

CITY OF PORT HURON

2004

Council-Manager Government

MAYOR

B. Mark Neal

COUNCIL

Alan D. Cutcher
James M. Fisher

David Haynes
Sally A. Jacobs

Kimberly C. Prax
Mark Steinborn

ADMINISTRATIVE OFFICERS

City Manager

Thomas J. Hutka

Bureau of Public Information & Complaints

Pauline M. Repp Director

City Clerk's Office

Pauline M. Repp City Clerk

Community Development

Kimberly A. Harmer Director

Finance Department

John H. Ogden Director

Fire Department

Robert W. Eick Chief

Law Department

John Livesay City Attorney

Marinas

Dan Collins Harbor Division

Parks, Forestry, Cemetery & Parking Div.

Robert W. Eick Supervisor

Personnel Department

John P. Berry Personnel Director

Planning Department

Kimberly A. Harmer Director

Police Department

William J. Corbett Chief

Public Housing

Gerald E. Schock Director

Public Works

Robert E. Clegg City Engineer

Recreation

Betty Dunn Director

BOARDS, COMMISSIONS AND AUTHORITIES

Beautification Commission

Wanda J. Collins
Mary Davis
Robert J. DeVary
Kathleen C. Doelle
Betty Eastin
Christine Gaffney
Margaret A. Gibbs
Mary M. Goschnick
Kathy Holth
Norman R. Langolf
Curt Leahy
Deborah Lemke
Alice Mariani
Carolyn McNeill
Judy Nowak
Evelyn Rogers
Howard W. Sloan
Ann L. Stine
Jane Sturdevant
Jean S. Webb
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Board of Review

Timothy P. Kearns
Judith Novar
Gary F. Westrick

Brownfield Redevelopment Authority

Mark Byrne
Mike Cansfield
Keith Flemingloss
Donna Klune
John H. Ogden
Lynne M. Secory
Jean S. Webb

Canvass Board

Carolyn S. Holley
Karen S. Jamison
Mary J. Sams
Gloria M. Winfield

Construction Board of Appeals

Ronald Bular
Walter Crosby, Jr.
Robert Nelson
Keith Todoroff
James Watson

Downtown Development Authority

Thomas C. Barrett
Mary J. Brooks
Marshall Campbell
Laurie L. Charron
Brian Connelly
Richard C. Engle
Thomas J. Hutka
Kenneth Montgomery
Matthew Wallace

Economic Development Authority

Harlan E. Blomquist
Kathleen C. Doelle
R. James Marsh
John H. Ogden
Larry A. Osborn
Gene A. Ryan
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Historic District Commission

Michael R. Artman
Kevin C. Banker
Mary J. Brooks
Larry Krabach
Carl A Moss
Edward A. Peterson
Beverly S. Roberts
Lynne M. Secory
Willian G. Vogan

Housing Commission

Martha R. Navarro
Jane E. O'Sullivan
Richard S. Pack
Earl Shoulders
William E. Smith

BOARDS, COMMISSIONS AND AUTHORITIES

Housing Commission

Martha R. Navarro
Jane E. O'Sullivan
Richard S. Pack
Earl Shoulders
William E. Smith

Income Tax Board of Review

C. Dale Hoy
James McCandless
Rebecca B. McNash

Local Development Finance Authority

Douglas R. Alexander
Robert Beedon
Troy Clark
Walter G. Crosby, Jr.
Troy Feltman
Darlene Jacolik
Kirk A. Kramer
Tim McCullough
John H. Ogden
Joe Vito
Stephanie Wilkinson

McMorran Auditorium Authority

James Bridge
James R. Currier
Juanita A. Gittings
John Hill
Audrey E. Pack
Donna K. Schwartz
James R. Shaw, Jr.
Gregory Stremers
Nicole VonHiltmayer

Planning Commission

Sharon Bender
Robert Clegg
E. Jack Harland
Sally Jacobs
Janice T. Littlefield
David M. Schwartz
Haddock C. Snyder
Rock Stevens
Jeffrey L. Wine

Port Huron Building Authority

Don B. Cole, II
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Rental Housing Board of Appeals

Kenneth Duncan
Linda Reichenbach
Ron Saffee
Jessica Vega
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Sister City Commission

Mark Byrne
Armstead Diggs
Erika Foster
Thomas Hamilton
Steven Loxton
Perry Melton
Jennifer Merchant
Irene Michels
Rev. Thomas Seppo

Tax Increment Finance Authority

Douglas R. Alexander
Troy Clark
Darlene Jacolik
Donna Klune
Tim McCullough
John H. Ogden
Joe Vito

Traffic Study Committee

Robert Beedon
John Butts
William J. Corbett
Walter G. Crosby, Jr.
John Livesay

Zoning Board of Appeals

Susan M. Bannatyne
Lois K. Beatty
Michael P. Cogley
James Dykstra
James B. McDonald
Larry McNamara

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Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, January 12, 2004, at 5:30 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs, Prax and Steinborn.

1. Tom Hutka, City Manager, introduced the subject matter of the streets millage (2 mills) that has expired and the need to put the matter on the ballot for renewal.

John Ogden, Director of Finance, gave a financial overview stating that these additional millage dollars are irreplaceable.

Bob Clegg, City Engineer, gave an overview of our transportation infrastructure needs stating that we want to continue our success of paving our neighborhoods. He talked about infra-stretching and the concept of "pay now or pay more later."

Pauline Repp, City Clerk, distributed a draft resolution with ballot language scheduling an election for May 4, 2004, for consideration at a future Council meeting.

Councilmember Cutcher gave a couple of suggestions to strengthen the tone of Bob Clegg's draft written report.

Councilmembers were given the opportunity to ask questions.

2. Tom Hutka, City Manager, introduced the subject matter of the Military Street streetscape, south of Black River, thanking Michigan Department of Transportation and Acheson Ventures for their financial participation.

Bob Clegg, City Engineer, presented the plans and talked about where the funding was coming from. The proposal to eliminate parking on the west side of Military Street from Water Street to Wall Street was discussed. Individuals present in the audience expressed their displeasure with the proposal to eliminate parking. Rick Mills, building owner of 4 properties; Chuck Wanninger, The Times Herald; Karl Petho, barber; Jerry Edson, The Raven; Neil Pickelhaupt, Pompeii's; Bob Perini, The Times Herald; and an attorney who is located in the same block.

Councilmember Cutcher suggested abandoning Pine St. and making it green space and a parking area as a solution. Rick Mills from the audience suggested an archway through one of the buildings to the rear of the buildings and acquiring the parking lot owned by Standard Office Supply as a solution.

On motion (7:20 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, January 12, 2004, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Reverend Richard Shelton, Riverside Tabernacle Church of God, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs, Prax and Steinborn.

The minutes of the regular meeting of December 8, 2003, were approved.

PRESENTATIONS

1. Mr. Joseph A. Vito, President, Port Huron Neighborhood Housing Corporation, gave a presentation on the Affordable Housing Program.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the application of Domtar Industries, Inc., 1700 Washington Avenue, for an Industrial Facilities Exemption Certificate.

Doug Alexander, Executive Director, Economic Development Alliance, appeared in support of the application and stated that the Controller from Domtar Industries was present should there be any questions.

Alan Cutcher, 1118 Lincoln Ave., appeared in objection to the application due to the fact that the company headquarters has recently informed retirees that they will need to assume up to \$11,000 a year for medical insurance while asking the City for a tax break. He read a letter he sent to Congresswoman Miller and Senators Levin and Stabenow asking for an investigation into this.

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear views of citizens on the general needs in community development, housing and special services, utilizing Community Development Block Grant and HOME funds for the fiscal year beginning April 1, 2004.

Sharon Bender, South Blvd., appeared on behalf of her block association encouraging continuation of programs supported by these funds but suggesting that they need to concentration on code violations and items that impact blighted conditions.

Ms. Brown, Harvest Care Facilities, 2021 Thornhill, appeared stating that they provide transition help for persons in need and requesting continued support of programs.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Clarence Klotz, St. Clair County Allied Veterans, thanked the City for its support of installing monument at the Veteran's Cemetery and he further named individuals who contributed to the project.

2. Jim Langolf, Alexander Jewelers and President of Main Street, addressed City Council in support of Pedestrian Retail Overlay District and in support of changes made in the proposed ordinance.

3. George Mosher, Mosher's Jewelers, addressed City Council in support of Pedestrian Retail Overlay District ordinance.

4. Laurie Sample-Wynn, 3430 Stone Street, thanked the City of Port Huron for help in First Night celebration and especially thanked Fire Chief Bob Eick for his help with fireworks. She additionally thanked the volunteers, financial contributors and Board of Directors of First Night stating that they need additional help for next year's event and that interested persons can attend their next meeting on January 7 at the Senior Center.

5. Lynne Secory, 1820 Military Street, addressed City Council in support of Pedestrian Retail Overlay District ordinance.

CONSENT AGENDA

Councilmember Cutcher offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- Silver Stick International Hockey Tournament will be held January 22-25 at the McMorran Arena.
- The annual downtown IceFest will be held January 23-25.
- The Police Department Citizens Academy will begin January 15 and continue every Thursday through April 1 starting at 6:30 p.m. Interested persons wishing to attend this academy should contact the Police Department at 984-9710 for further information or to obtain an application.

COMMUNICATIONS & PETITIONS

***C-1.** Notification from the National League of Cities that the Congressional City Conference will be held March 5-9, 2004, in Washington, D.C.

Received and filed and Council authorized to attend.

***C-2.** Notification from the Michigan Municipal League that the 38th Annual Legislative Conference will be held March 24, 2004, in Lansing, Michigan.

Received and filed and Council authorized to attend.

***C-3.** Fourteen letters from various downtown stakeholders expressing support of the change to the zoning ordinance to add a Pedestrian Retail Overlay District.

Received and filed.

***C-4.** Letter from Ken Harris, 1521 Well Street, expressing his objection to proposed Pedestrian Retail Overlay District ordinance.

Received and filed.

FROM THE CITY MANAGER

CM-1. Councilmember Fisher offered and moved the adoption of the following City Manager' recommendation:

On December 18, 2003, the City of Port Huron received (1) one bid for removal of approximately 2,500 cubic yards of excavated material at 1812 Bancroft Street:

Carrigan Development, Inc.	\$9,625.00
----------------------------	------------

It is recommended that the bid of Carrigan Development, Inc., P. O. Box 61-1175, Port Huron, Michigan 48061-1175, in the amount of Nine Thousand Six Hundred Twenty-Five and 00/100 Dollars (\$9,625.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

RESOLUTIONS

R-1. Councilmember Jacobs offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #04-01)

Adopted unanimously.

***R-2.** WHEREAS, it is stated in the Charter of the City of Port Huron, Section 66, VII:

"There shall be a Board of Review, consisting of three (3) members, at least one (1) member of this Board shall be a licensed real estate broker, to be appointed by the Council in January of each year, and whose terms shall commence on the first day of March next following and shall continue for one (1) year. The compensation of the Board of Review shall be set by the City Council at the time of appointment."

