, 2013 and
2. It is the desire of the City Council that Wyoming be represented at the conference.

NOW, THEREFORE, BE IT RESOLVED:

1. That members of the Wyoming City Council are hereby authorized to attend the Government Matters Annual Legislative Luncheon on September 16, 2013 and
2. That Councilmembers will submit their expense reports at the conclusion of the luncheon for approval at the next regular City Council meeting.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried        Yes  
                                  No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on:

\_\_\_\_\_  
Heidi A. Isakson, Wyoming City Clerk

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO AMEND A PORTION OF THE  
CITY OF WYOMING FEE SCHEDULE

WHEREAS:

1. The City of Wyoming establishes by resolution certain fees.
2. The recently adopted Special Events ordinance authorizes a fee for the review of applications for major and minor special events.
3. The Parks and Recreation Department has evaluated the expected administrative time required to review applications for special events and recommends the following:

Major Special Event Application Fee (nonrefundable): \$60.00  
Minor Special Event Application Fee (nonrefundable): \$30.00  
(Fees do not apply to Residential Neighborhood Block Parties)

4. It is necessary to amend the Parks and Recreation Department Fee Schedule to include these fees.

NOW, THEREFORE, BE IT RESOLVED:

The City Council of the City of Wyoming hereby adopts the attached revision to Section VI, Parks and Recreation Department.

Moved by Councilmember:  
Seconded by Councilmember:  
Motion Carried        Yes  
                                  No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on September 3, 2013.

\_\_\_\_\_  
Heidi A. Isakson, Wyoming City Clerk

ATTACHMENTS:  
Fee Schedule Chapter VI,  
Parks & Recreation

Resolution No. \_\_\_\_\_

## VI - PARKS AND RECREATION

### SOFTBALL

#### Lemery, Palmer, and Lamar Parks

	<b>Day</b>	<b>Time</b>	<b>Resident</b>	<b>Non Resident</b>
<b>Practice</b>	M-F	2 hour block	\$ 10.00	\$ 15.00
	Sat.	2 hour block	10.00	15.00
<b>Games</b>	M-F	1.5 hour block	\$ 40.00	\$ 60.00
		3 hour block	60.00	90.00
		4.5 hour block	70.00	105.00
		6 hour block	75.00	115.00
		All day	150.00	225.00
	Sat.	1.5 hour block	\$ 60.00	\$ 90.00
		3 hour block	100.00	150.00
		4.5 hour block	120.00	180.00
		6 hour block	130.00	195.00
		All Day	260.00	390.00

### BASEBALL

#### Kimble Stadium and Lamar Park Grandstand

	<b>Day</b>	<b>Time</b>	<b>Resident</b>	<b>Non Resident</b>
<b>Practice</b>	M-F	2 hour block	\$ 20.00	\$ 30.00
	Sat.	2 hour block	20.00	30.00
<b>Games</b>	M-F	2 hour block	\$ 50.00	\$ 75.00
		4 hour block	70.00	105.00
		6 hour block	80.00	120.00
		8 hour block	85.00	130.00
		All Day		
	Sat.	2 hour block	\$ 60.00	\$ 90.00
		4 hour block	100.00	150.00
		6 hour block	120.00	180.00
		8 hour block	130.00	195.00
		All Day		
<b>Lighting</b>		1 hour block	\$ 20.00	\$ 20.00

**SOCCER/FOOTBALL FIELDS (UNIRRIGATED)**

	<b>Day</b>	<b>Time</b>	<b>Resident</b>	<b>Non-Resident</b>
<b>Without Nets</b>	M-F	2 hour block	\$ 20.00	\$ 30.00
	Sat./Sun.	2 hour block	20.00	30.00
<b>With Nets</b>	M-F	2 hour block	\$ 40.00	\$ 60.00
	Sat./Sun.	2 hour block	40.00	60.00

**SOCCER/FOOTBALL FIELDS (IRRIGATED)**

	<b>Day</b>	<b>Time</b>	<b>Resident</b>	<b>Non-Resident</b>
<b>Without Nets</b>	M-F	2 hour block	\$ 30.00	\$ 45.00
	Sat.	2 hour block	30.00	45.00
<b>With Nets</b>	M-F	2 hour block	\$ 60.00	\$ 90.00
	Sat./Sun	2 hour block	60.00	90.00

**TENNIS**

**Lemery, Lamar and Jackson Parks**

	<b>Day</b>	<b>Time</b>	<b>Resident</b>	<b>Non-Resident</b>
<b>Courts</b>	M-F	1 hour block	\$ 10.00	\$ 15.00
	Sat.	1 hour block	10.00	15.00

**VOLLEYBALL**

	<b>Day</b>	<b>Time</b>	<b>Resident</b>	<b>Non-Resident</b>
<b>Without Nets</b>	M-F	1 hour block	\$ 5.00	\$ 7.50
	Sat.	1 hour block	5.00	7.50
<b>With Nets</b>	M-F	1 hour block	\$ 10.00	\$ 15.00
	Sat.	1 hour block	10.00	15.00
<b>Net Deposit</b>			\$ 25.00	\$ 25.00
<b>Set Up Charge</b>			20.00	20.00

**BASKETBALL**

**Lamar and Battjes Park**

	<b>Day</b>	<b>Time</b>	<b>Resident</b>	<b>Non-Resident</b>
<b>Practice</b>	M-F	2 hour block	\$ 10.00	\$ 15.00
	Sat.	2 hour block	0.00	15.00

**PARK AND STRUCTURE RENTALS**

<b>SECTIONS</b>	<b>Day</b>	<b>Time</b>	<b>Resident</b>	<b>Non Resident</b>	<b>Additional Hour</b>
w/ elec.	M-F	3 hour block	\$ 15.00	\$ 23.00	\$ 10.00
	Sat.	3 hour block	15.00	23.00	10.00
	Sun	3 hour block	15.00	23.00	10.00
w/o elec.	M-F	3 hour block	\$ 15.00	\$ 23.00	\$ 10.00
	Sat.	3 hour block	15.00	23.00	10.00
	Sun	3 hour block	15.00	23.00	10.00
<b>Vets Park</b>	M-F	3 hour block	\$ 30.00	\$ 45.00	\$ 15.00
w/ elec.	Sat.	3 hour block	30.00	45.00	15.00
Capacity 75	Sun	3 hour block	30.00	45.00	15.00

<b>SHELTERS</b>	<b>Day</b>	<b>Time</b>	<b>Resident</b>	<b>Non Resident</b>	<b>Additional Hour</b>
<b>Ideal</b>	M-F	3 hour block	\$ 40.00	\$ 60.00	\$ 15.00
w/ elec.	Sat.	3 hour block	40.00	60.00	15.00
Capacity 100	Sun	3 hour block	40.00	60.00	15.00
<b>Lamar</b>	M-F	3 hour block	\$ 50.00	\$ 75.00	\$ 15.00
w/ elec.	Sat.	3 hour block	50.00	75.00	15.00
Capacity 75	Sun	3 hour block	50.00	75.00	15.00
<b>Pinery</b>	M-F	3 hour block	\$ 30.00	\$ 45.00	\$ 15.00
w/ elec.	Sat.	3 hour block	30.00	45.00	15.00
Capacity 50	Sun	3 hour block	30.00	45.00	15.00
<b>Others (Except Frog Hollow)</b>					
w/ elec.	M-F	3 hour block	\$ 20.00	\$ 30.00	\$ 15.00
Capacity varies	Sat.	3 hour block	20.00	30.00	15.00
	Sun.	3 hour block	20.00	30.00	15.00
<b>Deposit</b>	(Refundable)		\$ 50.00	\$ 50.00	

<b>LODGES</b>	<b>Day</b>	<b>Time</b>	<b>Resident</b>	<b>Non Resident</b>	<b>Additional Hour</b>
<b>Ideal</b>	M-F	3 hour block	\$ 30.00	\$ 45.00	\$ 20.00
w/ elec.	Sat.	3 hour block	45.00	68.00	20.00
Capacity 50	Sun.	3 hour block	60.00	90.00	20.00
<b>Pinery</b>	M-F	3 hour block	\$ 100.00	\$ 150.00	\$ 50.00
w/ elec.	Sat.	3 hour block	124.00	190.00	50.00
Capacity 144	Sun.	3 hour block	150.00	225.00	50.00
<b>Deposit</b>	(Refundable)		\$ 100.00	\$ 100.00	

The following fees are effective for stage use through December 31, 2009.

**PORTABLE STAGE**

	<b>Day</b>	<b>Time (8 a.m. – 11 p.m.)</b>	<b>Within Wyoming</b>	<b>Up to 20 Miles Outside Wyoming</b>	<b>21 to 50 Miles Outside Wyoming</b>
<b>Stage</b>	M-F	Per day	\$ 250.00	\$ 350.00	\$ 500.00
	Sat.	Per day	250.00	350.00	500.00
	Sun	Per day	300.00	435.00	625.00
<b>Extension panels</b>	M-F	Per day	\$ 150.00	\$ 250.00	\$ 250.00
	Sat.	Per day	150.00	200.00	250.00
	Sun.	Per day	200.00	250.00	300.00

The following fees are effective for stage use beginning January 1, 2010.