NOW, THEREFORE, BE IT RESOLVED that the following are hereby appointed as members of the 2004 Board of Review:

Timothy Kearns, 3176 Gratiot Avenue
Judith Novar, 1754 McPherson Street
Gary Westrick, 3329 Walnut Street

BE IT FURTHER RESOLVED that the 2004 Board of Review shall convene on March 8, 2004, and continue in session as follows:

March 8, 2004	9:00 a.m. - 3:00 p.m.
March 10, 2004	6:00 p.m. - 9:00 p.m.
March 11, 2004	9:00 a.m. - Noon

BE IT FURTHER RESOLVED that compensation shall be paid in the amount of \$600.00 per year, per member.

Adopted.

R-3. Councilmember Jacobs offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron has made successful application to the State Homeland Security Grant Program (SHSGP) through the Michigan Department of State Police, Emergency Management Division, to provide pass-through funds for hiring a Solution Area Planner (SAP), who will perform research and provide data to support the jurisdiction's Homeland Security efforts through the systematic planning, evaluation and analysis of program elements in the solution areas of equipment acquisition, training, exercising and planning as identified in the jurisdiction's Homeland Security Assessment and Strategy; and

WHEREAS, the grant funds are allocated in accordance with the Michigan 2003 SHSGP as authorized by 1) Public Law 108-11, the Wartime Supplemental Appropriations Act of 2003; 2) Public Law 107-56, the USA Patriot Act of 2001; and 3) Public Law 107-296, the Homeland Security Act of 2002; and

WHEREAS, the Sub-grantee agrees to comply with all program requirements in accordance with the SHSGP, Office of Management and Budget Circulars A-87, A-102, and A-133 as revised, the Michigan State Administrative Plan and applicable federal and state laws and regulations; and

WHEREAS, the principal objective of this Grant Agreement is to provide financial assistance for allowable costs associated with the Solution Area Planners, including salaries and ordinary fringe benefits of each Solution Area Planner from January 1, 2004 until April 30, 2005 only; and

WHEREAS, the Port Huron Emergency Management Department requested funding from the Michigan State Police Emergency Management Division and recently received notification that a grant award of Thirty-four Thousand Dollars (\$34,000.00) has been approved based on completion of required elements;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the terms of this SHSGP agreement and that the City of Port Huron does hereby specifically agree, but not by way of limitation, to the following:

1. To maintain satisfactory financial accounts, documents and records in order to file reports with the State of Michigan;
2. To comply with any and all terms of said agreement including all terms not specifically set forth in the foregoing portion of this resolution; and

BE IT FURTHER RESOLVED that Robert W. Eick, Fire Chief/Emergency Management Coordinator be appointed as project coordinator and authorized representative for all aspects of the grant agreement including determining the appropriate Solution Area Planner to be hired; and

BE IT FURTHER RESOLVED that the appropriate City Officials are hereby authorized to execute the grant agreement on behalf of the City (see City Clerk File #04-02).

Adopted unanimously.

*R-4. WHEREAS, it is an Order of the Liquor Control Commission that if a local legislative body wishes to object to the renewal of an on-premise license under the provisions of Section 17 of the Liquor Control Act and the Michigan Supreme Court Decisions of Bundo v City of Walled Lake and Bisco's Inc. v Liquor Control Commission decided on January 27, 1976, the following shall concur:

1) The City Council shall grant the licensee notice and a hearing defined as:

- a) Timely written notice to the licensee detailing the reasons for the proposed administrative action;
- b) An effective opportunity to the licensee to defend by confronting any adverse witness and by being allowed to present in person witnesses, evidence and arguments;
- c) A written, although relatively informal, statement of findings made by the local legislative body.

2) The City Council shall submit to the Commission before April 1, the following material:

- a) A certified copy of the notice sent to the licensee;
- b) A certified copy of the findings made by the City Council;
- c) A certified copy of the resolution adopted by the City Council opposing renewal.

WHEREAS, the following list of liquor licensees who are delinquent in payment of taxes, utility payments, income tax reporting/payments and/or non-conformance with City and State fire codes has been prepared and considered :

- Big Daddy's Bar & Grill, 1211 Griswold St.
- Bistro 1882, 2333 Gratiot Avenue
- Blue Water Bowl, 2419 Lapeer Avenue
- Figaro's Lounge, 1501-03 11th Street
- Martini Joe's, 3954 - 24th Avenue
- Military Street Music Café, 1102 Military Street
- Palms Krystal Bar, 1535 Pine Grove Avenue
- Pilot House, 3136 Military Street
- Pompeii's, 1120 Military Street
- 3rd Roc Café (Headwind's), 515 Wall Street
- Victorian Inn, 1229 Seventh Street

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk is hereby directed to:

1) Notify, in writing, the licensees listed above that a hearing will be held on Monday, February 9, 2004, to afford the licensees an opportunity to "defend by confronting any adverse witness and by being allowed to present in person witnesses, evidence, and arguments." Said notice shall be mailed at least ten (10) days before said hearing and shall detail the reasons for the proposed administrative action.

2) Publish a notice of said hearing once in the Times Herald.

Adopted.

*R-5. WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report (see City Clerk file #04-03) from the City's Building Official relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

(Code Case #03-006) 2034 St. Clair Street, also known as: Lots 28 and 29, Block 11, P.H. & N.W. RY. plat of a portion of the Fort Gratiot Military Reservation, also west 40 feet of north 57.4 feet of south 382.4 feet of land bounded north by State Street, west by Block 11, P.H. & N.W. RY. plat of a portion of the Fort Gratiot Military Reservation, south by north line of Scott Avenue extended east, part of Military Reserve, subdivision of the Fort Gratiot Military Reservation owned and occupied as one parcel; and

WHEREAS, it appears to the City Council that the condition of the property described above may constitute a nuisance as defined by Section 6-46, Chapter 6, and Section 20-3, Chapter 20, Code of Ordinances of the City of Port Huron, justifying abatement by the City pursuant to the powers granted in Chapter II, Section 2, and Chapter VIII of the City Charter and procedures set forth in Article III, Chapter 6, Section 6-46, and Chapter 24, Section 24-19 and 24-20, of the Code of Ordinances of the City of Port Huron; and

WHEREAS, the City Council believes it is warranted in conducting a public hearing and investigation pursuant to such provisions of Chapter 6 and Chapter 24 of said Code for the purpose of ascertaining and determining for itself whether such condition or conditions exist;

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Port Huron shall conduct a public hearing on February 9, 2004, at 7:30 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's records, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Section 6-46, Chapter 6 and Section 20-3, Chapter 20, Port Huron City Code.

(c) Provide for the recording of such hearings.

Adopted.

*R-6. WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report (see City Clerk file #04-04) from the City's Building Official relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

(Code Case #03-007) 2202 St. Clair Street, also known as: Lot 10, Block 11, P.H. & N.W. RY. plat of a portion of the Fort Gratiot Military Reservation, also the west 40 feet of the north 25 feet of the south 855.8 feet of land bounded on the north by State Street, west by said Block 11, and south by the north line of Scott Avenue, extending east and being a part of the Fort Gratiot Military Reservation; and

WHEREAS, it appears to the City Council that the condition of the property described above may constitute a nuisance as defined by Section 6-46, Chapter 6, and Section 20-3, Chapter 20, Code of Ordinances of the City of Port Huron, justifying abatement by the City pursuant to the powers granted in Chapter II, Section 2, and Chapter VIII of the City Charter and procedures set forth in Article III, Chapter 6, Section 6-46, and Chapter 24, Section 24-19 and 24-20, of the Code of Ordinances of the City of Port Huron; and

WHEREAS, the City Council believes it is warranted in conducting a public hearing and investigation pursuant to such provisions of Chapter 6 and Chapter 24 of said Code for the purpose of ascertaining and determining for itself whether such condition or conditions exist;

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Port Huron shall conduct a public hearing on February 9, 2004, at 7:30 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

- (a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's records, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.
- (b) Cause a notice to be published in the Times Herald newspaper at least ten days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Section 6-46, Chapter 6 and Section 20-3, Chapter 20, Port Huron City Code.
- (c) Provide for the recording of such hearings.

Adopted.

***R-7.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report (see City Clerk file #04-05) from the City's Building Official relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

(Code Case #03-008) 2104 St. Clair Street, also known as: Lot 25 and north one-half of Lot 26, Block 11, P.H. & N.W. RY. plat of a portion of the Fort Gratiot Military Reservation, also west 40 feet of north 37.5 feet of south 465.4 feet of land bounded north by State Street, west by said Block 11, south by north line of Scott Avenue extended east, part of Military Reserve, subdivision of the Fort Gratiot Military Reservation owned and occupied as one parcel; and

WHEREAS, it appears to the City Council that the condition of the property described above may constitute a nuisance as defined by Section 6-46, Chapter 6, and Section 20-3, Chapter 20, Code of Ordinances of the City of Port Huron, justifying abatement by the City pursuant to the powers granted in Chapter II, Section 2, and Chapter VIII of the City Charter and procedures set forth in Article III, Chapter 6, Section 6-46, and Chapter 24, Section 24-19 and 24-20, of the Code of Ordinances of the City of Port Huron; and

WHEREAS, the City Council believes it is warranted in conducting a public hearing and investigation pursuant to such provisions of Chapter 6 and Chapter 24 of said Code for the purpose of ascertaining and determining for itself whether such condition or conditions exist;

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Port Huron shall conduct a public hearing on February 9, 2004, at 7:30 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

- (a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's records, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.
- (b) Cause a notice to be published in the Times Herald newspaper at least ten days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Section 6-46, Chapter 6 and Section 20-3, Chapter 20, Port Huron City Code.

(c) Provide for the recording of such hearings.

Adopted.

***R-8.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report (see City Clerk file #04-06) from the City's Building Official relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

(Code Case #03-009) 2206 St. Clair Street, also known as: Lots 1 through 9 inclusive, Block 11, Port Huron and NW Railway plat, together with a 40 foot wide parcel of land adjacent to the east. Said parcel particularly described as: beginning at the southwest corner of said lot 9, then north 00°15'14"W 228.30 feet; then north 85°26'46"E 102.73 feet; then south 00°02'24" west 236.00 feet; then south 89°44'23" west 101.23 feet to the beginning subdivision of Fort Gratiot Military Reservation owned and occupied as one parcel; and

WHEREAS, it appears to the City Council that the condition of the property described above may constitute a nuisance as defined by Section 6-46, Chapter 6, and Section 20-3, Chapter 20, Code of Ordinances of the City of Port Huron, justifying abatement by the City pursuant to the powers granted in Chapter II, Section 2, and Chapter VIII of the City Charter and procedures set forth in Article III, Chapter 6, Section 6-46, and Chapter 24, Section 24-19 and 24-20, of the Code of Ordinances of the City of Port Huron; and

WHEREAS, the City Council believes it is warranted in conducting a public hearing and investigation pursuant to such provisions of Chapter 6 and Chapter 24 of said Code for the purpose of ascertaining and determining for itself whether such condition or conditions exist;

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Port Huron shall conduct a public hearing on February 9, 2004, at 7:30 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's records, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Section 6-46, Chapter 6 and Section 20-3, Chapter 20, Port Huron City Code.

(c) Provide for the recording of such hearings.

Adopted.