**Portable Stage**

	<b>Day</b>	<b>Time</b>	<b>Fee</b>
Stage w/I Wyoming	M-TH	per day	\$ 250.00
	F-Sat	per day	\$ 300.00
	Sun	per day	\$ 350.00
Stage Outside Wyoming up to 20 mi.	M-TH	per day	\$ 350.00
	F-Sat	per day	\$ 400.00
	Sun	per day	\$ 500.00
Stage Outside Wyoming 21-50 mi.	M-TH	per day	\$ 500.00
	F-Sat	per day	\$ 550.00
	Sun	per day	\$ 650.00
Extension Panel Charges w/I Wyoming	M-TH	per day	\$ 200.00
	F-Sat	per day	\$ 225.00
	Sun	per day	\$ 250.00
Extension Panel Charges Outside Wyoming up to 20 mi	M-TH	per day	\$ 250.00
	F-Sat	per day	\$ 275.00
	Sun	per day	\$ 300.00
Extension Panel Charges Outside Wyoming 21-50 mi	M-TH	per day	\$ 300.00
	F-Sat	per day	\$ 325.00
	Sun	per day	\$ 350.00

**SENIOR CENTER**

<b>Day</b>	<b>Time</b>	<b>Resident</b>	<b>Non Resident</b>
M-F	1 hour block	\$ 51.00	\$ 76.50
Sat.	1 hour block	75.00	112.50
Sun	1 hour block	100.00	150.00

**SPECIAL EVENTS**

Major Special Event Application Fee (nonrefundable): \$60.00  
Minor Special Event Application Fee (nonrefundable): \$30.00  
(Fees do not apply to Residential Neighborhood Block Parties)

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO APPROVE PAYMENT FOR  
TESTING SERVICES ASSOCIATED WITH THE  
BURLINGAME AVENUE BRIDGE OVER BUCK CREEK PROJECT

WHEREAS:

1. On February 20, 2013, the City authorized Materials Testing Consultants, Inc. to perform the pre-stress concrete box beam fabrication inspection testing services associated with the Burlingame Avenue Bridge over Buck Creek project in the amount of \$7,466.60.
2. Subsequent to authorization, heavy spring rains and significant flooding at the Kerkstra Precast plant in Grandville, required the fabrication of the beams be relocated to the Zilwaukee Plant in Saginaw, significantly increasing the estimated inspection cost in the proposal.
3. The final inspection cost is \$18,893.75 based upon the actual time and expenses for Materials Testing Consultants, Inc. to perform the aforementioned work.
4. The costs for this project can be financed out of the Capital Improvement Program Fund account number 400-441-50200-972502 for Burlingame Avenue Bridge over Buck Creek.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council hereby approves the payment to Materials Testing Consultants, Inc. for box beam fabrication testing inspection associated with the Burlingame Avenue Bridge over Buck Creek project in the amount of \$18,893.75.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried        Yes  
                                  No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on September 3, 2013.

\_\_\_\_\_  
Heidi A. Isakson, Wyoming City Clerk

Resolution No. \_\_\_\_\_

## Staff Report

Date: August 28, 2013  
Subject: Burlingame Avenue Bridge over Buck Creek – Beam Inspection Testing  
From: William D. Dooley, Director of Public Works  
Meeting Date: September 3, 2013

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### Recommendation:

Staff recommends payment to Materials Testing Consultants, Inc. for inspection testing services associated with the pre-stress concrete beam fabrication on the Burlingame Avenue Bridge over Buck Creek project in the amount of \$18,893.75.

### Sustainability Criteria:

Environmental Quality – The project to rehabilitate Burlingame Avenue bridge over Buck Creek allows all vehicles to travel over the bridge and no longer requires heavy loads to detour up to four miles to avoid crossing the structure.

Social Equity – The inspection testing services has no significant impact on Social Equity.

Economic Strength – The inspection testing services has no significant impact on Economic Strength.

### Discussion:

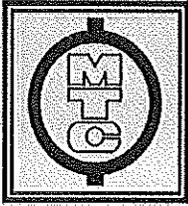
On February 20, 2013, the City of Wyoming authorized Materials Testing Consultants, Inc. to perform the pre-stress concrete beam fabrication inspection as required by the Michigan Department of Transportation for the Burlingame Avenue Bridge over Buck Creek project. Subsequent to authorization, heavy spring rains and significant flooding at the Kerkstra Precast plant in Grandville, required the fabrication of the beams be relocated to the Zilwaukee Plant in Saginaw, significantly increasing the estimated inspection cost in the proposal.

The final inspection cost is \$18,893.75 based upon the actual time and expenses for Materials Testing Consultants, Inc. to perform the aforementioned work. The costs for this project can be financed out of the Capital Improvement Program Fund account number 400-441-50200-972502 for Burlingame Avenue Bridge over Buck Creek.

### Budget Impact:

Funds are available in the Capital Improvement Fund account number 400-441-50200-972502 for Burlingame Avenue Bridge over Buck Creek.

Attachments: Letter



**Materials  
Testing  
Consultants, INC.**

**MATERIALS Engineers, Independent TESTING Laboratories, Geotechnical & Environmental CONSULTANTS — Since 1968**

**Corporate Office**

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**Southeast Michigan**

4721 Runway Blvd. • Ann Arbor, MI 48108 • (800) 968-8378 • (734) 619-6868

[www.mtc-test.com](http://www.mtc-test.com)

August 22, 2013  
Project No. 131050

City of Wyoming  
2660 Burlingame Ave, SW  
Wyoming, Michigan 49509

Attention: Mr. Russ Henckel, P.E.

Reference: Pre-Stress Box Beam Fabrication Services  
Burlingame Avenue over Buck Creek  
Wyoming, Michigan

Dear Mr. Henckel:

Reference is made to our proposal for precast fabrication inspection services dated February 20, 2013. We had estimated \$7,500 to complete the inspection work. Our estimate was based on the beams being fabricated by Kerkstra Precast in Grandville, Michigan, and discussion with Mr. Tom Grumbine with Kerkstra Precast regarding the fabrication schedule. We had assumed 13 consecutive days (weekdays) of fabrication working 10 hours per day.

Kerkstra Precast subcontracted the fabrication work to Stress-Con Industries, reportedly because of flooding at Kerkstra's plant earlier this season. The pre-stress box beams were fabricated at Stress-Con's Zilwaukee Plant in Saginaw, Michigan.

The following provides a comparison of quantities used to estimate the cost of fabrication inspection in our February 2013 proposal based on fabrication being performed by Kerkstra Precast, and actual quantities during July 2013 related to inspection work at Stress-Con's Zilwaukee Plant.

Item	Estimated Quantity	Estimated Cost	Actual Quantity	Actual Cost
Project Manager	9.0	\$990.00	5.7	\$570.00
Technician III, ST			16.0	880.00
Technician III, OT			16.3	1,165.45
Technician II, ST	104.0	4,888.00	121.0	5,687.00
Technician II, OT	26.0	1,588.60	120.0	7,332.00
Mileage *	300	0.00	4,194	2,726.10
Lodging			5 nights	373.20
Per Diem			5 days	160.00
<b>Total</b>		<b>\$7,466.60</b>		<b>\$18,893.75</b>

\* No charge for local travel

# Materials Testing Consultants, INC.

City of Wyoming  
Project No. 131050  
August 22, 2013  
Page 2

As indicated above we estimated 300 miles for travel to Kerkstra's plant in Grandville. The plant is located approximately 11.5 miles from our office, an approximate 18 minute drive. Per our contract, we were not planning to charge for mileage since we considered this to be local travel. Actual mileage to Stress-Con's plant in Saginaw was 4,194 miles. The Stress-Con plant is located approximately 148 miles from our office, an approximate 2 hour and 8 minute drive.

In addition to extra travel time and mileage, Stress-Con worked long days during fabrication and worked on two Saturdays and two Sundays. During July the average amount of time spent at the plant was 11.8 hours per day. On two occasions our inspector was at the plant over 16 hours. On many days the crew working on the Burlingame box beams switched to work on another project and then switched back to work on the Burlingame box beams.

There were five occasions when one our inspectors spent the night because of long days and needing to be at the fabrication facility early the following day. Spending the night actually saved cost versus overtime travel time and mileage.

Based on our original discussion with Tom Grumbine with Kerkstra Precast, we projected 13 weekdays of fabrication inspection. The actual total at Stress-Con's Zilwaukee plant was 20 days of fabrication inspection including 4 weekend days.

We have no control over the fabricator's means and methods, yet we need to inspect the pre-stress box beams according to MDOT requirements. The manner in which Stress-Con fabricated the beams required our inspector to be at the plant more days that anticipated, and more hours per day than anticipated.

Please do not hesitate to call should you have any questions.

Sincerely,

**MATERIALS TESTING CONSULTANTS, INC.**



Peter D. Gausewitz, P.E.  
Senior Project Manager

ORDINANCE NO. 12-13

AN ORDINANCE TO ADD A DEFINITION TO  
SECTION 90-2 DEFINITIONS "A" FOR ATHLETIC TRAINING  
FACILITIES AND TO ADD SECTIONS 90-472(6), 90-507(11),  
90-542(3) AND 90-371(22) TO THE CODE OF THE CITY OF WYOMING

THE CITY OF WYOMING ORDAINS:

Section 1. That the following definition is hereby added to Section 90-2 Definitions "A" to read as follows:

***Athletic Training Facility.*** A specialized indoor facility provided for the training needs and related activities of athletes. Unlike a health club, these facilities are primarily for the prearranged use of specific teams and programs, rather than for general public walk-in use. This use includes specialized sports facilities, such as ball courts, hockey rinks, gymnasiums, gymnastics, and pools, and may include weight rooms, classrooms and meeting space. Activities may include training sessions, practices and competitive events.

Section 2. That Section 90-472(6) is hereby added to the Code to read as follows:

(6) Athletic training facility.

Section 3. That Section 90-507(11) is hereby added to the Code to read as follows:

(11) Athletic training facility.

Section 4. That Section 90-542(3) is hereby added to the Code to read as follows:

(3) Athletic training facility.

Section 5. That Section 90-371(22) is hereby added to the Code to read as follows:

(22) Athletic training facility

Section 6. This ordinance shall be in full force and effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

I hereby certify that the above-entitled Ordinance was adopted by the City of Wyoming at a \_\_\_\_\_ session of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

---

Heidi A. Isakson  
Wyoming City Clerk



July 30, 2013

MAYOR  
Jack A. Poll

AT-LARGE COUNCILMEMBER  
Sam Bolt

AT-LARGE COUNCILMEMBER  
Kent Vanderwood

AT-LARGE COUNCILMEMBER  
Dan Burrill

1ST WARD COUNCILMEMBER  
William A. VerHulst

2ND WARD COUNCILMEMBER  
Richard K. Pastoor

3RD WARD COUNCILMEMBER  
Joanne M. Voorhees

CITY MANAGER  
Curtis L. Holt

Ms. Heidi A. Isakson  
City Clerk  
Wyoming, MI

Subject: Request to amend Zoning Code Sections 90-2 Definitions "A", Section 90-472 Special Use Approval I-1 Light Industrial District, Section 90-507 Special Use Approval I-2 General Industrial District, Section 90-542 Special Use Approval I-3 Restricted Industrial District and Section 90-371 Principal Permitted Uses B-2 General Business District to establish a definition and districts permitted for an athletic training facility.

Recommendation: To approve the subject Zoning Code amendments.