R-9. Councilmember Prax offered and moved the adoption of the following resolution to issue a special use permit:

WHEREAS, a request has been received from BMJ Engineers & Surveyors, Inc., on behalf of Colonial Woods Missionary Church for a special use permit to construct a parking lot in an "R-1" (Single and Two Family Residential) zoning district, generally located at the southeast corner of Jones Place and 12th Avenue, City of Port Huron; and

WHEREAS, a public hearing was held by the City Planning Commission on November 4, 2003, to hear comments on the request and after due consideration, the Planning Commission tabled the matter to allow the applicant time to address drainage concerns; and

WHEREAS, a preliminary drainage plan was been submitted to the City Engineering Department and upon review, the Engineering Department recommended the following:

1. Require applicant to submit a detailed final drainage plan which indicates a storm pipe that complies with City standards. The final plan will be reviewed and approved by the Engineering Department before issuance of a special use permit;
2. Require the final drainage plan to be engineered so as to insure that the pre-development condition is maintained and additional drainage does not impede existing flows;
3. Secure an easement to allow access by City personnel to the enclosed storm sewer for maintenance purposes; and

WHEREAS, after due consideration at their meeting of January 6, 2004, the City Planning Commission recommended approval (vote: 5 ayes; 2 nays; 1 absent; 1 vacancy; 0 abstained) of the special use permit request and site plan contingent upon the above conditions;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby, on an affirmative vote, authorizes the Zoning Administrator to issue a special use permit for the above request contingent upon the applicants compliance with the above conditions, or in the case of a negative vote, hereby denies the request for a parking lot to be located at the southeast corner of Jones Place and 12th Avenue.

Adopted unanimously.

R-10. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, in 2003, the United States Department of Housing and Urban Development allocated \$301,874 in HOME funding to the City of Port Huron for use in developing affordable housing and home ownership opportunities for low income persons in the City; and

WHEREAS, since that time, the City has already set aside \$100,000 of those funds for the down payment assistance program, and \$60,375 to an eligible Community Housing Development Organization (CHDO) for a determined housing project, resulting in \$111,312 remaining; and

WHEREAS, since the inception of the HOME program in 1995, a portion of the annual funds have been allocated to the Port Huron Neighborhood Housing Corporation (PHNHC) each year for their Affordable Housing Program; and

WHEREAS, each year the PHNHC has undertaken the goal of purchasing vacant homes, renovating and selling the home to first-time buyers or constructing new homes on vacant lots and selling them to first-time buyers; and

WHEREAS, The PHNHC has been able to complete 58 homes within the City to date and wishes to continue in these endeavors; and

WHEREAS, the "Community Renaissance Program" is an undertaking of the Community Foundation of St. Clair County, the Economic Opportunity Committee, Citizens First Foundation, the Acheson Foundation, and the City of Port Huron to cooperatively work toward the City's goal of providing decent, affordable housing and home ownership opportunities for low income persons within the corporate limits of the City of Port Huron; and

WHEREAS, the PHNHC and the City of Port Huron wish to participate in the Community Renaissance Program by leveraging their current resources and available HOME funds;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby allocates the remaining non-committed HOME funds in the amount of \$111,312 to the Port Huron Neighborhood Housing Corporation to continue operating their Affordable Housing Program and to allow participation in the Community Renaissance Program, and authorizes and directs the appropriate City officials to execute any necessary documentation for the allocation.

Adopted unanimously.

***R-11.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 14-13, 34-3, and 24-19; and

WHEREAS, the attached special assessment report has been certified by the City Engineer and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$530.77 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk file #04-07).

Adopted.

R-12. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron has been informed that their application to the FY2003 Assistance to Firefighter Grant Program in the area of Fire Operations and Firefighter Safety has been approved through the Emergency Preparedness and Response Directorate/FEMA of the Department of Homeland Security (EP and R/FEMA of DHS); and

WHEREAS, the project cost awarded to the City of Port Huron is in the amount of One Hundred Ten Thousand, Six Hundred Eighteen Dollars (\$110,618), of which 90% or Ninety-Nine Thousand, Five Hundred Fifty-Seven Dollars (\$99,557) is the Federal share and 10% or Eleven Thousand, Sixty-One Dollars (\$11,061) is the local share; and

WHEREAS, the principal objective of this grant agreement is to provide training and equipment in the following areas: rope rescue, confined space rescue and hazmat response;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the terms of the Department of Homeland Security FY2003 Assistance to Firefighter Grant Program agreement and that the City of Port Huron does hereby specifically agree, but not by way of limitation, to the following:

1. To maintain satisfactory financial accounts, documents and records in order to file reports with the State of Michigan;
2. To comply with any and all terms of said agreement including all terms not specifically set forth in the foregoing portion of this resolution; and

BE IT FURTHER RESOLVED that Robert W. Eick, Fire Chief/Emergency Management Coordinator be appointed as project coordinator and authorized representative for all aspects of the grant agreement; and

BE IT FURTHER RESOLVED that the appropriate City officials are hereby authorized to execute the grant agreement on behalf of the City.

Adopted unanimously.

NOTE: AT THIS POINT, Fire Chief Bob Eick gave a report on the recent visit from Secretary Tom Ridge, Homeland Security.

R-13. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, Domtar Industries, Inc., 1700 Washington Avenue, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery and equipment); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, the Port Huron City Council held a public hearing on January 12, 2004, to hear comments on the application; and

WHEREAS, the City Assessor and Legislative Body of each unit which levies taxes was notified of the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the Domtar Industries, Inc., application for an Industrial Facilities Exemption Certificate for six (6) years on personal property, and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that the above certificate will be issued for the following dates:

All personal property: 12/31/04 to 12/31/10 6 years

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the Industrial Facilities Exemption Certificate (considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force) shall not have the effect of substantially impeding the operation of the City of Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as Domtar Industries, Inc., is located.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.
No: Councilmember Cutcher.
Absent: None.

R-14. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, there currently exists one (1) vacancy, one (1) expired term, and (1) request for replacement on the City of Port Huron Planning Commission; and

WHEREAS, Section 125.33(2) of the Municipal Planning Act (PA 285 of 1931) states in part that: "...the planning commission may consist of 9 members, 1 of whom shall be a member of the legislative body to be selected by resolution of the legislative body to serve as a member ex officio, and 8 of whom shall be appointed by the mayor as provided in this section. An appointment by the mayor shall be subject to approval of the legislative body by majority vote."; and

WHEREAS, the Code of Ordinances for the City of Port Huron, Section 2-234 states in part that: "The term of each member of the Planning Commission shall be three years or until his successor takes office."; and

WHEREAS, the Mayor has made the following appointments and reappointment:

Mike Rossow, appointed with a term to expire August 6, 2004
Rock Stevens, appointed with a term to expire August 26, 2005
Sharon Bender, reappointed with a term to expire August 6, 2006;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves the Mayor's appointments and reappointment as listed above.

Adopted unanimously.

ORDINANCES

O-1. Councilmember Prax moved that an ordinance introduced November 24, 2003, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1222

AN ORDINANCE TO AMEND CHAPTER 32, ZONING, BY THE ADDITION OF ARTICLE XXXIII, PEDESTRIAN RETAIL OVERLAY DISTRICT, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF PROMOTING THE DEVELOPMENT OF A PEDESTRIAN-ORIENTED RETAIL CENTER.

THE CITY OF PORT HURON ORDAINS:

That Chapter 32, Zoning, Article XXXIII, Pedestrian Retail Overlay District, of the Code of Ordinances of the City of Port Huron, for the purpose of promoting the development of a pedestrian-oriented retail center, is hereby amended as follows:

Chapter 32. ZONING

ARTICLE XXXIII.

PEDESTRIAN RETAIL OVERLAY DISTRICT

Sec. 32-820. Intent

The purpose of this ordinance is to maintain the economic viability of the downtown retail area; promote development of a pedestrian-oriented retail center; preserve the retail and mixed-use environment; encourage pedestrian traffic; promote retail uses on ground floor sites; and promote residential or mix uses on sites above ground floor level.

Sec. 32-821. Definitions - Reserved.

Sec. 32-822. Location.

The location boundaries of the Pedestrian Retail Overlay District are: (legal description here), commonly known as the area bounded by McMorran Boulevard to the North along Huron Avenue and Quay Street to the South.

Sec. 32-823. Principal Permitted Uses.

In the Central Business District's (CBD) designated Pedestrian Retail Overlay District, no land or building shall be used or erected on the first floor portion of the building facing Huron Avenue except for one or more of the following specified uses unless otherwise provided in this ordinance:

(a) Food service establishments, including grocery, meat market, supermarket, bakeries, delicatessen, ice cream stores, and other food service establishments similar to and compatible with the above.

(b) Personal service establishments, including barber shop, beauty parlor, tailor shop, shoe repair, dress maker, photography studio and other personal service establishments similar to and compatible with the above.

(c) Other service establishments that include a showroom or workshop with a retail adjunct, such as that occupied by an electrician, decorator, painter, upholsterer, a business performing radio, television or home appliance repair and other service establishments similar to and compatible with the above.

(d) Theaters, restaurants, bars, nightclubs and other similar entertainment facilities, where the patrons are seated or served while seated in a building.

(e) Amusement enterprises such as ticket sales, bike rentals.

(f) Boutiques or establishments operated expressly for the sale of art, antiques, collectibles and similar merchandise.

(g) General retail establishments whose principal activity is the sale of new merchandise to the public. These include such establishments as household appliance stores, furniture stores, department or variety stores, drug stores, hardware stores, clothing stores; special stores, selling flowers, books, stationary, jewelry, novelties and gifts, tobacco, and sundry small household articles; convenience stores selling fruit, meat, dairy products, produce, and alcoholic beverages.

(h) Hotels.

(I) Multi-family dwellings (apartments) above the first story of any structure where the ground floor is devoted to a permitted use, provided that:

- (1) Existing and proposed dwelling units are kept in an attractive condition conducive to an appealing central business district, and in such a manner that residential activities do not interfere with the customary business activities associated with the district.
- (2) Each dwelling unit or group of such units are provided with adequate refuse containers suitable for the temporary outdoor storage of household refuse. Such containers shall be fitted with a secured lid and located to the rear of the building.
- (3) With the exception of the legally registered and operable automobiles, the storage of all personal property shall be done within the dwelling unit or an approved accessory building located to the rear of the building.
- (4) Dwelling unit entrances located on the street frontage shall be inconspicuous, kept in good repair and free of debris.
- (5) Windows facing the street shall be maintained in good repair and shall retain approved window treatments such as shutters, blinds, or drapery.
- (6) Air conditioning units in windows are allowed on the rear of the building. Condensation from such units shall be directed in a manner that prevents the direct deposition and/or accumulation of water on the sidewalk or street surface below.
- (7) The outdoor hanging of laundry or any other personal items from any rope or fixture attached to the structure or otherwise located on the premises is prohibited.

Sec. 32-824. Permitted Uses After Special Approval.

The following uses may be temporarily permitted subject to the conditions hereinafter imposed and subject further to approval of the City's Planning Commission upon recommendation of the Planning Department and after a public hearing:

(a) Government offices, post offices, and libraries.

(b) Offices of non-profit organizations, such as professional membership organizations, labor union, civic, social and fraternal associations, and political organizations.

(c) Banks, savings and loan associations, and other financial or lending institutions.