Dear Ms. Isakson:

The above referenced request was reviewed by the Wyoming Planning Commission at its regular meeting on July 16, 2013. Staff had the following comments:

On June 18, 2013 the Planning Commission considered and approved two site plans for the construction of new athletic training facilities. The first request was for Elite Training, a baseball and softball training facility to be located on Clyde Park Avenue in a B-2 General Business District. Elite Training is a permitted use in that zoning district. They will be relocating from an Industrial zoned facility in Grand Rapids. The second request was by For the Kids Gymnastics, who desire a new and larger facility on Gezon Parkway near their existing location on Burlingame Avenue. Both the Gezon Parkway and Burlingame Avenue properties are zoned I-3 Restricted Industrial, which does not allow athletic training facilities. In granting the site plan approval, it was recognized that the building met the requirements for an industrial structure. It is the potential use of that structure which would require either a use variance or an accommodating ordinance amendment. For the Kids Gymnastics was granted a use variance by the Board of Zoning Appeals in June 2005 to occupy their current site.

The granting of the use variance to For the Kids Gymnastics was not unprecedented. Prior to that decision, the BZA had granted use variances for other indoor athletic facilities. In October 2002, Powerhouse Gymnasium was granted a use variance to occupy an industrial building at 1701 Porter Street. In addition, in November 2003, a baseball and softball training facility was granted a use

variance to occupy an existing industrial building at 5770 Clay Avenue. In all three of the use variance requests the recurring message was that with but a few exceptions, commercial buildings do not have the high ceilings with wide and unobstructed floor spaces necessary to accommodate the requirements for an athletic training facility.

Staff believes the allowance for athletic training facilities in the Industrial districts is reasonable. Many of our current industrial buildings are marginal for reuse for manufacturing given today's strict processes. Also, the athletic training facilities could effectively serve as temporary uses on some properties until a higher industrial use of the property can be obtained.

Currently, the Zoning Code allows athletic training facilities as a permitted use in the B-2 General Business district under Section 90-371 (5) "Physical culture facilities, such as gymnasiums and reducing salons." Staff proposes to amend the Zoning Code to allow athletic training facilities in the Industrial districts by Special Use Approval from the Planning Commission and continue to allow the use by-right in the B-2 district. As such, these uses would also be permissible by Special Use approval in the B-3 Planned Business district. A new definition for an athletic training facility is also recommended to specifically distinguish team and program oriented operations from the more casual recreational facilities typically found in commercial districts.

#### PROPOSED ORDINANCE AMENDMENTS:

1. Section 90-2 Definitions "A" - Athletic training facility:

A specialized indoor facility provided for the training needs and related activities of athletes. Unlike a health club, these facilities are primarily for the prearranged use of specific teams and programs, rather than for general public walk-in use. This use includes specialized sports facilities, such as ball courts, hockey rinks, gymnasiums, gymnastics, and pools, and may include weight rooms, classrooms and meeting space. Activities may include training sessions, practices and competitive events.

2. Section 90-472 Special Use Approval I-1 Light Industrial District

(6) Athletic training facility.

3. Section 90-507 Special Use Approval I-2 General Industrial District

(11) Athletic training facility.

4. Section 90-542 Special Use Approval I-3 Restricted Industrial District

(3) Athletic training facility.

5. Section 90-371 Principal Permitted Uses B-2 General Business District

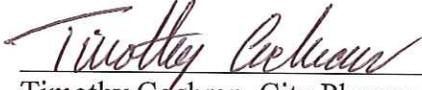
(22) Athletic training facility.

The Development Review Team suggested the Planning Commission recommend to the City Council the subject Zoning Code amendments to Section 90-2 Definitions "A", Section 90-472 Special Use Approval I-1 Light Industrial District, Section 90-507 Special Use Approval I-2 General Industrial District, Section 90-542 Special Use Approval I-3 Restricted Industrial District and Section 90-371 Principal Permitted Uses B-2 General Business District to establish a definition and districts permitted for an athletic training facility.

There were no comments made during the public hearing.

A motion was made by Hegyi, supported by Goodheart, to recommend to City Council the Zoning Code amendments as recommended by the DRT. After discussion, the motion carried unanimously. Additional explanation regarding this proposal may be obtained from the Planning Commission minutes of July 16, 2013.

Respectfully submitted,

  
\_\_\_\_\_  
Timothy Cochran, City Planner  
Planning and Development Department

cc: Curtis Holt, City Manager  
Rebecca Rynbrandt, Director of Community Services

JRS/sak  
8/5/13

ORDINANCE NO. 13-13

AN ORDINANCE TO AMEND SECTION 90-61(2)  
TO THE CODE OF THE CITY OF WYOMING

THE CITY OF WYOMING ORDAINS:

Section 1. That Section 90-61(2) of the Code of the City of Wyoming is hereby amended to read as follows:

(2) Within the vision clearance corner, the following shall apply. Any shrubbery, structure, wall, fence, sign or other device shall not exceed 36 inches in height above the ground level. A sign with a post no larger than one foot in diameter shall be allowed if no part of the sign is lower than ten feet from the adjoining street level. Tree branches shall be a minimum of ten feet above the adjoining street level within the vision clearance corner.

Section 2. This ordinance shall be in full force and effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2013

I hereby certify that the above-entitled Ordinance was adopted by the City of Wyoming at a \_\_\_\_\_ session of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Heidi A. Isakson  
Wyoming City Clerk

Ordinance No. 13-13

July 30, 2013

MAYOR  
Jack A. Poll

AT-LARGE COUNCILMEMBER  
Sam Bolt

AT-LARGE COUNCILMEMBER  
Kent Vanderwood

AT-LARGE COUNCILMEMBER  
Dan Burrill

1ST WARD COUNCILMEMBER  
William A. VerHulst

2ND WARD COUNCILMEMBER  
Richard K. Pastoor

3RD WARD COUNCILMEMBER  
Joanne M. Voorhees

CITY MANAGER  
Curtis L. Holt

Ms. Heidi A. Isakson  
City Clerk  
Wyoming, MI

Subject: Request to amend Zoning Code Section 90-61 (2) Vision clearance corner to increase the permitted height.

Recommendation: To approve the subject Zoning Code amendment.

Dear Ms. Isakson:

The above referenced request was reviewed by the Wyoming Planning Commission at its regular meeting on July 16, 2013. Staff had the following comments:

In late 2011, the Zoning Code was amended to allow solid fences in front yard areas to be up to 36 inches in height above the ground level. Previously, such fences were limited to a maximum of 30 inches and had resulted in numerous variance requests to the Board of Zoning Appeals. Subsequently, it has been identified that Zoning Code Section 90-61 (2) (Vision clearance corner) should also be considered for amendment. That provision states that in a vision clearance corner "any shrubbery, structure, wall, fence, sign or other device shall not exceed 2 ½ feet in height above the adjoining street level." A vision clearance corner is a triangle at the intersection of two streets where adequate visibility of on-coming traffic, bicyclists, and pedestrians must be maintained. Since solid fences are now permitted to a height of 36 inches, it is reasonable to allow other plantings and objects to also be of this height. Staff is comfortable that the additional six inches in height will not create any increased visibility concerns.

#### PROPOSED ORDINANCE AMENDMENT:

Note – amended ordinance language emphasized in **bold**.

Section 90-61 Vision clearance corner.

(2) Within the vision clearance corner, the following shall apply. Any shrubbery, structure, wall, fence, sign or other device shall not exceed **36 inches in height above the ground level**. A sign with a post no larger than one foot in diameter shall be allowed if no part of the sign is lower than ten feet from the adjoining street level. Tree branches shall be a minimum of ten feet above the adjoining street level within the vision clearance corner.

The Development Review Team suggested the Planning Commission recommend to the City Council the subject Zoning Code amendment to Section 90-61 (2) Vision clearance corner.

There were no comments made during the public hearing.

A motion was made by Arnoys, supported by Goodheart, to recommend to City Council the Zoning Code amendment as recommended by the DRT. After discussion, the motion carried unanimously. Additional explanation regarding this proposal may be obtained from the Planning Commission minutes of July 16, 2013.

Respectfully submitted,



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Timothy Cochran, City Planner  
Planning and Development Department

cc: Curtis Holt, City Manager  
Rebecca Rynbrandt, Director of Community Services

ORDINANCE NO. 14-13

AN ORDINANCE TO AMEND SECTION 90-796(3), 90-798(5),  
90-799(2)(d) AND PORTIONS OF TABLES 90-799-2 AND 90-799-4  
OF THE CODE OF THE CITY OF WYOMING

THE CITY OF WYOMING ORDAINS:

Section 1. That Section 90-796(3) of the Code of the City of Wyoming is hereby amended to read as follows:

(3) *Clear vision area.* No sign shall be located within, project into, or overhang the clear vision area as required in Section 90-61; provided a pole sign with a post no larger than one foot in diameter shall be allowed if no part of the sign is lower than ten feet from the adjoining street level.

Section 2. That Section 90-798(5) of the Code of the City of Wyoming is hereby amended to read as follows:

(5) *Illumination of signs in residential districts.* Signs for home occupations may not be illuminated.

Section 3. That Section 90-799(2)(d) of the Code of the City of Wyoming is hereby amended to read as follows:

(2)(d) *Directional signs.* Directional signs are permitted as necessary to direct the public to entrances and exits, parking areas and activity areas, as approved on the required site plans. A free standing directional sign shall not be located within the clear vision area.

Section 4. That the following portions of Table 799-2 entitled “Secondary sign requirements – nonresidential districts” are hereby amended as follows:

	<u>B-1</u>	<u>RO-1</u>
Moving image sign as a part of a wall, pole or ground sign	P	P
Maximum number per lot	1	1

Section 5. That the portion of Table 799-4 entitled “Temporary signs – nonresidential districts” is hereby amended to read as follows:

	<u>Permit Required</u>
Construction sign	N

Section 6. This ordinance shall be in full force and effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2013

I hereby certify that the above-entitled Ordinance was adopted by the City of Wyoming at a \_\_\_\_\_ session of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Heidi A. Isakson  
Wyoming City Clerk

Ordinance No. 14-13



MAYOR  
Jack A. Poll  
AT-LARGE COUNCILMEMBER  
Sam Bolt  
AT-LARGE COUNCILMEMBER  
Kent Vanderwood  
AT-LARGE COUNCILMEMBER  
Dan Burrill  
1ST WARD COUNCILMEMBER  
William A. VerHulst  
2ND WARD COUNCILMEMBER  
Richard K. Pastoor  
3RD WARD COUNCILMEMBER  
Joanne M. Voorhees  
CITY MANAGER  
Curtis L. Holt

July 30, 2013

Ms. Heidi A. Isakson  
City Clerk  
Wyoming, MI

Subject: Request to amend Zoning Code Section 90-796 (3) Clear vision area, Section 90-798 (5) Illumination of signs in residential districts, Section 90-799 (2)(d) Directional signs, Table 90-799-2 Secondary sign requirements-nonresidential districts, and Table 90-799-4 Temporary signs-nonresidential districts to establish new signage requirements.