(d) General office or professional uses including the offices and facilities of publishing operations for newspapers, magazines or other periodicals (excluding heavy printing facilities and machinery), and business services such as mailing, copying and data processing.

(e) Professional service establishments, including but not limited to, offices or facilities for members of the dental, medical, legal, architectural, accounting, social services, counseling or other professions and other professional service establishments similar to and compatible with the above.

(f) Uses of the same nature or class as the majority of uses listed in this district as either a Principal Permitted Use or a Permitted Use After Special Approval, but not listed elsewhere in this Zoning Ordinance, following a Planning Commission public hearing and recommendation. Any use not listed and not found to be "similar" is prohibited in this zoning district.

Sec. 32-825. Additional Standards.

All principally permitted uses and permitted uses after special approval shall also comply with all applicable provisions of the Zoning Ordinance and the Historic District Ordinance, along with any other related ordinances, codes, or requirements. Principally permitted uses and permitted uses after special approval requirements apply only to the first floor with frontage along Huron Avenue as defined. All other areas of the building shall only need to conform to the applicable provisions of the zoning ordinance or related ordinance codes or requirements as normally pertaining to the Central Business District and Historic Overlay District.

Sec. 32-826. Criteria for Consideration of Permitted Uses After Special Approval.

The City Planning Commission may approve a special use permit if it determines that:

(a) The building space was designed specifically for the type of use proposed and, as such, occupancy by a principally permitted use under Section 4 is an unreasonable expectation due to identifiable structural design characteristics, or

(b) Denial of the request for occupancy by special use permit has resulted in a long-term (defined as longer than 18 months) vacancy of the property outside of current market conditions (based upon average retail lease rate per square foot).

Sec. 32-827. Permit Requirements.

The special use permit will be granted for the specific trade use as named and may not be transferred to another/different use. A proposed use other than that originally granted in the permit must reapply for new consideration. The permit may be transferred from one owner to another as long as the original trade use remains the same.

Pauline M. Repp, CMC
City Clerk

ADOPTED: 01/12/04
PUBLISHED: 01/17/04
EFFECTIVE: 01/17/04

Motion adopted by the following vote:

Yes: Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.

No: Mayor Neal; Councilmember Jacobs.

Absent: None.

On motion (8:45 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, January 26, 2004, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Reverend Franklin Spotts, Director, Youth for Christ, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs, Prax and Steinborn.

The minutes of the regular and special meetings of January 12, 2004, were approved.

PRESENTATIONS

1. Police Department Community Services Officer Marcy Kuehn gave a presentation on the CAPTURE program.

CONSENT AGENDA

Councilmember Steinborn offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

AT THIS POINT, Mayor Neal announced relevant items adopted under the consent agenda.

PUBLIC AUDIENCES

No one appeared.

FROM THE CITY MANAGER

CM-1. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On January 15, 2004, the City of Port Huron received two (2) unit price bids for soil, concrete, asphalt, and other material testing services for construction projects over the next two years:

PSI	\$230,550.00
Testing Engineers and Consultants, Inc.	\$255,000.00

It is recommended that the bid of PSI, 1000 North Opdyke Road, Suite C, Auburn Hills, Michigan 48236 in the amount of Two Hundred Thirty Thousand Five Hundred Fifty and 00/100 Dollars (\$230,550.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-2. Councilmember Prax offered and moved the adoption of the following City Manager's recommendation:

On January 6, 2004, the City of Port Huron received four (4) bids for a three (3) year agreement to provide stump removal services on a unit price basis, per inch of tree stump diameter removed, as follows:

GFB Trimming & Removal, Inc.	\$1.40/per inch
Don's Tree Service, Inc.	\$2.00/per inch
Alex & Sons	\$2.00/per inch
Owen Tree Service	\$6.35/per inch

It is recommended that the bid of GFB Trimming & Removal, Inc., 1606 S. Range Rd., St. Clair, Michigan 48079, for a three (3) year agreement to provide stump removal services on a unit price basis of One and 40/100 Dollars (\$1.40) per inch of tree stump diameter removed, be accepted as the lowest cost responsive and responsible bid and that the appropriate City Officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-3. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On January 6, 2004, the City of Port Huron received three (3) bids for a Hazardous Materials Trailer for use by the Port Huron Fire Department. Bids received are as follows:

Auto Stylers & RV	\$ 14,780.00
Trailer Depot	\$ 15,153.65
Fisher Safety	\$ 17,707.34

It is recommended that the bid from Auto Stylers & RV, 1215 Gratiot, Marysville, Michigan 48040, in the amount of Fourteen Thousand Seven Hundred Eighty and 00/100 Dollars (\$14,780.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City Officials be authorized to execute the necessary documents.

Adopted unanimously.

RESOLUTIONS

R-1. Councilmember Jacobs offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #04-01)

Adopted unanimously.

***R-2.** WHEREAS, it is stated in the City Ordinance Code, Chapter 8, Division 1 Generally, Downtown Authority, Article III, Section 8-68:

“(a) The downtown development authority shall be under the supervision and control of a board consisting of the city manager and eight members appointed by the city manager subject to approval by the city council. At least five of the members shall be persons having an interest in property located in the downtown district. At least one of the members shall be a resident of the downtown district, if the downtown district has 100 or more persons residing within it..... A member shall hold office until the member's successor is appointed. Thereafter, a member shall serve for a term of four years.”

NOW, THEREFORE, BE IT RESOLVED that the City Manager's Downtown Development Authority appointments of Thomas C. Barrett and Laurie Charron for terms to expire February 9, 2008, are hereby approved and confirmed.

Adopted.

***R-3.** WHEREAS, LDM Technologies, Inc., 2133 Petit Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery and equipment); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for February 9, 2004, in order to hear comments on the application of LDM Technologies, Inc., for an Industrial Facilities Exemption Certificate; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following Legislative Bodies:

City Assessor - Port Huron
County Board of Commissioners - St. Clair County
Port Huron Area School Board
St. Clair County Community College
Intermediate School District
Downtown Development Authority

Adopted.

R-4. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, it is necessary to perform professional engineering services for the Water Tank and Pump Station Pipe Painting project number E04-0020; and

WHEREAS, Nelson Tank Engineering and Consulting, Inc., is the appropriate engineering firm to provide these services based upon an evaluation of competitive proposals submitted; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and Nelson Tank Engineering and Consulting, Inc., for professional engineering services.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Nelson Tank Engineering and Consulting, Inc., for professional engineering services during the Water Tank and Pump Station Pipe Painting project and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #04-08).

Adopted unanimously.

R-5. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, for the general health, safety and welfare of the residents of the City of Port Huron there is a desire to maintain our streets through a regular program of repair and resurfacing; and

WHEREAS, the electorate of the City of Port Huron passed an additional two (2) mill levy in May of 1994 for ten (10) years in order to accomplish the task of improving the its transportation system; and

WHEREAS, during the past ten (10) years, with funding made available with the additional tax levy and other funding sources, the City has rehabilitated 41.3 miles of Local Streets and 16.0 miles of Major Streets and currently has 12.2 miles of street rehabilitation under contract (see City Clerk File #04-09 for City of Port Huron Transportation Needs Study); and

WHEREAS, in order to continue this important mission it is necessary to request that the electorate of the City of Port Huron approve an extension of this two (2) mill levy for ten (10) years starting July 1, 2004 by amending Section 54 of the Charter of Port Huron;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron hereby proposes to amend Section 54 of the Charter of the City of Port Huron, which currently reads as follows:

Section 54. The Council shall by resolution, determine and adopt the budget and make the appropriations for the next fiscal year and shall provide by resolution for a tax levy of the amount necessary to be raised by taxation. The total amount of appropriation shall not exceed the revenues of the City as estimated by the Council, based upon a tax levy for all City operating purposes which shall not exceed twelve (12) mills on the dollar of the state equalized valuation of all real and personal property in the City, plus all miscellaneous revenues derived by the City in accordance with provisions of state laws, this charter and the ordinance of the City. In addition to any tax authorized by the foregoing provisions of this section, the City shall have the power to levy an additional ad valorem tax in an amount not to exceed two (2) mills for ten (10) years, the first year of levy to be 1994, for the purpose of providing additional funds for resurfacing and reconstruction of streets.

and

BE IT FURTHER RESOLVED that the following proposed amendment be inserted in said Charter in the form, words and figures, as follows:

Section 54. The Council shall by resolution, determine and adopt the budget and make the appropriations for the next fiscal year and shall provide by resolution for a tax levy of the amount necessary to be raised by taxation. The total amount of appropriation shall not exceed the revenues of the City as estimated by the Council, based upon a tax levy for all City operating purposes which shall not exceed twelve (12) mills on the dollar of the state equalized valuation of all real and personal property in the City, plus all miscellaneous revenues derived by the City in

accordance with provisions of state laws, this charter and the ordinance of the City. In addition to any tax authorized by the foregoing provisions of this section, the City shall have the power to levy an additional ad valorem tax in an amount not to exceed two (2) mills for ten (10) years, the first year of levy to be 2004, for the purpose of providing additional funds for resurfacing and reconstruction of streets.

and

BE IT FURTHER RESOLVED that the proposed amendment shall be submitted to the qualified electors of the City of Port Huron and printed on the ballot in the following form:

CHARTER AMENDMENT PROPOSITION

Shall Section 54 of the Charter of the City of Port Huron, St. Clair County, Michigan, be amended so as to permit the levy by the City of an additional ad valorem tax in an amount not to exceed two (2) mills, 1.9880 mills (\$1.9880 per thousand dollars) being a renewal and .0120 mills (1.2 cents per thousand dollars) being an additional amount for a period of ten (10) years, starting in 2004, raising revenues estimated at \$1,282,184 for 2004 if the millage is levied and collected, for the purpose of providing additional funds for the resurfacing and reconstruction of streets?

and

BE IT FURTHER RESOLVED that an explanation of the proposed Charter amendment be printed on the ballot in the following form:

CHARTER AMENDMENT PROPOSITION EXPLANATION

The purpose of the proposed charter amendment is to permit the City to levy an additional ad valorem tax, in an amount not to exceed two (2) mills for ten (10) years, the first year of levy to be 2004, to be used solely to pay for the resurfacing and reconstruction of streets. This is a RENEWAL of the same millage passed in 1994 for the same purpose and, subsequently, reduced by .0120 mills pursuant to MCLA 211.34d.

and

BE IT FURTHER RESOLVED that the City Clerk shall forthwith transmit a copy of the proposed Charter amendment to the Governor of the State of Michigan for her approval, and transmit a copy of the foregoing ballot designation of such proposed Charter amendment and explanation to the Attorney General of the State of Michigan for his approval as required by law; and

BE IT FURTHER RESOLVED that the Charter amendment proposal, substantially in the form set forth in this resolution, shall be, and the same hereby is, ordered to be submitted to the qualified electors of the City of Port Huron at a Special City Election to be held on the 4th day of May, 2004, or as soon thereafter as permitted by law, and the City Clerk is hereby directed to give notice of the election and notice of registration therefor in the manner prescribed by law and to do all things and to provide all supplies necessary to submit such Charter amendment to the vote of the electors as required by law; and

BE IT FURTHER RESOLVED that the proposed Charter amendment together with the question and explanation, shall be published in full, together with the existing Charter provisions which would be altered thereby as a part of the notice of election; and

BE IT FURTHER RESOLVED that the proposed Charter amendment in full shall be posted in a conspicuous place in each polling place; and

BE IT FURTHER RESOLVED that the canvass and determination of the vote on said question shall be made in accordance with the laws of the State of Michigan and the Charter of the City of Port Huron.

AT THIS POINT, Bob Clegg, City Engineer, gave a brief presentation relative to what has been done and what needs to be done in the future.

Councilmember Cutcher moved to amend the "CHARTER AMENDMENT PROPOSITION EXPLANATION" by reversing the two sentences and starting with "This is a RENEWAL of the same...."

Motion to amend adopted unanimously.

Motion to adopt the resolution, as amended, adopted unanimously.

R-6. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the Blue Water Area Transportation Commission is composed of two (2) local units of government, to-wit: City of Port Huron and Charter Township of Fort Gratiot, and said Commission has been operating a transit system within the Blue Water Area since 1976; and

WHEREAS, the said two local units of government have agreed by the Restated Interlocal Agreement to place the issue of continuance of the said public transportation system for four (4) additional years of operation on the ballot for a vote of the people in the form of a four (4) year millage; and

WHEREAS, the Blue Water Area Transportation Commission by Resolution adopted January 19, 2004 has requested that each of said two local units of government call a special millage election for May 4, 2004, to place on the ballot for voter approval up to 0.6294 mills for each of four (4) taxable years to expire in 2008, to obtain the local share of operating revenues to support the continued operation of the transportation system from July 1, 2004 through June 30, 2008.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. At a special election which is hereby called to be held at the regularly designated voting places in the City of Port Huron on May 4, 2004 between the hours of 7:00 a.m. and 8:00 p.m., Eastern Standard Time, the following millage proposition shall be submitted to the electors:

RENEWAL OF
BLUE WATER AREA TRANSPORTATION MILLAGE

"Shall the limitation on the total amount of all taxes which may be assessed against all real and personal taxable property in the City of Port Huron, St. Clair County, Michigan, be increased by up to 0.6294 mills of the taxable valuation (62.94 cents per \$1,000 of state taxable value) as finally equalized, for each of the next four (4) years, to expire in 2008, for the purpose of providing funds, estimated to be \$395,000 for the first year of levy, for the City of Port Huron's share of the operation of the Blue Water Area Transportation Commission for the period of July 1, 2004 through June 30, 2008?" This is a RENEWAL of a 2002 millage passed for the same purpose.

2. The City Clerk will receive registrations of electors qualified to vote at said election who are not already properly registered until April 5, 2004 on which said day the City Clerk will be in his/her office from 8:00 a.m. until 4:30 p.m., Eastern Standard Time, to receive registrations of electors qualified to vote at said election.

3. The City Clerk shall cause notice of registration to be published at least twice in The Times Herald, a newspaper of general circulation in the City of Port Huron, prior to the last day of receiving registrations, the first such publication to be not less than ten (10) full days prior to the last day of receiving registrations.

4. The notice of registration shall be in substantially the following form:

NOTICE OF LAST DAY OF REGISTRATION

PLEASE TAKE NOTICE that any qualified elector in the City of Port Huron, County of St. Clair, Michigan, who is not already registered, may register for the special election to be held in the City of Port Huron on May 4, 2004.

Registration will be taken at the Office of the City Clerk during regular working hours and on regular working days up to and including April 5, 2004.

THE LAST DAY FOR RECEIVING REGISTRATIONS for the said election to be held on May 4, 2004 will be April 5, 2004, on which day the Clerk will be in his/her office between the hours of 8:00 a.m. and 4:30 p.m., Eastern Standard Time, for the purpose of receiving registrations of electors qualified to vote.

5. The City Clerk shall cause notice of election to be published at least twice before the date of the election in The Times Herald, a newspaper of general circulation in the City of Port Huron, the first such publication to be not less than ten (10) full days prior to the date of the election.

6. The notice of election shall include a submission of said matters in substantially the following form:

COUNTY OF ST. CLAIR, MICHIGAN
NOTICE OF SPECIAL ELECTION

TO THE QUALIFIED ELECTORS OF THE CITY OF PORT HURON:

PLEASE TAKE NOTICE that at the Special Election to be held in the City of Port Huron, County of St. Clair, Michigan, on Tuesday, May 4, 2004 between the hours of 7:00 a.m. and 8:00 p.m., Eastern Standard Time, there will be submitted to the vote of the qualified electors of said City of Port Huron, the following proposition:

RENEWAL OF BLUE WATER AREA
TRANSPORTATION MILLAGE

"Shall the limitation on the total amount of all taxes which may be assessed against all real and personal taxable property in the City of Port Huron, St. Clair County, Michigan, be increased by up to 0.6294 mills of the taxable valuation (62.94 cents per \$1,000 of state taxable value) as finally equalized, for each of the next four (4) years, to expire in 2008, for the purpose of providing funds, estimated to be \$395,000 for the first year of levy, for the City of Port Huron's share of the operation of the Blue Water Area Transportation Commission for the period of July 1, 2004 through June 30, 2008?" This is a RENEWAL of a 2002 millage passed for the same purpose.

All qualified and registered electors of the City of Port Huron may vote on the above proposition.

The following is a Certificate from Maureen A. Ruff, St. Clair County Treasurer:

I, MAUREEN A. RUFF, Treasurer of the County of St. Clair, State of Michigan, do hereby certify that according to the records in my office as of January 20, 2004, the total of all voted increases in the tax rate limitation above the 15 mills established by Section 6, Article IX of the Michigan Constitution affecting taxable property located in the City of Port Huron, St. Clair County, Michigan, is as follows:

LOCAL UNIT	VOTED INCREASES	YEAR EFFECTIVE
St. Clair Co.	Senior Citizens	.50 2002-2006
	Drug Task Force	.2831 2000-2003
	Parks	.50 1999-2003
	Library	.50 2002-2006
	Community College	1.50 Indefinite
	Community College	.50 2002-2007
	Intermediate School	.21 Indefinite
	Special Education	2.50 Indefinite
	Vocational Education	1.00 Indefinite
	City of Port Huron	Streets
P.H.A.S.D.		Operating
	Debt	2.00 1962-2012

The places of election in said City of Port Huron will be as follows:

Precinct No.	Polling Place
01	Holland Woods School, 1617 Holland Avenue
02	Garfield School, 1221 Garfield Street
03	H. D. Crull School, 2615 Hancock Street
04	Gratiot Village Comm. Building, 1509 Riverview St.
05	Peru Village Community Building, 702 Erie
06	Harrison School, 55 15th St.
07	Desmond Village Community Bldg, 721 Pine
08	Woodrow Wilson School, 834 Chestnut St
09	Roosevelt School, 1112 20th St.
10	Port Huron South, 3001 Electric Ave

This Notice is given by authority of the City Council of the City of Port Huron, Michigan

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

Adopted unanimously.

R-7. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron owns the following described real estate:

that portion of White Street beginning at the southeast corner of Lot 8, Block 63, F.C. White Plat; thence south 0°16'47" W 66.00 feet; thence south 89°57'20" west 86.80 feet; thence north 0°16'47" east 58.00 feet; thence south 89°57'20" west 198.71 feet to the east right-of-way line of Military Street; thence north 3°26'40" east 8.01 feet to the southwest corner of Lot 7, Block 63, F. C. White Plat; thence north 89°57'20" east 285.07 feet to the point of beginning, City of Port Huron; and

WHEREAS, the City Planning Commission has recommended the vacation of a portion of White Street; and

WHEREAS, the City Council on June 9, 2003, held a public hearing for the purpose of hearing and considering any objections to the vacation of this portion of street and at the request of the applicant, the matter was postponed; and

WHEREAS, the applicant has modified the original request by reducing the portion of White Street to be vacated; and

WHEREAS, after due consideration, it is the judgement of the Port Huron City Council that the vacation of this portion of White Street would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit;

NOW, THEREFORE, BE IT RESOLVED that the above described portion of White Street is hereby vacated without the reservation of a full-width public utility easement.

AT THIS POINT, Ray Straffon from Acheson Ventures answered questions.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.

No: Councilmember Jacobs.

Absent: None.

R-8. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, it is the intent of the City Council to pursue a sister city relationship; and

WHEREAS, Sister Cities International is an international organization exclusively focused on assisting local communities to be actively and creatively engaged in building economic, cultural and educational linkages around the world;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby authorizes the expenditure of Four Hundred and Fifty and 00/100 (\$450.00) to Sister Cities International for annual membership dues for the year 2004.

Motion rejected by the following vote:

No: Mayor Neal; Councilmembers Cutcher, Jacobs and Prax.

Yes: Councilmember Fisher, Haynes and Steinborn.

Absent: None.

R-9. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, it is necessary to perform professional engineering services for the 24th Street Reconstruction Project (Electric Avenue to Nern Street); and

WHEREAS, Hennessey Engineers, Inc., is the appropriate engineering firm to provide these services based upon an evaluation of competitive proposals submitted; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and Hennessey Engineers, Inc., for professional engineering services for Project No. C04-0010;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Hennessey Engineers, Inc., for professional engineering services during the 24th Street Reconstruction Project and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #04-10).

Adopted unanimously.

***R-10.** WHEREAS, Pro-Weld, Inc., 1720 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for February 9, 2004, in order to hear comments on the application of Pro-Weld, Inc., for an Industrial Facilities Exemption Certificate; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following Legislative Bodies:

City Assessor - Port Huron
 County Board of Commissioners - St. Clair County
 Port Huron Area School Board
 St. Clair County Community College
 Intermediate School District
 Downtown Development Authority

Adopted.

ORDINANCES

O-1. Councilmember Fisher moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE III, BOARDS AND COMMISSIONS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, BY ADDING DIVISION 14, SISTER CITY COMMISSION, SECTIONS 2-401 THROUGH SECTIONS 2-405, FOR THE PURPOSE OF ESTABLISHING A SISTER CITY COMMISSION TO COORDINATE AND PROMOTE A RELATIONSHIP WITH PEOPLE OF OTHER CULTURES.

Councilmember Cutcher moved to amend Section 2-401(b)(4) to reflect that it be "a semi-annual report" instead of "an annual report" presented to City Council.

Motion to amend adopted unanimously.

Motion to give ordinance its first and second reading, as amended, adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Prax requested that a report on process to revise City Charter be prepared for City Council.

On motion (8:33 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
 City Clerk

Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, February 9, 2004, at 5:30 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs, Prax (arrived at 6:00 p.m.) and Steinborn.

Kris Wisniewski, Michigan Department of Transportation (MDOT) Project Manager for Blue Water Bridge Plaza Study, introduced others with him: Paige Williams, Manager, Blue Water Bridge; Morris Hall, Operations Manager, Blue Water Bridge; and Todd Davis from Wilbur Smith, Consultants.

Mr. Wisniewski presented the project history and schedule along with its purpose and need and cost. He then presented six "Illustrative Alternatives" stating that by the fall of this year they should have one plan to present.

Questions from the audience were answered.

AT THIS POINT, MDOT officials and the audience left the meeting and the Council continued conversation about the Blue Water Bridge Plaza project.

Additionally, the tentative plans for a Council goal setting session to be held in the next few weeks were discussed.