Recommendation: To approve the subject Zoning Code amendments.

Dear Ms. Isakson:

The above referenced request was reviewed by the Wyoming Planning Commission at its regular meeting on July 16, 2013. Staff had the following comments:

In May 2010, the signage provisions of the Zoning Code were substantially amended. In administering the ordinance requirements staff has become aware of a few references, contradictions and applications which we believe should be changed to improve the Code. The proposed amendments are generally minor and do not substantially alter the recommendations of the Sign Committee and Planning Commission from 2010.

The proposed amendments are as follows:

- 1. Section 90-796 (3) Clear vision area.

This amendment would properly cross reference to Section 90-61 (instead of Section 90-37) regarding height limitations of signs in clear vision areas.

- 2. Section 90-798 (5) Illumination of signs in residential districts.

This amendment would remove “(a) Signs permitted in residential districts may be front lit only illuminated, unless otherwise prohibited.” Churches, schools and public buildings in residential districts may have ground signs of up to 60 sq. ft.

Moveable (LED) images are permitted by right for up to 40% of the sign area. This amendment would eliminate the contradiction within the Code. The provision under (b) would remain that prohibits signs for home occupations from being illuminated.

3. Section 90-799 (2) (d) Directional signs.

Zoning Code Table 90-799-2 Secondary sign requirements - nonresidential districts properly restricts directional signs to a 6 sq. ft. area and a 3 foot height limit. The text under Section 90-799 (2) (d) properly identifies the area limit, but states that a 4 foot height limit is allowable. This amendment would strike the sentence “ No directional sign may exceed six square feet.” Also, the phrase “may not exceed four feet in height and” would be removed. This will remove both the area and height statement from the text, leaving the requirements within the Table. A minor change replacing the word “triangle” with “area” also occurs in reference to clear vision areas. This amendment would eliminate the contradictions within the Code.

4. Table 90-799-2 Secondary sign requirements – nonresidential districts.

The Code prohibits moving image signs from the B-1 Local Business and RO-1 Restricted Office Districts. Moving image signs are allowed in all other business zoned districts of the City. Business owners in the B-1 and RO-1 districts have inquired to allow moving images to enhance their messaging. Both districts are generally those transitional areas adjacent to neighborhoods. The residential districts allow moving image signs for schools, churches and public buildings. This amendment would allow moving image signs in the B-1 and RO-1 districts, the same as in all other business districts.

5. Table 90-799-4 Temporary signs - nonresidential districts.

The Code requires a permit for construction signs. Temporary signs are generally administered with a weekly fee connected to the permit. Construction signs for large projects may be up for more than a year. Permits are required for all permanent signs. Staff suggests allowing construction signs to be placed without permit, but still regulated as to size, location and duration. This was the historical practice in the City prior to the recent amendments.

PROPOSED ORDINANCE AMENDMENTS:

Note – added ordinance language emphasized in **bold**.

1. Section 90-796 (3) Clear vision area.

No sign shall be located within, project into, or overhang the clear vision area as required in section **90-61**; provided a pole sign with a post no larger than one foot in diameter shall be allowed if no part of the sign is lower than ten feet from the adjoining street level.

2. Section 90-798 (5) Illumination of signs in residential districts: Signs for home occupations may not be illuminated.

3. Section 90-799 (2) (d) Directional signs: Directional signs are permitted as necessary to direct the public to entrances and exits, parking areas and activity areas, as approved on the required site plans. A freestanding directional sign shall not be located within the clear vision **area**.

4. Table 90-799-2 Secondary sign requirements-nonresidential districts.

	<u>B-1</u>	<u>RO-1</u>
Moving image sign as a part of a wall, pole or ground sign	<b>P</b>	<b>P</b>

5. Table 90-799-4 Temporary signs – nonresidential districts.

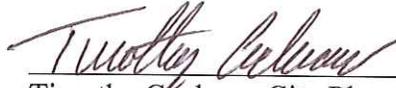
	<u>Permit Required</u>
Construction sign	<b>N</b>

The Development Review Team suggested the Planning Commission recommend to the City Council the subject Zoning Code amendments to Sections 90-796 (3) Clear vision area, Section 90-798 (5) Illumination of signs in residential districts, Section 90-799 (2) (d) Directional signs, Table 90-799-2 Secondary sign requirements – nonresidential districts and Table 90-799-4 Temporary signs – nonresidential districts.

There were no comments made during the public hearing.

A motion was made by Bueche, supported by Hegyi, to recommend to City Council the Zoning Code amendments as recommended by the DRT. After discussion, the motion carried unanimously. Additional explanation regarding this proposal may be obtained from the Planning Commission minutes of July 16, 2013.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Timothy Cochran".

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Timothy Cochran, City Planner  
Planning and Development Department

cc: Curtis Holt, City Manager  
Rebecca Rynbrandt, Director of Community Services

**CITY OF WYOMING, MICHIGAN**

**ORDINANCE NO. 15-13**

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF SEWAGE DISPOSAL SYSTEM REVENUE REFUNDING BONDS OF EQUAL STANDING WITH CERTAIN OUTSTANDING SEWAGE DISPOSAL SYSTEM REVENUE BONDS, TO PAY THE COST OF REFUNDING CERTAIN OF THE CITY'S SEWAGE DISPOSAL SYSTEM REVENUE BONDS AND TO PRESCRIBE THE FORM OF THE REFUNDING BONDS; TO PROVIDE FOR THE COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM AND TO PAY THE PRINCIPAL OF AND INTEREST ON THE REFUNDING BONDS AND OUTSTANDING BONDS OF THE SYSTEM; TO PROVIDE AN ADEQUATE RESERVE FUND FOR THE REFUNDING BONDS AND OUTSTANDING BONDS OF THE SYSTEM; TO PROVIDE FOR THE SEGREGATION AND DISTRIBUTION OF THE REVENUES; TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE REFUNDING BONDS AND OUTSTANDING BONDS OF THE SYSTEM IN ENFORCEMENT THEREOF; AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE SYSTEM AND THE REFUNDING BONDS AND OUTSTANDING BONDS OF THE SYSTEM.

THE CITY OF WYOMING ORDAINS:

Section 1. Definitions. Whenever used in this Ordinance, except when otherwise indicated by the context, the following terms shall have the following meanings:

- (a) "Act 94" means Act 94, Public Acts of Michigan, 1933, as amended.
- (b) "Authorized Officers" means the City Manager or the Finance Director.
- (c) "Bonds" mean the Series 2013 Bonds, the Outstanding Bonds and any additional Bonds of equal standing hereafter issued.
- (d) "Escrow Agent" means The Bank of New York Mellon Trust Company, N.A., Detroit, Michigan.
- (e) "Issuer" or "City" means the City of Wyoming, County of Kent, State of Michigan.
- (f) "Outstanding Bonds" means the Series 2003 Bonds, the Series 2005 Refunding Bonds, the Series 2005 Bonds, the Series 2008 Bonds and the Series 2012 Refunding Bonds.

(g) “Outstanding Ordinances” means Ordinance Nos. 16-96, 21-03, 08-05, 14-05, 11-08 and 12-11 of the City.

(h) “Purchaser” means Fifth Third Bank, as the purchaser of the Series 2013 Bonds.

(i) “Refunded Bonds” means all of the Series 2003 Bonds maturing in the years 2014 to 2023, inclusive.

(j) “Revenues” and “Net Revenues” mean the revenues and net revenues of the System and shall be construed as defined in Section 3 of Act 94, including with respect to “Revenues”, the earnings derived from the investment of moneys in the various funds and accounts established by the Outstanding Ordinances and this Ordinance.

(k) “Series 2003 Bonds” means the Issuer’s Sewage Disposal System Revenue Bonds, Series 2003, dated December 1, 2003, in the outstanding principal amount of Three Hundred Sixty-Five Thousand Dollars (\$365,000).

(l) “Series 2005 Refunding Bonds” means the Issuer’s Sewage Disposal System Revenue Refunding Bonds, Series 2005, dated June 7, 2005, in the outstanding principal amount of Two Million Six Hundred Forty-Five Thousand Dollars (\$2,645,000).

(m) “Series 2005 Bonds” means the Issuer’s Sewage Disposal System Revenue Bonds, Series 2005, dated November 1, 2005, in the outstanding principal amount of Thirty-Six Million One Hundred Eighty-Five Thousand Dollars (\$36,185,000).

(n) “Series 2008 Bonds” means the Issuer’s Sewage Disposal System Revenue Bonds, Series 2008, dated August 7, 2008, in the outstanding principal amount of One Million Six Hundred Seventy-Five Thousand Dollars (\$1,675,000).

(o) “Series 2012 Bonds” means the Issuer’s Sewage Disposal System Revenue Refunding Bonds, Series 2012, dated April 16, 2012, in the outstanding principal amount of Two Million Seven Hundred Fifteen Thousand Dollars (\$2,715,000).

(p) “Series 2013 Bonds” means the Sewage Disposal System Revenue Refunding Bonds, Series 2013, of the Issuer authorized pursuant to this Ordinance.

(q) “Sufficient Government Obligations” means direct obligations of the United States of America or obligations the principal and interest on which is fully guaranteed by the United States of America, not redeemable at the option of

the issuer, the principal and interest payments upon which, without reinvestment of the interest, come due at such times and in such amounts as to be fully sufficient to pay the interest as it comes due on the Bonds and the principal and redemption premium, if any, on the Bonds as it comes due whether on the stated maturity date or upon earlier redemption. Securities representing such obligations shall be placed in trust with a bank or trust company, and if any of the Bonds are to be called for redemption prior to maturity, irrevocable instructions to call the Bonds for redemption shall be given to the paying agent.

(r) “System” means the entire Sewage Disposal System of the City as defined in the Outstanding Ordinances.

(s) “Transfer Agent” means the Finance Director of the City.

Section 2. Necessity; Public Purpose; Estimated Cost. It is hereby determined to be a necessary public purpose of the Issuer to refund all of the Refunded Bonds. The estimated cost of refunding the Refunded Bonds, including legal and financing expenses, in an amount of not to exceed Three Hundred Ninety Thousand Dollars (\$390,000), is hereby approved.

Section 3. Payment of Cost; Bonds Authorized. To pay the costs associated with the refunding of the Refunded Bonds, including legal, financial and other expenses incident thereto and incident to the issuance and sale of the Series 2013 Bonds, the Issuer shall borrow the sum of Three Hundred Eighty-Five Thousand Dollars (\$385,000) and issue the Series 2013 Bonds pursuant to the provisions of Act 94. The remaining costs, if any, shall be defrayed from System funds on hand and legally available for such use, including moneys in the bond and interest redemption fund and bond reserve account established for the Refunded Bonds.

Section 4. Bond Details. The Series 2013 Bonds shall be designated SEWAGE DISPOSAL SYSTEM REVENUE REFUNDING BONDS, SERIES 2013, shall be payable solely and only out of the Net Revenues, as set forth more fully herein, shall consist of a single-instrument bond, dated as of the date of delivery, and shall have principal installments which mature on June 1st in the years 2014 to 2023, inclusive, in such amounts as set forth in Section 14.

The Series 2013 Bonds shall bear interest at a rate of 2.40% per annum, payable on June 1 and December 1 of each year, commencing June 1, 2014, by check or draft mailed by the Transfer Agent to the person or entity which is, as of the 15th day of the month preceding the interest payment date, the registered owner at the registered address as shown on the registration books of the Issuer maintained by the Transfer Agent. The date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the Issuer to conform to market practice in the future. The principal of the Series 2013 Bonds shall be payable at the principal corporate trust office of the Transfer Agent

The principal installments of the Series 2013 Bonds shall not be subject to prepayment prior to maturity.

Section 5. Execution of Bonds. The Series 2013 Bonds shall be executed in the name of the Issuer with the manual or facsimile signatures of the Mayor and the City Clerk and shall have a facsimile of the Issuer's seal printed on them. No Bond signed by facsimile signatures shall be valid until authenticated by an authorized signer of the Transfer Agent.

Section 6. Registration and Transfer. Any Bond may be transferred upon the books required to be kept pursuant to this section by the person in whose name it is registered, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any Bond or Bonds shall be surrendered for transfer, the Issuer shall execute and the transfer agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The Transfer Agent shall require payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer. The Transfer Agent shall not be required (i) to issue, register the transfer of or exchange any Bond during a period beginning at the opening of business 15 days before the day of the giving of a notice of redemption of Bonds selected for redemption as described in the form of Bonds contained in Section 14 of this Ordinance and ending at the close of business on the day of that giving of notice, or (ii) to register the transfer of or exchange any Bond so selected for redemption in whole or in part, except the unredeemed portion of Bonds being redeemed in part.

The Transfer Agent shall keep or cause to be kept, at its principal office, sufficient books for the registration and transfer of the Series 2013 Bonds, which shall at all times be open to inspection by the Issuer; and, upon presentation for such purpose, the Transfer Agent shall, under such reasonable regulations as it may prescribe, transfer or cause to be transferred, on said books, Bonds as hereinbefore provided.

If any Bond shall become mutilated, the Issuer, at the expense of the holder of the Bond, shall execute, and the Transfer Agent shall authenticate and deliver, a new Bond of like tenor in exchange and substitution for the mutilated Bond, upon surrender to the Transfer 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 may be submitted to the Transfer Agent and, if this evidence is satisfactory to both and indemnity satisfactory to the Transfer Agent shall be given, and if all requirements of any applicable law including Act 354, Public Acts of Michigan, 1972, as amended ("Act 354"), being sections 129.131 to 129.135, inclusive, of the Michigan Compiled Laws have been met, the Issuer, at the expense of the owner, shall execute, and the Transfer Agent shall thereupon authenticate and deliver, a new Bond of like tenor and bearing the statement required by Act 354, 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 Transfer Agent may pay the same without surrender thereof.

Section 7. Payment of Series 2013 Bonds. The Series 2013 Bonds and the interest thereon shall be payable solely and only from the Net Revenues, and to secure such payment, there is hereby recognized a statutory lien upon the whole of the Net Revenues which shall be a first lien to continue until payment in full of the principal of and interest on all Bonds payable from the Net Revenues, or, until sufficient cash or Sufficient Government Obligations have been deposited in trust for payment in full of all Bonds of a series then outstanding, principal and interest on such Bonds to maturity, or, if called for redemption, to the date fixed for redemption together with the amount of the redemption premium, if any. The statutory first lien referred to herein shall be of equal standing and priority with the City's Outstanding Bonds. Upon deposit of cash or Sufficient Government Obligations, as provided in the previous sentence, the statutory lien shall be terminated with respect to that series of Bonds, the holders of that series shall have no further rights under this Ordinance except for payment from the deposited funds, and the Bonds of that series shall no longer be considered to be outstanding under this Ordinance.

Section 8. Bondholders' Rights; Receiver. The holder or holders of the Bonds representing in the aggregate not less than twenty percent (20%) of the entire principal amount thereof then outstanding, may, by suit, action, mandamus or other proceedings, protect and enforce the statutory lien upon the Net Revenues of the System, and may, by suit, action, mandamus or other proceedings, enforce and compel performance of all duties of the officers of the Issuer, including the fixing of sufficient rates, the collection of Revenues, the proper segregation of the Revenues of the System and the proper application thereof. The statutory lien upon the Net Revenues, however, shall not be construed as to compel the sale of the System or any part thereof.

If there is a default in the payment of the principal of or interest on the Bonds, any court having jurisdiction in any proper action may appoint a receiver to administer and operate the System on behalf of the Issuer and under the direction of the court, and by and with the approval of the court to perform all of the duties of the officers of the Issuer more particularly set forth herein and in Act 94.

The holder or holders of the Bonds shall have all other rights and remedies given by Act 94 and law, for the payment and enforcement of the Bonds and the security therefor.

Section 9. Rates and Charges. The rates and charges for service furnished by and the use of the System and the methods of collection and enforcement of the collection of the rates shall be those in effect on the date hereof, as the same shall be increased from time to time.

Section 10. No Free Service or Use. No free service or use of the System, or service or use of the System at less than the reasonable cost and value thereof, shall be

furnished by the System to any person, firm or corporation, public or private, or to any public agency or instrumentality, including the Issuer.

Section 11. Fixing and Revising Rates. The rates presently in effect in the City are estimated to be sufficient to provide for the payment of the expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the System in good repair and working order, to provide for the payment of the principal of and interest on the Bonds as the same become due and payable, and the maintenance of the reserve therefor and to provide for all other obligations, expenditures and funds for the System required by law and this Ordinance. The rates shall be reviewed not less than once a year and shall be fixed and revised from time to time as may be necessary to produce these amounts, and it is hereby covenanted and agreed to fix and maintain rates for services furnished by the System at all times sufficient to provide for the foregoing.

Section 12. Bond Reserve Fund. The Reserve Account in the Bond and Interest Redemption Fund, as established by the Outstanding Ordinances shall be adjusted in such amounts, so that upon issuance of the Series 2013 Bonds, the Bond Reserve Account shall total a sum equal to the lesser of (a) the maximum annual principal and interest requirements on the Bonds outstanding after issuance of the additional Bonds, (b) 125% of the average annual debt service on the Bonds after issuance of the additional Bonds, or (c) an amount equal to 10% of the principal amount of the Bonds. In the event that the amount in said Reserve Account is greater than such largest annual debt service requirement, such excess amount shall be transferred to the Bond and Interest Redemption Fund described herein. If it is necessary to increase the amount in the Bond Reserve Account, the City shall deposit a sum from the moneys on hand in the System prior to or concurrently with the delivery of the Bonds so that the Bond Reserve Account is fully funded as of the delivery of the Bonds.

Section 13. Bond Proceeds; Escrow Fund. From the proceeds of the sale of the Series 2013 Bonds there shall be immediately deposited in the Redemption Fund an amount equal to the accrued interest and premium, if any, received on the delivery of the Series 2013 Bonds. Certain of the proceeds of the Series 2013 Bonds and, if deemed necessary or advisable by the Issuer, moneys on hand in the outstanding Bond Reserve Account shall be deposited in an escrow fund or funds (the "Escrow Fund") consisting of cash and investments in direct obligations of or obligations of the principal of and interest on which are unconditionally guaranteed by the United States of America or other obligations the principal of and interest on which are fully secured by the foregoing not redeemable at the option of the Issuer in amounts fully sufficient to pay the principal, interest and redemption premiums on all of the Refunded Bonds, which are to be refunded hereunder and shall be used only for such purposes. The Escrow Fund shall be held by the Escrow Agent pursuant to an escrow agreement (the "Escrow Agreement") which shall irrevocably direct the Escrow Agent to take all necessary steps to pay the principal of and interest on the Refunded Bonds when due and to call the Refunded Bonds for redemption on the first call date, as specified by the Issuer. The amounts held in the Escrow Fund shall be such that the cash and investments and income received

thereon will be sufficient without reinvestment to pay the principal, interest and redemption premiums on the Refunded Bonds when due at maturity or by call for redemption. The remaining proceeds of the Series 2013 Bonds shall be used to pay the costs of issuance of the Series 2013 Bonds. Any proceeds in excess of the proceeds deposited in the Escrow Fund or required to pay costs of issuance shall be deposited in the Bond and Interest Redemption Fund and used to pay interest on the Series 2013 Bonds on the next available interest payment date. The City Manager and Finance Director are each authorized to negotiate, execute and deliver an Escrow Agreement on behalf of the Issuer.

Section 14. Bond Form. The Series 2013 Bonds shall be in substantially the following form with such changes as may be approved by an Authorized Officer and Bond Counsel:

UNITED STATES OF AMERICA  
STATE OF MICHIGAN  
COUNTY OF KENT

**CITY OF WYOMING**

**SEWAGE DISPOSAL SYSTEM REVENUE REFUNDING BOND, SERIES 2013**

REGISTERED OWNER: Fifth Third Bank

PRINCIPAL AMOUNT: Three Hundred Eighty-Five Thousand Dollars  
(\$385,000)

INTEREST RATE: 2.40%

DATE OF ORIGINAL ISSUE: September 17, 2013

CUSIP No.:

The City of Wyoming, County of Kent, State of Michigan (the “Issuer”), for value received, hereby promises to pay, solely and only out of the hereinafter described Net Revenues of the Issuer’s Sewage Disposal System (hereinafter defined) the Principal Amount shown above in annual principal installments on the dates and in the amounts set forth in Exhibit A attached hereto and made a part hereof, in lawful money of the United States of America to the Registered Owner shown above, or registered assigns, on the Maturity Date set forth in Exhibit A attached hereto and made a part hereof, with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) from the Date of Original Issue shown above or such later date to which interest has been paid, until paid, at the Interest Rate per annum shown above, first payable on June 1, 2014, and semiannually thereafter. Both principal of and interest on this bond are payable in lawful money of the United States of America to the registered owner at the address shown on the Issuer’s registration books by check or draft mailed to the registered owner at the address shown on the registration books of the Issuer. For prompt payment of principal and interest on this bond, the Issuer has irrevocably pledged the revenues of the Sewage Disposal System of the Issuer (the “System”), including all appurtenances, extensions and improvements thereto, after provision has been made for reasonable and necessary expenses of operation, maintenance and administration (the “Net Revenues”), and a statutory first lien thereon is hereby recognized and created.