On motion (7:10 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, February 9, 2004, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Pastor Tom Seppo, Operation Transformation, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal. Mayor Neal acknowledged the students in the audience from Port Huron Northern High School.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs, Prax and Steinborn.

The minutes of the regular meeting of January 26, 2004, were approved.

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on the proposed 2004 Annual Action Plan for the Community Development Department.

Lonnie Stevens, Executive Director of United Way, addressed the City Council on behalf of the homeless shelter and thanked City Council for their funding from CDBG monies last year but stated they are back this year requesting funding at the same level because of hard economic times.

The Mayor declared the hearing closed.

2. The Mayor announced that this was the time to hear comments concerning liquor licensees delinquent in payment of taxes, utility payments, income tax reporting/payments and/or non-conformance with City and State fire codes.

No one appeared to be heard.

The Mayor declared the hearing closed.

3. The Mayor announced that this was the time to hear comments on Code Case #03-006, 2034 St. Clair Street, to ascertain and determine whether it constitutes a nuisance as defined by Chapter 6, Section 6-46, and Chapter 20, Section 20-3, of the Port Huron City Code. (See Resolution #12)

No one appeared to be heard.

The Mayor declared the hearing closed.

4. The Mayor announced that this was the time to hear comments on Code Case #03-007, 2202 St. Clair Street, to ascertain and determine whether it constitutes a nuisance as defined by Chapter 6, Section 6-46, and Chapter 20, Section 20-3, of the Port Huron City Code. (See Resolution #13)

No one appeared to be heard.

The Mayor declared the hearing closed.

5. The Mayor announced that this was the time to hear comments on Code Case #03-008, 2104 St. Clair Street, to ascertain and determine whether it constitutes a nuisance as defined by Chapter 6, Section 6-46, and Chapter 20, Section 20-3, of the Port Huron City Code. (See Resolution #14)

No one appeared to be heard.

The Mayor declared the hearing closed.

6. The Mayor announced that this was the time to hear comments on Code Case #03-009, 2206 St. Clair Street, to ascertain and determine whether it constitutes a nuisance as defined by Chapter 6, Section 6-46, and Chapter 20, Section 20-3, of the Port Huron City Code. (See Resolution #15)

No one appeared to be heard.

The Mayor declared the hearing closed.

7. The Mayor announced that this was the time to hear comments on the application of Pro-Weld, Inc., 1720 Dove Street, for an Industrial Facilities Exemption Certificate. (See Resolution #6)

No one appeared to be heard.

The Mayor declared the hearing closed.

8. The Mayor announced that this was the time to hear comments on the application of LDM Technologies, Inc., 2133 Petit Street, for an Industrial Facilities Exemption Certificate. (See Resolution #18)

Bill Wendland, addressed City Council on behalf of LDM Technologies, Inc., requesting approval stating these improvements will allow them to add 30 more employees.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Gary Howison, 833 Range Road, Kimball, addressed City Council requesting they not order demolition of 1218-1220 Lapeer Avenue (Resolution #16, Code Case #02-007) as he has made an agreement with the present owner to buy property and make necessary improvements.

2. Gerald Schnepf, Fort Gratiot, addressed City Council stating he just received 1218-1220 Lapeer Avenue back from person he sold it to on a land contract (Resolution #15, Code Case #02-007) and encouraged Council to allow him to sell the property to Mr. Howison to finish the necessary improvements and not to demolish the property.

CONSENT AGENDA

Councilmember Prax offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- The Port Huron Museum will hold a Thomas Edison Birthday Celebration at the Edison Depot Museum on Sunday, February 15, from 1 p.m. to 4:30 p.m. For more information, contact the Museum at 982-0891.

FROM THE CITY MANAGER

CM-1. Councilmember Fisher offered and moved to receive and file the following City Manager's report:

In accordance with Section 55 of the City Charter, there is submitted herewith a Quarterly Financial Report of the City of Port Huron for the six month period ending December 31, 2003. (See City Clerk File #04-11)

Adopted unanimously.

CM-2. Councilmember Prax offered and moved the adoption of the following City Manager's recommendation:

On January 27, 2004, the City of Port Huron received (5) five bids for the 16th Avenue Phase I Sewer Separation, Watermain Replacement & Street Paving Project:

Raymond Excavating	\$6,383,475.93
Dan's Excavating	\$6,514,477.92
Pamar Enterprises	\$7,342,837.20
Site Development	\$7,724,736.10
Triangle Excavating	\$8,729,584.24

It is recommended that the bid of Raymond Excavating Company, 800 Gratiot Boulevard, P. O. Box 207, Marysville, Michigan 48040-0207, in the amount of Six Million Three Hundred Eighty-Three Thousand Four Hundred Seventy-Five and 93/100 Dollars (\$6,383,475.93) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-3. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On January 27, 2004, the City of Port Huron received (5) five bids for the Water Reclamation Facility Bar Screen Replacement Project. It has been determined that it is in the best interest of the project to replace both bar screens:

Trojan Development	\$668,500.00
O'Laughlin Construction Co.	\$675,600.00
D. N. West Enterprises, LTD.	\$783,000.00
Raymond Excavating Co.	\$848,571.00
A. Z. Shmina, Inc.	\$1,004,000.00

It is recommended that the bid of Trojan Development, 2660 Metamora Rd., P. O. Box 534, Oxford, Michigan 48371, in the amount of Six Hundred Sixty Eight Thousand Five Hundred and 00/100 Dollars (\$668,500.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

RESOLUTIONS

R-1. Councilmember Prax offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #04-01)

Adopted unanimously.

R-2. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron has made successful application to the State Homeland Security Grant Program (SHSGP) through the Michigan Department of State Police, Emergency Management Division, to provide pass-through funds to support Awareness Level Terrorism and Weapons of Mass Destruction (WMD) Training as well as Chemical, Biological, Radiological, Nuclear and Explosive (CBRNE) Defensive Operations Training and Unified Incident Command Training; and

WHEREAS, the grant funds are allocated in accordance with the Michigan 2003 SHSGP as authorized by 1) Public Law 108-11, the Wartime Supplemental Appropriations Act of 2003; 2) Public Law 107-56, the USA Patriot Act of 2001; and 3) Public Law 107-296, the Homeland Security Act of 2002; and

WHEREAS, the Sub-grantee agrees to comply with all program requirements in accordance with the SHSGP, Office of Management and Budget Circulars A-87, A-102, and A-133 as revised, the Michigan State Administrative Plan and applicable federal and state laws and regulations; and

WHEREAS, the principal objective of this Grant Agreement is to provide financial assistance for allowable costs associated with cost to support WMD, CBRNE and ICS training from March 1, 2004 to February 28, 2005; and

WHEREAS, the Port Huron Emergency Management Department requested funding from the Michigan State Police Emergency Management Division and recently received notification that a grant award of Twenty-seven Thousand Nine Hundred Fifty and 13/100 Dollars (\$27,950.13) has been approved based on completion of required elements;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the terms of this SHSGP agreement and that the City of Port Huron does hereby specifically agree, but not by way of limitation, to the following:

1. To maintain satisfactory financial accounts, documents and records in order to file reports with the State of Michigan;

2. To comply with any and all terms of said agreement including all terms not specifically set forth in the foregoing portion of this resolution; and

BE IT FURTHER RESOLVED that Robert W. Eick, Fire Chief/Emergency Management Coordinator be appointed as project coordinator and authorized representative for all aspects of the grant agreement including determining the appropriate training to be scheduled; and

BE IT FURTHER RESOLVED that the appropriate City Officials are hereby authorized to execute the grant agreement on behalf of the City (see City Clerk File #04-12).

Adopted unanimously.

R-3. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, it is necessary to perform professional engineering services during construction of the 16th Avenue Phase I Sewer Separation, Watermain Replacement & Street Paving Project; and

WHEREAS, Tetra Tech MPS, is the appropriate engineering firm to provide these services because they assisted the City with the design of this work; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and Tetra Tech MPS, for professional engineering services for Project No. D03-0020;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Tetra Tech MPS, for professional engineering services during construction of the 16th Avenue Phase I Sewer Separation, Watermain Replacement & Street Paving Project and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #04-13).

Adopted unanimously.

***R-4.** WHEREAS, under authority delegated by the City Manager, the Chief of Police has issued Temporary Traffic Control Order No. 1152, effective December 11, 2003, pursuant to Chapter 29, Article II, of the 1992 Port Huron City Code:

11TH AVENUE - There shall be "NO PARKING" on the east and west side of 11th Avenue north of Thomas Street for a distance of 299 feet.

NOW, THEREFORE, BE IT RESOLVED that said Traffic Control Order be and hereby is made permanent until such time as it is modified or repealed;

BE IT FURTHER RESOLVED that said Traffic Control Order be filed and enforced in keeping with the appropriate laws as contained in the Statutes of this State, as well as the Charter, Ordinances, and Resolutions of the City of Port Huron.

Adopted.

***R-5.** WHEREAS, under authority delegated by the City Manager, the Chief of Police has issued Temporary Traffic Control Order No. 1157, effective December 11, 2003, pursuant to Chapter 29, Article II, of the 1992 Port Huron City Code:

CHESTNUT STREET - There shall be "NO PARKING" on the south side of Chestnut Street from 7th Street to 8th Street on school days only from 8:00 a.m. to 4:00 p.m.

NOW, THEREFORE, BE IT RESOLVED that said Traffic Control Order be and hereby is made permanent until such time as it is modified or repealed;

BE IT FURTHER RESOLVED that said Traffic Control Order be filed and enforced in keeping with the appropriate laws as contained in the Statutes of this State, as well as the Charter, Ordinances, and Resolutions of the City of Port Huron.

Adopted.

***R-6.** WHEREAS, Pro-Weld, Inc., 1720 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, the Port Huron City Council held a public hearing on February 9, 2004, to hear comments on the application; and

WHEREAS, the City Assessor and Legislative Body of each unit which levies taxes was notified of the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the Pro-Weld, Inc., application for an Industrial Facilities Exemption Certificate for six (6) years on personal property, and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that the above certificate will be issued for the following dates:

All personal property: 12/31/04 to 12/31/10 6 years

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the Industrial Facilities Exemption Certificate (considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force) shall not have the effect of substantially impeding the operation of the City of Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as Pro-Weld, Inc., is located.

Adopted.

***R-7.** WHEREAS, it is stated in the City Ordinance Code, Section 29-2, Traffic Study Committee, Chapter 29, Traffic:

“The Chief of police, the (assistant) city attorney, one member of the traffic division of the police department, and two residents of this city, who shall be appointed by the mayor for a term of two years from the date of their appointments or until their successors are appointed or qualified, shall be and constitute the traffic study committee.”

NOW, THEREFORE, BE IT RESOLVED that the Mayor’s reappointment of Walter G. Crosby, Jr. a term to expire January 11, 2006, as a member of the Traffic Study Committee is hereby confirmed.

Adopted.

R-8. Mayor Neal requested that there be division of the question to allow for separate votes on the reappointments and the appointment of a new member.