This bond is a single, fully-registered, non-convertible bond of even Date of Original Issue aggregating the principal sum of \$3,400,000, issued pursuant to Ordinance Nos. 16-96, 21-03, 08-05, 14-05, 11-08, 30-06, 12-11 and \_\_\_ of the Issuer, duly adopted by the City Council of the Issuer (the “Ordinances”), 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, for the purpose of paying the cost of

refunding certain of the Issuer's outstanding Sewage Disposal System Revenue Bonds, Series 2003.

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 as to the Net Revenues may hereafter be issued and the general covenants and provisions pursuant to which this bond is issued, reference is made to the above-described Ordinances. This bond is of equal standing and priority of lien as to the Net Revenues with the Issuer's a) Sewage Disposal System Revenue Refunding Bonds, Series 2005, b) Sewage Disposal System Revenue Bonds, Series 2005, c) Sewage Disposal System Revenue Bonds, Series 2008, and d) Sewage Disposal System Revenue Refunding Bonds, Series 2012 (together, the "Outstanding Bonds").

Principal installments of this bond are not subject to redemption prior to maturity.

This bond is a self-liquidating bond and is not a general obligation of the Issuer and does not constitute an indebtedness of the Issuer within any constitutional, statutory or charter debt limitation of the Issuer but is payable solely and only, both as to principal and interest, from the Net Revenues of the System. The principal of and interest on this bond are secured by the statutory lien hereinbefore mentioned.

The Issuer has covenanted and agreed, and does hereby covenant and agree, to fix and maintain at all times while any bonds 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 on and the principal of the bonds of this issue, the Outstanding Bonds and any additional bonds of equal standing as and when the same shall become due and payable, and to create and maintain a bond redemption fund (including a bond reserve account), to 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 to provide for such other expenditures and funds for the System as are required by the Ordinances.

This bond shall be registered as to principal and interest on the books of the Issuer kept by the Issuer's Finance Director or successor or written designee as bond registrar, paying agent and transfer agent (the "Paying Agent"). This bond shall be transferable only upon presentation to the Paying Agent with a written instrument of transfer satisfactory to the Paying Agent duly executed by the registered owner or the registered owner's attorney. Such transfer shall be noted hereon and upon the books of the Issuer kept for that purpose by the Paying Agent.

It is hereby certified and recited that all acts, conditions and things required by law precedent to and in the issuance of this bond and the series of bonds of which this is one have been done and performed in regular and due time and form as required by law.

IN WITNESS WHEREOF, the City of Wyoming, County of Kent, State of Michigan, by its City Council, has caused this bond to be executed with the facsimile signatures of its Mayor and its City Clerk and a facsimile of its corporate seal to be printed on this bond, all as of the Date of Original Issue.

**CITY OF WYOMING**

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

(Seal)

Countersigned:

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

**SCHEDULE A**

<u>Installment Date</u>	<u>Principal Installment</u>
06/01/2014	\$30,000
06/01/2015	\$35,000
06/01/2016	\$35,000
06/01/2017	\$40,000
06/01/2018	\$35,000
06/01/2019	\$40,000
06/01/2020	\$40,000
06/01/2021	\$40,000
06/01/2022	\$45,000
06/01/2023	\$45,000

Section 15. Adjustment of Bond Terms. The Authorized Officers are each hereby authorized to adjust the final bond details as set forth herein to the extent necessary or convenient to complete the sale of the Series 2013 Bonds and in pursuance of the forgoing is each authorized to exercise the authority and make the determinations pursuant to Sections 7a(1)(c)(i) and (v) of Act 94, including but not limited to determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, date of issuance, interest payment dates, redemption rights, designation as qualified tax-exempt obligations and other matters within the parameters established by this Ordinance.

Section 16. Bond Purchase Agreement and Award; Authorization for Negotiated Sale. The Authorized Officers are each hereby authorized on behalf of the City to take all other necessary actions required to effectuate the sale, issuance and delivery of the Series 2013 Bonds, provided that the terms of the Series 2013 Bonds are within the parameters authorized in this Ordinance.

The City has considered the option of selling the Series 2013 Bonds through a competitive sale and a negotiated sale and determines that a negotiated sale of the Series 2013 Bonds will allow more flexibility in accessing the municipal bond market, and to price and sell the Series 2013 Bonds at the time that is expected to best achieve the most advantageous interest rates and issuance costs to the City, and will provide the City with greater flexibility in structuring bond maturities and adjust terms for the Series 2013 Bonds.

Section 17. Tax Covenant; Qualified Tax-Exempt Obligations. The Issuer shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Series 2013 Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditures and investment of Series 2013 Bond proceeds and moneys deemed to be Series 2013 Bond proceeds. The Issuer hereby designates the Bonds as "qualified tax-exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to the Code.

Section 18. Appointment of Bond Counsel. The appointment of the law firm of Miller, Canfield, Paddock and Stone, P.L.C. of Detroit, Michigan, as Bond Counsel for the Bonds is hereby confirmed, notwithstanding the periodic representation by Miller, Canfield, Paddock and Stone, P.L.C., in unrelated matters of the Purchaser and other parties and potential parties to the issuance of the Bonds.

Section 19. Appointment of Placement Agent. Robert W. Baird & Co. Incorporated, Traverse City, Michigan, is hereby appointed as Placement Agent for the Bonds.

Section 20. Savings Clause. The Outstanding Ordinances shall continue in effect, except as specifically supplemented or altered herein.

Section 21. Severability; Paragraph Headings; and Conflict. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be part of this Ordinance.

Section 22. Publication and Recordation. This Ordinance shall be published in full in the *Advance Newspaper*, a newspaper of general circulation in the City, qualified under State law to publish legal notices, promptly after its adoption, and shall be recorded in the Ordinance Book of the Issuer and such recording authenticated by the signatures of the Mayor and City Clerk.

Section 23. Effective Date. Pursuant to the provisions of Section 6 of Act 94, this Ordinance shall be approved on the date of first reading and accordingly this Ordinance shall immediately be effective upon its adoption.

Adopted and signed this 3rd day of September, 2013.

Signed:

\_\_\_\_\_  
Jack A. Poll  
Mayor

Signed:

\_\_\_\_\_  
Heidi A. Isakson  
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Wyoming, County of Kent, Michigan, at a Regular Meeting held on the 3rd day of September, 2013, 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.

I further certify that the following Members were present at said meeting: \_\_\_\_\_  
and that the following Members were absent: \_\_\_\_\_.

I further certify that Member \_\_\_\_\_ moved adoption of said Ordinance, and that said motion was supported by Member \_\_\_\_\_.

I further certify that the following Members voted for adoption of said Ordinance: \_\_\_\_\_  
and that the following Members voted against adoption of said Ordinance: \_\_\_\_\_.

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

\_\_\_\_\_  
Heidi A. Isakson, City Clerk

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**CITY OF WYOMING, MICHIGAN**

**ORDINANCE NO. 16-13**

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF WATER SUPPLY SYSTEM REVENUE REFUNDING BONDS OF EQUAL STANDING WITH CERTAIN OUTSTANDING WATER SUPPLY SYSTEM REVENUE BONDS, TO PAY THE COST OF REFUNDING CERTAIN OF THE CITY'S WATER SUPPLY SYSTEM REVENUE BONDS AND TO PRESCRIBE THE FORM OF THE REFUNDING BONDS; TO PROVIDE FOR THE COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM AND TO PAY THE PRINCIPAL OF AND INTEREST ON THE REFUNDING BONDS AND OUTSTANDING BONDS OF THE SYSTEM; TO PROVIDE AN ADEQUATE RESERVE FUND FOR THE REFUNDING BONDS AND OUTSTANDING BONDS OF THE SYSTEM; TO PROVIDE FOR THE SEGREGATION AND DISTRIBUTION OF THE REVENUES; TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE REFUNDING BONDS AND OUTSTANDING BONDS OF THE SYSTEM IN ENFORCEMENT THEREOF; AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE SYSTEM AND THE REFUNDING BONDS AND OUTSTANDING BONDS OF THE SYSTEM.

THE CITY OF WYOMING ORDAINS:

Section 1. Definitions. Whenever used in this Ordinance, except when otherwise indicated by the context, the following terms shall have the following meanings:

(a) "Act 94" means Act 94, Public Acts of Michigan, 1933, as amended.

(b) "Authorized Officers" means the City Manager or the Finance Director.

(c) "Bonds" mean the Series 2013 Bonds, the Outstanding Bonds and any additional Bonds of equal standing hereafter issued.

(d) "Escrow Agent" means The Bank of New York Mellon Trust Company, N.A., Detroit, Michigan.

(e) "Issuer" or "City" means the City of Wyoming, County of Kent, State of Michigan.

(f) "Outstanding Bonds" means the Series 2003 Bonds, the Series 2005 Refunding Bonds, the Series 2005 Bonds, the Series 2006 Bonds, the Series 2007 Bonds, the Series 2008 Bonds, the Series 2010 Refunding Bonds and the Series 2012 Refunding Bonds.

(g) “Outstanding Ordinances” means Chapter 31 of the City Code and Ordinance Nos. 22-03, 07-05, 15-05, 29-06, 08-07, 10-08, 30-06 and 11-11 of the City.

(h) “Purchaser” means Fifth Third Bank, as the purchaser of the Series 2013 Bonds.

(i) “Refunded Bonds” means all of the Series 2003 Bonds maturing in the years 2014 to 2023, inclusive.

(j) “Revenues” and “Net Revenues” mean the revenues and net revenues of the System and shall be construed as defined in Section 3 of Act 94, including with respect to “Revenues”, the earnings derived from the investment of moneys in the various funds and accounts established by the Outstanding Ordinances and this Ordinance.

(k) “Series 2003 Bonds” means the Issuer’s Water Supply System Revenue Bonds, Series 2003, dated December 1, 2003, in the outstanding principal amount of Six Hundred Five Thousand Dollars (\$605,000).

(l) “Series 2005 Refunding Bonds” means the Issuer’s Water Supply System Revenue Refunding Bonds, Series 2005, dated June 7, 2005, in the outstanding principal amount of Eight Hundred Thirty Thousand Dollars (\$830,000).