Councilmember Cutcher offered and moved the adoption of the following resolution:

WHEREAS, it is stated in the amended Articles of Incorporation of the Henry McMorran Memorial Auditorium Authority, a Michigan Municipal Corporation, Article V, Section:

“The authority shall be directed and governed by a board of nine commissioners known as the “Commission,” each to be elected by the City Council of the City of Port Huron, no member of which may be a member of the authority commission;” and

NOW, THEREFORE, BE IT RESOLVED that James Bridge and Juanita Gittings are hereby reappointed to the Henry McMorran Memorial Auditorium Authority for six year terms to expire on February 9, 2010.

Adopted unanimously.

Ballots were distributed by the City Clerk with the names of people who had applied to be on the McMorran Authority. The results were as follows: Gregory Stremers - 5 votes; Timothy McCulloch - 1 vote; Nicole Vonhiltmeyer - 1 vote.

Councilmember Cutcher moved to appoint Gregory Stremers to fill the vacancy on the Henry McMorran Memorial Auditorium Authority for a term to expire February 9, 2010.

Adopted unanimously.

R-9. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron is a member of the Michigan Municipal Risk Management Authority (MMRMA), a public entity self-insurance pool that provides municipal liability and property insurance coverage, as well as comprehensive, customized risk management, training and claim administrations services and offers other appropriate municipal services; and

WHEREAS, as part of those municipal services the MMRMA offers an Electric Choice Program to its local governmental members to allow those members to take advantage of reduced electrical costs;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the Energy Choice Agreement for electric utility services; designates John H. Ogden, Director of Finance, as the Electric Choice Program (ECP) Member representative; and authorizes and directs the proper City officials to execute such agreement and to determine, from time to time, the appropriate locations to be included in the agreement. (See City Clerk File #04-14)

Adopted unanimously.

***R-10.** WHEREAS, the City Council has created a Brownfield Redevelopment Authority consistent with the provisions of Act No. 381 of the Public Acts of 1996; and

WHEREAS, Act 381 states that the members of the Authority will be appointed by the Mayor of the municipality subject to the approval of the City Council;

NOW, THEREFORE, BE IT RESOLVED that the following persons are hereby appointed to three-year terms on the Brownfield Redevelopment Authority:

Keith Flemingloss - term to expire April 14, 2006
Mike Cansfield - term to expire April 14, 2007;

BE IT FURTHER RESOLVED that the following persons are hereby re-appointed to the Brownfield Redevelopment Authority:

John Ogden - term to expire April 14, 2006
Mark Byrne - term to expire April 14, 2007

Adopted.

R-11. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, a request has been received for a special use permit for a family day care home (six children or less) at 1624 Sanborn Street; and

WHEREAS, on February 3, 2004, the City of Port Huron Planning Commission held a public hearing to hear comments on the proposal; and

WHEREAS, the Planning Commission, after due consideration, recommended approval (vote: 6 ayes; 0 nays; 3 absent; 0 abstained) of the special use permit request;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby, on an affirmative vote, authorizes the Zoning Administrator to issue a special use permit for the above request, or in the case of a negative vote, hereby denies the request for a family day care home (six children or less) at 1624 Sanborn Street.

Adopted unanimously.

12-15. Councilmember Fisher offered and moved the adoption of the following resolutions:

R-12. WHEREAS, the condition of the property within the City of Port Huron, St. Clair County, Michigan, described as:

2034 St. Clair Street, also known as: Lots 28 and 29, Block 11, P.H. & N.W. RY. plat of a portion of the Fort Gratiot Military Reservation, also west 40 feet of north 57.4 feet of south 382.4 feet of land bounded north by State Street, west by Block 11, P.H. & N.W. RY. plat of a portion of the Fort Gratiot Military Reservation, south by north line of Scott Avenue extended east, part of Military Reserve, subdivision of the Fort Gratiot Military Reservation owned and occupied as one parcel; and

has been brought to the attention of the City Council by the Building Official as Code Case #03-006, claiming such condition constitutes a nuisance; and

WHEREAS, such property has received repeated inspections by appropriate City Inspection Officials; and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property violations regarding the Code of Ordinances of the City of Port Huron, and requesting abatement of these conditions; and

WHEREAS, to date there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted January 12, 2004, with respect to said property, it is the judgement of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 6, Section 6-46 and Chapter 20, Section 20-3, Port Huron City Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the above-described property is of such condition as to constitute a nuisance within the meaning and definition of Chapter 6, Section 6-46, and Chapter 20, Section 20-3, Port Huron City Code, and contains the following code violations:

Building Electrical Plumbing Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by **immediate demolition**.

3. That any costs incurred in abatement of such conditions and nuisances are to be assessed against the property in accordance with Chapter 24, Sections 24-19 and 24-20 of the Port Huron City Code of Ordinances.

4. That the City Manager is hereby authorized to solicit and receive bids in order that the City be in position to move promptly to carry out the direction of the City Council as provided for herein.

5. That the City Clerk shall send, by certified mail, return receipt requested, a certified copy of this resolution to the last known address of the property owner, according to the most recent records maintained by the Office of the City Assessor and shall have this resolution also posted on the property.

R-13. WHEREAS, the condition of the property within the City of Port Huron, St. Clair County, Michigan, described as:

2202 St. Clair Street, also known as: Lot 10, Block 11, P.H. & N.W. RY. plat of a portion of the Fort Gratiot Military Reservation, also the west 40 feet of the north 25 feet of the south 855.8 feet of land bounded on the north by State Street, west by said Block 11, and south by the north line of Scott Avenue, extending east and being a part of the Fort Gratiot Military Reservation; and

has been brought to the attention of the City Council by the Building Official as Code Case #03-007, claiming such condition constitutes a nuisance; and

WHEREAS, such property has received repeated inspections by appropriate City Inspection Officials; and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property violations regarding the Code of Ordinances of the City of Port Huron, and requesting abatement of these conditions; and

WHEREAS, to date there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted January 12, 2004, with respect to said property, it is the judgement of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 6, Section 6-46 and Chapter 20, Section 20-3, Port Huron City Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the above-described property is of such condition as to constitute a nuisance within the meaning and definition of Chapter 6, Section 6-46 and Chapter 20, Section 20-3, Port Huron City Code, and contains the following code violations:

Building Electrical Plumbing Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by **immediate demolition**.

3. That any costs incurred in abatement of such conditions and nuisances are to be assessed against the property in accordance with Chapter 24, Sections 24-19 and 24-20 of the Port Huron City Code of Ordinances.

4. That the City Manager is hereby authorized to solicit and receive bids in order that the City be in position to move promptly to carry out the direction of the City Council as provided for herein.

5. That the City Clerk shall send, by certified mail, return receipt requested, a certified copy of this resolution to the last known address of the property owner, according to the most recent records maintained by the Office of the City Assessor and shall have this resolution also posted on the property.

R-14. WHEREAS, the condition of the property within the City of Port Huron, St. Clair County, Michigan, described as:

2104 St. Clair Street, also known as: Lot 25 and north one-half of Lot 26, Block 11, P.H. & N.W. RY. plat of a portion of the Fort Gratiot Military Reservation, also west 40 feet of north 37.5 feet of south 465.4 feet of land bounded north by State Street, west by said Block 11, south by north line of Scott Avenue extended east, part of Military Reserve, subdivision of the Fort Gratiot Military Reservation owned and occupied as one parcel; and

has been brought to the attention of the City Council by the Building Official as Code Case #03-008, claiming such condition constitutes a nuisance; and

WHEREAS, such property has received repeated inspections by appropriate City Inspection Officials; and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property violations regarding the Code of Ordinances of the City of Port Huron, and requesting abatement of these conditions; and

WHEREAS, to date there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted January 12, 2004, with respect to said property, it is the judgement of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 6, Section 6-46 and Chapter 20, Section 20-3, Port Huron City Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the above-described property is of such condition as to constitute a nuisance within the meaning and definition of Chapter 6, Section 6-46, and Chapter 20, Section 20-3, Port Huron City Code, and contains the following code violations:

Building Electrical Plumbing Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by **immediate demolition**.

3. That any costs incurred in abatement of such conditions and nuisances are to be assessed against the property in accordance with Chapter 24, Sections 24-19 and 24-20 of the Port Huron City Code of Ordinances.

4. That the City Manager is hereby authorized to solicit and receive bids in order that the City be in position to move promptly to carry out the direction of the City Council as provided for herein.

5. That the City Clerk shall send, by certified mail, return receipt requested, a certified copy of this resolution to the last known address of the property owner, according to the most recent records maintained by the Office of the City Assessor and shall have this resolution also posted on the property.

R-15. WHEREAS, the condition of the property within the City of Port Huron, St. Clair County, Michigan, described as:

2206 St. Clair Street, also known as: Lots 1 through 9 inclusive, Block 11, Port Huron and NW Railway plat, together with a 40 foot wide parcel of land adjacent to the east. Said parcel particularly described as: beginning at the southwest corner of said lot 9, then north 00°15'14"W 228.30 feet; then north 85°26'46"E 102.73 feet; then south 00°02'24" west 236.00 feet; then south 89°44'23" west 101.23 feet to the beginning subdivision of Fort Gratiot Military Reservation owned and occupied as one parcel; and

has been brought to the attention of the City Council by the Building Official as Code Case #03-009, claiming such condition constitutes a nuisance; and

WHEREAS, such property has received repeated inspections by appropriate City Inspection Officials; and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property violations regarding the Code of Ordinances of the City of Port Huron, and requesting abatement of these conditions; and

WHEREAS, to date there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted January 12, 2004, with respect to said property, it is the judgement of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 6, Section 6-46 and Chapter 20, Section 20-3, Port Huron City Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the above-described property is of such condition as to constitute a nuisance within the meaning and definition of Chapter 6, Section 6-46, and Chapter 20, Section 20-3, Port Huron City Code, and contains the following code violations:

Building Electrical Plumbing Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by **immediate demolition**.

3. That any costs incurred in abatement of such conditions and nuisances are to be assessed against the property in accordance with Chapter 24, Sections 24-19 and 24-20 of the Port Huron City Code of Ordinances.

4. That the City Manager is hereby authorized to solicit and receive bids in order that the City be in position to move promptly to carry out the direction of the City Council as provided for herein.

5. That the City Clerk shall send, by certified mail, return receipt requested, a certified copy of this resolution to the last known address of the property owner, according to the most recent records maintained by the Office of the City Assessor and shall have this resolution also posted on the property.

Motion to adopt Resolutions 12 through 15 adopted unanimously.

R-16. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, on September 9, 2002, the property owner of 1218-1220 Lapeer Avenue entered into a work agreement with the City to correct numerous building code violations; and

WHEREAS, on September 13, 2002, the City Council adopted Resolution #13, declaring the property a nuisance (Code Case #02-007) defined by Chapter 5, Section 6-46, and Chapter 20, Section 20-3, of the Code of Ordinances for the City of Port Huron; and

WHEREAS, the City has extended the established deadlines of the September 9, 2002, Work Agreement to allow the property owner the opportunity to finish the work started on the property and the property owner has still failed to complete the required repairs, constituting a breach of contract; and

WHEREAS, the City notified the property owner of the Non-Compliance with the work agreement on January 6, 2004, and has not received a written appeal or response to such notice;

NOW, THEREFORE, BE IT RESOLVED that the City Manager is directed and authorized to cause the immediate demolition of the structure(s) at 1218-1220 Lapeer Avenue.