(m) “Series 2005 Bonds” means the Issuer’s Water Supply System Revenue Bonds, Series 2005, dated November 1, 2005, in the outstanding principal amount of Three Million Twenty-Five Thousand Dollars (\$3,025,000).

(n) “Series 2006 Bonds” means the Issuer’s Water Supply System Revenue Bonds, Series 2006, dated December 1, 2006, in the outstanding principal amount of Four Million One Hundred Thirty-Five Thousand Dollars (\$4,135,000).

(o) “Series 2007 Bonds” means the Issuer’s Water Supply System Revenue Bonds, Series 2007, dated March 1, 2007, in the outstanding principal amount of Twenty-Three Million Eight Hundred Thirty-Five Thousand Dollars (\$23,835,000).

(p) “Series 2008 Bonds” means the Issuer’s Water Supply System Revenue Bonds, Series 2008, dated August 7, 2008, in the outstanding principal amount of Four Million Seven Hundred Eighty-Five Thousand Dollars (\$4,785,000).

(q) “Series 2010 Refunding Bonds” means the Issuer’s Water Supply System Revenue Refunding Bonds, Series 2010, dated September 30, 2010, in the outstanding principal amount of Four Million Six Hundred Fifty Thousand Dollars (\$4,650,000).

(r) “Series 2012 Bonds” means the Issuer’s Water Supply System Revenue Refunding Bonds, Series 2012, dated April 16, 2012, in the outstanding principal amount of Two Million Seven Hundred Ten Thousand Dollars (\$2,710,000).

(s) “Series 2013 Bonds” means the Water Supply System Revenue Refunding Bonds, Series 2013, of the Issuer authorized pursuant to this Ordinance.

(t) “Sufficient Government Obligations” means direct obligations of the United States of America or obligations the principal and interest on which is fully guaranteed by the United States of America, not redeemable at the option of the issuer, the principal and interest payments upon which, without reinvestment of the interest, come due at such times and in such amounts as to be fully sufficient to pay the interest as it comes due on the Bonds and the principal and redemption premium, if any, on the Bonds as it comes due whether on the stated maturity date or upon earlier redemption. Securities representing such obligations shall be placed in trust with a bank or trust company, and if any of the Bonds are to be called for redemption prior to maturity, irrevocable instructions to call the Bonds for redemption shall be given to the paying agent.

(u) “System” means the entire Water Supply System of the City as defined in the Outstanding Ordinances.

(v) “Transfer Agent” means the Finance Director of the City.

Section 2. Necessity; Public Purpose; Estimated Cost. It is hereby determined to be a necessary public purpose of the Issuer to refund all of the Refunded Bonds. The estimated cost of refunding the Refunded Bonds, including legal and financing expenses, in an amount of not to exceed Six Hundred Forty Thousand Dollars (\$640,000), is hereby approved.

Section 3. Payment of Cost; Bonds Authorized. To pay the costs associated with the refunding of the Refunded Bonds, including legal, financial and other expenses incident thereto and incident to the issuance and sale of the Series 2013 Bonds, the Issuer shall borrow the sum of Six Hundred Twenty-Five Thousand Dollars (\$625,000) and issue the Series 2013 Bonds pursuant to the provisions of Act 94. The remaining costs, if any, shall be defrayed from System funds on hand and legally available for such use, including moneys in the bond and interest redemption fund and bond reserve account established for the Refunded Bonds.

Section 4. Bond Details. The Series 2013 Bonds shall be designated WATER SUPPLY SYSTEM REVENUE REFUNDING BONDS, SERIES 2013, shall be payable solely and only out of the Net Revenues, as set forth more fully herein, shall consist of a single-instrument bond, dated as of the date of delivery, and shall have principal installments which mature on June 1st in the years 2014 to 2023, inclusive, in such amounts as set forth in Section 14.

The Series 2013 Bonds shall bear interest at a rate of 2.40% per annum, payable on June 1 and December 1 of each year, commencing June 1, 2014, by check or draft mailed by the Transfer Agent to the person or entity which is, as of the 15th day of the month preceding the interest payment date, the registered owner at the registered address as shown on the registration books of the Issuer maintained by the Transfer Agent. The date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the Issuer to conform to market practice in the future. The principal of the Series 2013 Bonds shall be payable at the principal corporate trust office of the Transfer Agent

The principal installments of the Series 2013 Bonds shall not be subject to prepayment prior to maturity.

Section 5. Execution of Bonds. The Series 2013 Bonds shall be executed in the name of the Issuer with the manual or facsimile signatures of the Mayor and the City Clerk and shall have a facsimile of the Issuer's seal printed on them. No Bond signed by facsimile signatures shall be valid until authenticated by an authorized signer of the Transfer Agent.

Section 6. Registration and Transfer. Any Bond may be transferred upon the books required to be kept pursuant to this section by the person in whose name it is registered, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any Bond or Bonds shall be surrendered for transfer, the Issuer shall execute and the transfer agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The Transfer Agent shall require payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer. The Transfer Agent shall not be required (i) to issue, register the transfer of or exchange any Bond during a period beginning at the opening of business 15 days before the day of the giving of a notice of redemption of Bonds selected for redemption as described in the form of Bonds contained in Section 14 of this Ordinance and ending at the close of business on the day of that giving of notice, or (ii) to register the transfer of or exchange any Bond so selected for redemption in whole or in part, except the unredeemed portion of Bonds being redeemed in part.

The Transfer Agent shall keep or cause to be kept, at its principal office, sufficient books for the registration and transfer of the Series 2013 Bonds, which shall at all times be open to inspection by the Issuer; and, upon presentation for such purpose, the Transfer

Agent shall, under such reasonable regulations as it may prescribe, transfer or cause to be transferred, on said books, Bonds as hereinbefore provided.

If any Bond shall become mutilated, the Issuer, at the expense of the holder of the Bond, shall execute, and the Transfer Agent shall authenticate and deliver, a new Bond of like tenor in exchange and substitution for the mutilated Bond, upon surrender to the Transfer 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 may be submitted to the Transfer Agent and, if this evidence is satisfactory to both and indemnity satisfactory to the Transfer Agent shall be given, and if all requirements of any applicable law including Act 354, Public Acts of Michigan, 1972, as amended (“Act 354”), being sections 129.131 to 129.135, inclusive, of the Michigan Compiled Laws have been met, the Issuer, at the expense of the owner, shall execute, and the Transfer Agent shall thereupon authenticate and deliver, a new Bond of like tenor and bearing the statement required by Act 354, 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 Transfer Agent may pay the same without surrender thereof.

Section 7. Payment of Series 2013 Bonds. The Series 2013 Bonds and the interest thereon shall be payable solely and only from the Net Revenues, and to secure such payment, there is hereby recognized a statutory lien upon the whole of the Net Revenues which shall be a first lien to continue until payment in full of the principal of and interest on all Bonds payable from the Net Revenues, or, until sufficient cash or Sufficient Government Obligations have been deposited in trust for payment in full of all Bonds of a series then outstanding, principal and interest on such Bonds to maturity, or, if called for redemption, to the date fixed for redemption together with the amount of the redemption premium, if any. The statutory first lien referred to herein shall be of equal standing and priority with the City’s Outstanding Bonds. Upon deposit of cash or Sufficient Government Obligations, as provided in the previous sentence, the statutory lien shall be terminated with respect to that series of Bonds, the holders of that series shall have no further rights under this Ordinance except for payment from the deposited funds, and the Bonds of that series shall no longer be considered to be outstanding under this Ordinance.

Section 8. Bondholders’ Rights; Receiver. The holder or holders of the Bonds representing in the aggregate not less than twenty percent (20%) of the entire principal amount thereof then outstanding, may, by suit, action, mandamus or other proceedings, protect and enforce the statutory lien upon the Net Revenues of the System, and may, by suit, action, mandamus or other proceedings, enforce and compel performance of all duties of the officers of the Issuer, including the fixing of sufficient rates, the collection of Revenues, the proper segregation of the Revenues of the System and the proper application thereof. The statutory lien upon the Net Revenues, however, shall not be construed as to compel the sale of the System or any part thereof.

If there is a default in the payment of the principal of or interest on the Bonds, any court having jurisdiction in any proper action may appoint a receiver to administer and operate the System on behalf of the Issuer and under the direction of the court, and by and with the approval of the court to perform all of the duties of the officers of the Issuer more particularly set forth herein and in Act 94.

The holder or holders of the Bonds shall have all other rights and remedies given by Act 94 and law, for the payment and enforcement of the Bonds and the security therefor.

Section 9. Rates and Charges. The rates and charges for service furnished by and the use of the System and the methods of collection and enforcement of the collection of the rates shall be those in effect on the date hereof, as the same shall be increased from time to time.

Section 10. No Free Service or Use. No free service or use of the System, or service or use of the System at less than the reasonable cost and value thereof, shall be furnished by the System to any person, firm or corporation, public or private, or to any public agency or instrumentality, including the Issuer.

Section 11. Fixing and Revising Rates. The rates presently in effect in the City are estimated to be sufficient to provide for the payment of the expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the System in good repair and working order, to provide for the payment of the principal of and interest on the Bonds as the same become due and payable, and the maintenance of the reserve therefor and to provide for all other obligations, expenditures and funds for the System required by law and this Ordinance. The rates shall be reviewed not less than once a year and shall be fixed and revised from time to time as may be necessary to produce these amounts, and it is hereby covenanted and agreed to fix and maintain rates for services furnished by the System at all times sufficient to provide for the foregoing.

Section 12. Bond Reserve Fund. The Reserve Account in the Bond and Interest Redemption Fund, as established by the Outstanding Ordinances shall be adjusted in such amounts, so that upon issuance of the Series 2013 Bonds, the Bond Reserve Account shall total a sum equal to the lesser of (a) the maximum annual principal and interest requirements on the Bonds outstanding after issuance of the additional Bonds, (b) 125% of the average annual debt service on the Bonds after issuance of the additional Bonds, or (c) an amount equal to 10% of the principal amount of the Bonds. In the event that the amount in said Reserve Account is greater than such largest annual debt service requirement, such excess amount shall be transferred to the Bond and Interest Redemption Fund described herein. If it is necessary to increase the amount in the Bond Reserve Account, the City shall deposit a sum from the moneys on hand in the System prior to or concurrently with the delivery of the Bonds so that the Bond Reserve Account is fully funded as of the delivery of the Bonds.

Section 13. Bond Proceeds; Escrow Fund. From the proceeds of the sale of the Series 2013 Bonds there shall be immediately deposited in the Redemption Fund an amount equal to the accrued interest and premium, if any, received on the delivery of the Series 2013 Bonds. Certain of the proceeds of the Series 2013 Bonds and, if deemed necessary or advisable by the Issuer, moneys on hand in the outstanding Bond Reserve Account shall be deposited in an escrow fund or funds (the "Escrow Fund") consisting of cash and investments in direct obligations of or obligations of the principal of and interest on which are unconditionally guaranteed by the United States of America or other obligations the principal of and interest on which are fully secured by the foregoing not redeemable at the option of the Issuer in amounts fully sufficient to pay the principal, interest and redemption premiums on all of the Refunded Bonds, which are to be refunded hereunder and shall be used only for such purposes. The Escrow Fund shall be held by the Escrow Agent pursuant to an escrow agreement (the "Escrow Agreement") which shall irrevocably direct the Escrow Agent to take all necessary steps to pay the principal of and interest on the Refunded Bonds when due and to call the Refunded Bonds for redemption on the first call date, as specified by the Issuer. The amounts held in the Escrow Fund shall be such that the cash and investments and income received thereon will be sufficient without reinvestment to pay the principal, interest and redemption premiums on the Refunded Bonds when due at maturity or by call for redemption. The remaining proceeds of the Series 2013 Bonds shall be used to pay the costs of issuance of the Series 2013 Bonds. Any proceeds in excess of the proceeds deposited in the Escrow Fund or required to pay costs of issuance shall be deposited in the Bond and Interest Redemption Fund and used to pay interest on the Series 2013 Bonds on the next available interest payment date. The City Manager and Finance Director are each authorized to negotiate, execute and deliver an Escrow Agreement on behalf of the Issuer.

Section 14. Bond Form. The Series 2013 Bonds shall be in substantially the following form with such changes as may be approved by an Authorized Officer and Bond Counsel:

UNITED STATES OF AMERICA  
STATE OF MICHIGAN  
COUNTY OF KENT

**CITY OF WYOMING**

**WATER SUPPLY SYSTEM REVENUE REFUNDING BOND, SERIES 2013**

REGISTERED OWNER: Fifth Third Bank

PRINCIPAL AMOUNT: Six Hundred Twenty-Five Thousand Dollars  
(\$625,000)

INTEREST RATE: 2.40%

DATE OF ORIGINAL ISSUE: September 17, 2013

CUSIP No.:

The City of Wyoming, County of Kent, State of Michigan (the “Issuer”), for value received, hereby promises to pay, solely and only out of the hereinafter described Net Revenues of the Issuer’s Water Supply System (hereinafter defined) the Principal Amount shown above in annual principal installments on the dates and in the amounts set forth in Exhibit A attached hereto and made a part hereof, in lawful money of the United States of America to the Registered Owner shown above, or registered assigns, on the Maturity Date set forth in Exhibit A attached hereto and made a part hereof, with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) from the Date of Original Issue shown above or such later date to which interest has been paid, until paid, at the Interest Rate per annum shown above, first payable on June 1, 2014, and semiannually thereafter. Both principal of and interest on this bond are payable in lawful money of the United States of America to the registered owner at the address shown on the Issuer’s registration books by check or draft mailed to the registered owner at the address shown on the registration books of the Issuer. For prompt payment of principal and interest on this bond, the Issuer has irrevocably pledged the revenues of the Water Supply System of the Issuer (the “System”), including all appurtenances, extensions and improvements thereto, after provision has been made for reasonable and necessary expenses of operation, maintenance and administration (the “Net Revenues”), and a statutory first lien thereon is hereby recognized and created.

This bond is a single, fully-registered, non-convertible bond of even Date of Original Issue aggregating the principal sum of \$3,400,000, issued pursuant to Chapter 31 of the Wyoming City Code and Ordinance Nos. 22-03, 07-05, 15-05, 29-06, 08-07, 10-08, 30-06, 11-11 and \_\_\_ of the Issuer, duly adopted by the City Council of the Issuer (the “Ordinances”), 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, for the purpose of paying the cost of refunding certain of the Issuer's outstanding Water Supply System Revenue Bonds, Series 2003.

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 as to the Net Revenues may hereafter be issued and the general covenants and provisions pursuant to which this bond is issued, reference is made to the above-described Ordinances. This bond is of equal standing and priority of lien as to the Net Revenues with the Issuer's a) Water Supply System Revenue Refunding Bonds, Series 2005, b) Water Supply System Revenue Bonds, Series 2005, c) Water Supply System Revenue Bonds, Series 2006, d) Water Supply System Revenue Bonds, Series 2007, e) Water Supply System Revenue Bonds, Series 2008, f) Water Supply System Revenue Refunding Bonds, Series 2010 and g) Water Supply System Revenue Refunding Bonds, Series 2012 (together, the "Outstanding Bonds").

Principal installments of this bond are not subject to redemption prior to maturity.

This bond is a self-liquidating bond and is not a general obligation of the Issuer and does not constitute an indebtedness of the Issuer within any constitutional, statutory or charter debt limitation of the Issuer but is payable solely and only, both as to principal and interest, from the Net Revenues of the System. The principal of and interest on this bond are secured by the statutory lien hereinbefore mentioned.

The Issuer has covenanted and agreed, and does hereby covenant and agree, to fix and maintain at all times while any bonds 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 on and the principal of the bonds of this issue, the Outstanding Bonds and any additional bonds of equal standing as and when the same shall become due and payable, and to create and maintain a bond redemption fund (including a bond reserve account), to 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 to provide for such other expenditures and funds for the System as are required by the Ordinances.

This bond shall be registered as to principal and interest on the books of the Issuer kept by the Issuer's Finance Director or successor or written designee as bond registrar, paying agent and transfer agent (the "Paying Agent"). This bond shall be transferable only upon presentation to the Paying Agent with a written instrument of transfer satisfactory to the Paying Agent duly executed by the registered owner or the registered owner's attorney. Such transfer shall be noted hereon and upon the books of the Issuer kept for that purpose by the Paying Agent.

It is hereby certified and recited that all acts, conditions and things required by law precedent to and in the issuance of this bond and the series of bonds of which this is one have been done and performed in regular and due time and form as required by law.

IN WITNESS WHEREOF, the City of Wyoming, County of Kent, State of Michigan, by its City Council, has caused this bond to be executed with the manual signatures of its Mayor and its City Clerk and a facsimile of its corporate seal to be printed on this bond, all as of the Date of Original Issue.

**CITY OF WYOMING**

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

(Seal)

Countersigned:

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

**SCHEDULE A**

<u>Installment Date</u>	<u>Principal Installment</u>
06/01/2014	\$55,000
06/01/2015	\$60,000
06/01/2016	\$60,000
06/01/2017	\$60,000
06/01/2018	\$65,000
06/01/2019	\$60,000
06/01/2020	\$65,000
06/01/2021	\$65,000
06/01/2022	\$70,000
06/01/2023	\$65,000

Section 15. Adjustment of Bond Terms. The Authorized Officers are each hereby authorized to adjust the final bond details as set forth herein to the extent necessary or convenient to complete the sale of the Series 2013 Bonds and in pursuance of the forgoing is each authorized to exercise the authority and make the determinations pursuant to Sections 7a(1)(c)(i) and (v) of Act 94, including but not limited to determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, date of issuance, interest payment dates, redemption rights, designation as qualified tax-exempt obligations and other matters within the parameters established by this Ordinance.

Section 16. Bond Purchase Agreement and Award; Authorization for Negotiated Sale. The Authorized Officers are each hereby authorized on behalf of the City to take all other necessary actions required to effectuate the sale, issuance and delivery of the Series 2013 Bonds, provided that the terms of the Series 2013 Bonds are within the parameters authorized in this Ordinance.

The City has considered the option of selling the Series 2013 Bonds through a competitive sale and a negotiated sale and determines that a negotiated sale of the Series 2013 Bonds will allow more flexibility in accessing the municipal bond market, and to price and sell the Series 2013 Bonds at the time that is expected to best achieve the most advantageous interest rates and issuance costs to the City, and will provide the City with greater flexibility in structuring bond maturities and adjust terms for the Series 2013 Bonds.

Section 17. Tax Covenant; Qualified Tax-Exempt Obligations. The Issuer shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Series 2013 Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditures and investment of Series 2013 Bond proceeds and moneys deemed to be Series 2013 Bond proceeds. The Issuer hereby designates the Bonds as "qualified tax-exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to the Code.

Section 18. Appointment of Bond Counsel. The appointment of the law firm of Miller, Canfield, Paddock and Stone, P.L.C. of Detroit, Michigan, as Bond Counsel for the Bonds is hereby confirmed, notwithstanding the periodic representation by Miller, Canfield, Paddock and Stone, P.L.C., in unrelated matters of the Purchaser and other parties and potential parties to the issuance of the Bonds.

Section 19. Appointment of Placement Agent. Robert W. Baird & Co. Incorporated, Traverse City, Michigan, is hereby appointed as Placement Agent for the Bonds.

Section 20. Savings Clause. The Outstanding Ordinances shall continue in effect, except as specifically supplemented or altered herein.

Section 21. Severability; Paragraph Headings; and Conflict. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be part of this Ordinance.

Section 22. Publication and Recordation. This Ordinance shall be published in full in the *Advance Newspaper*, a newspaper of general circulation in the City, qualified under State law to publish legal notices, promptly after its adoption, and shall be recorded in the Ordinance Book of the Issuer and such recording authenticated by the signatures of the Mayor and City Clerk.

Section 23. Effective Date. Pursuant to the provisions of Section 6 of Act 94, this Ordinance shall be approved on the date of first reading and accordingly this Ordinance shall immediately be effective upon its adoption.

Adopted and signed this 3rd day of September, 2013.

Signed:

\_\_\_\_\_  
Jack A. Poll  
Mayor

Signed:

\_\_\_\_\_  
Heidi A. Isakson  
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Wyoming, County of Kent, Michigan, at a Regular Meeting held on the 3rd day of September, 2013, 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.

I further certify that the following Members were present at said meeting: \_\_\_\_\_  
and that the following Members were absent: \_\_\_\_\_.

I further certify that Member \_\_\_\_\_ moved adoption of said Ordinance, and that said motion was supported by Member \_\_\_\_\_.

I further certify that the following Members voted for adoption of said Ordinance: \_\_\_\_\_  
and that the following Members voted against adoption of said Ordinance: \_\_\_\_\_.

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

\_\_\_\_\_  
Heidi A. Isakson, City Clerk

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