Councilmember Fisher moved to postpone action until the meeting of February 23, 2004, to allow time for an acceptable agreement to be presented to City Council between Mr. Howison and the City of Port Huron for necessary improvements.

Adopted unanimously.

***R-17.** WHEREAS, it is stated in the City Ordinance Code, Sections 2-257 and 2-258, Division 3, Article III, Chapter 2, Administration, concerning the Port Huron Housing Commission:

“The housing commission shall consist of five members to be appointed by the City Manager. Each member of the housing commission shall be, at the time of his appointment, and shall remain during his term of office, a bona fide resident of the city.... Annually thereafter, one member shall be appointed for a term of five years...”;

NOW, THEREFORE, BE IT RESOLVED that the City Manager’s reappointment of Richard S. Pack for a five-year term to expire December 19, 2008, is hereby confirmed.

Adopted.

***R-18.** WHEREAS, LDM Technologies, Inc., 2133 Petit Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery and equipment); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, the Port Huron City Council held a public hearing on February 9, 2004, to hear comments on the application; and

WHEREAS, the City Assessor and Legislative Body of each unit which levies taxes was notified of the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the LDM Technologies, Inc., application for an Industrial Facilities Exemption Certificate for six (6) years on personal property, and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that the above certificate will be issued for the following dates:

All personal property: 12/31/04 to 12/31/10 6 years

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the Industrial Facilities Exemption Certificate (considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force) shall not have the effect of substantially impeding the operation of the City of Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as LDM Technologies, Inc., is located.

Adopted.

ORDINANCES

O-1. Councilmember Fisher moved that an ordinance introduced January 26, 2004, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1223

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE III, BOARDS AND COMMISSIONS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, BY ADDING DIVISION 14, SISTER CITY COMMISSION, SECTIONS 2-401 THROUGH SECTIONS 2-405, FOR THE PURPOSE OF ESTABLISHING A SISTER CITY COMMISSION TO COORDINATE AND PROMOTE A RELATIONSHIP WITH PEOPLE OF OTHER CULTURES.

THE CITY OF PORT HURON ORDAINS:

That Chapter 2, Administration, Article III, Boards and Commissions, of the Code of Ordinances of the City of Port Huron, for the purpose of adding Division 14, Sister City Commission, Sections 2-401 through Sections 2-405, to establish a Sister City Commission to coordinate and promote a relationship with people of other cultures, is hereby amended as follows:

CHAPTER 2. ADMINISTRATION ARTICLE III. BOARDS AND COMMISSIONS DIVISION 14. SISTER CITY COMMISSION

Sec. 2-401. Created; powers, duties, etc.

(a) A Sister City Commission is hereby created to undertake the mission of establishing goodwill and understanding through the creation of sister city relationships with other cultures; supporting the global integration of trade, culture, health care advancement, democratization, environment and education among other things.

(b) The powers and duties of the commission shall be as follows:

- (1) Recommend sister city relationships to the City Council for their approval.
- (2) Develop plans for sister city programs, including budgets to support any activities.
- (3) Develop financing strategies, including solicitation of gifts and fundraising, to fund the activities of the commission, as well as carry out any fundraising activities.
- (4) Prepare a semi-annual report to be presented to the City Council.

Sec. 2-402. Membership and terms of office.

The membership of the commission shall be composed of nine (9) members appointed by the City Council, from applications on file in the City Clerk's Office, and shall represent persons with a strong interest in and knowledge of foreign countries or cultures, as much as is possible. Members shall serve without compensation.

The members of the commission shall serve terms of three (3) years. In making the initial appointments, the City Council shall appoint three (3) members for terms of one (1) year, three (3) members for terms of two (2) years; and the remaining three (3) members for terms of three (3) years. All subsequent appointments shall be for terms of three (3) years.

Sec. 2-403. Meetings.

The commission shall meet at least quarterly and all meetings shall be subject to the Open Meetings Act. The commission shall adopt rules of procedure as it deems appropriate, provided, however, that five (5) of the commission members appointed shall be necessary to constitute a quorum to conduct business.

Sec. 2-404. Funding.

All funds raised or contributed to the City for the lawful use of the commission shall be deposited with the City Treasurer. The City shall maintain the accounts of the commission and shall issue such checks for the payment of bills and expenses as are duly authorized and approved by the commission.

Sec. 2-405. Termination.

The commission may be dissolved in the sole discretion of the City Council at the end of any calendar year, or whenever the City Council determines, at its discretion, that the commission is unable to finance its responsibilities or conduct its affairs. Upon dissolution of the commission, all assets on deposits with the City in the name of the commission shall become the sole property of the City of Port Huron.

Pauline M. Repp, CMC
City Clerk

ADOPTED: 02/09/04
PUBLISHED: 02/14/04
EFFECTIVE: 02/14/04

Adopted unanimously and ordinance given its third and final reading and enacted.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Cutcher announced the ribbon cutting at Addictive Trendz on January 25. Tom Hutka, City Manager, added that Enigma had a grand opening on January 22.

2. Councilmember Prax requested that letters of thanks go to B. Scott Nill for his past service on the McMorran Authority and Jack Harland for his past service on the Planning Commission.

3. Mayor Neal requested that persons interested in serving on the Sister City Commission obtain an application from the City Clerk's Office.

On motion (8:35 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, February 16, 2004, at 6:00 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.

Absent: Councilmember Prax.

Discussion was held on the Military Street Streetscape Design and Thomas Hutka, City Manager, stated that in meetings held with property owners it was clear that retaining parking on both sides of the street was important for their businesses. Councilmember Cutcher asked that his suggestion to close Pine Street be investigated as an option for open space. Mr. Hutka stated that Acheson Ventures will be doing a traffic study of the immediate area and the results will be shared.

Councilmember Cutcher moved to leave parking on both sides of Military Street as it presently is.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes and Jacobs.

No: Councilmembers Fisher and Steinborn.

Absent: Councilmember Prax.

Thomas Hutka, City Manager, and Kim Harmer, Planning Director, gave a presentation relative to ongoing efforts to clean up blight as part of the Revitalizing Port Huron initiative. See City Clerk File No. 04-15 for outline of presentation.

Mayor Neal opened the meeting up for discussion in preparation for the Council retreat. Councilmember Cutcher suggested that the new Councilmembers be given information from the last retreat. Councilmember Haynes talked about need for job opportunities and possibilities for grant funds to assist. Thomas Hutka, City Manager, shared the types of items that should be addressed at the retreat and stated he would like to see specific measures for accomplishing the larger goals. The agenda for the retreat was discussed - executive session on land acquisition, goal setting, legislative initiatives and budget.

On motion (7:45 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, February 23, 2004, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Reverend Bill Terry, St. John's United Church of Christ, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs, Prax and Steinborn.

The minutes of the regular and special meetings of February 9, 2004, and the special meeting of February 16, 2004, were approved.

PRESENTATIONS

1. Police Department Community Services Officer Marcy Kuehn gave a presentation on the CAPTURE program.

PUBLIC AUDIENCES

1. Irene Michels, 1614 Whipple Street, addressed City Council asking whether the City is going to have a Fire Academy and DPW Academy again.
2. Craig Ellis, owner of building at 4th and Pine Streets, addressed the City Council relative to his concern about the City transferring the Desmond Lot to Acheson Ventures and are there plans to provide parking for the current business owners. (Tom Hutka, City Manager, responded that the Desmond Lot will be available for parking for quite some time and when future development takes place additional parking will be provided.)
3. Mary Patterson, Executive Director, Safe Horizons, addressed City Council requesting CDBG funding to assist the homeless shelter provide services.
4. David Kredall, State Representative Steve Ehardt's District Director, addressed the City Council providing them with an update on legislative issues.
5. Janice Littlefield, Port Huron, addressed the City Council representing the Irish-American Club requesting to be on the next agenda to share details of the Celtic Fest and encouraging everyone to attend the performance of Caroline Goulding (violinist) on Sunday, March 7, 2004, at 1:30 p.m. at Marysville High School. Additionally, she stated her support of Safe Horizons' request for CDBG funding.

COMMUNICATIONS & PETITIONS

C-1. Councilmember Prax moved to receive and file the following communication:

From Mr. Craig A. Ellis, NEA Group, LLC, relative to the transfer of the parking lot at Fourth and Pine Streets in exchange for a riverfront walkway along the Acheson Ventures property.

Adopted unanimously.

C-2. Councilmember Prax moved to receive and file the following communication:

From Mary Patterson, Executive Director, Safe Horizons, requesting CDBG funding in the amount of \$17,500 to make repairs and partially fund a part time staff person for the homeless shelter.

Adopted unanimously.

UNFINISHED BUSINESS

1. Councilmember Fisher offered and moved to postpone action on the following resolution until the regular meeting of March 22, 2004:

WHEREAS, on September 9, 2002, the property owner of 1218-1220 Lapeer Avenue entered into a work agreement with the City to correct numerous building code violations; and

WHEREAS, on September 13, 2002, the City Council adopted Resolution #13, declaring the property a nuisance (Code Case #02-007) defined by Chapter 5, Section 6-46, and Chapter 20, Section 20-3, of the Code of Ordinances for the City of Port Huron; and

WHEREAS, the City has extended the established deadlines of the September 9, 2002, Work Agreement to allow the property owner the opportunity to finish the work started on the property and the property owner has still failed to complete the required repairs, constituting a breach of contract; and

WHEREAS, the City notified the property owner of the Non-Compliance with the work agreement on January 6, 2004, and has not received a written appeal or response to such notice;

NOW, THEREFORE, BE IT RESOLVED that the City Manager is directed and authorized to cause the immediate demolition of the structure(s) at 1218-1220 Lapeer Avenue.

Adopted unanimously.

FROM THE CITY MANAGER

CM-1. Councilmember Fisher offered and moved the adoption of the following City Manager' recommendation:

On February 5, 2004, the City of Port Huron received three (3) bids for a total of twenty-six (26) portable restrooms to be used in various city parks, for a period of not less than six months. Bids received are as follows:

Scotty's Potty's	\$36,780.00
Porta-John	\$39,432.00
Carl's Septic Service	\$43,780.00

It is recommended that the bid from Scotty's Potty's, 1731 Whipple Street, Port Huron, Michigan 48060, in the amount of Thirty-six Thousand Seven Hundred Eighty and 00/100 Dollars (\$36,780.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City Officials be authorized to execute the necessary documents.

Adopted unanimously.

RESOLUTIONS

R-1. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, on January 12, 2004, the City Council of the City of Port Huron adopted a resolution setting a public hearing to give liquor licensees who were delinquent in payment of taxes and/or utility bills or in violation of the City Code an opportunity to "defend by confronting any adverse witness and by being allowed to present in person witnesses, evidence and arguments;" and

WHEREAS, notice of said hearing was published in The Times Herald and notice was mailed by certified mail to the liquor licensees who were delinquent in payment of taxes and/or utility bills or in violation of the City Code; and

WHEREAS, corrections of violations and payment of delinquent utility bills and/or taxes was received by all licensees notified except:

Big Daddy's Bar & Grill, 1211 Griswold Street, Class C/SDM (Cheryl/Lester Diepenhorst); City income tax reporting and/or monies due; and

Martini Joe's, 3954 24th Avenue, Class C/SDM (Michelle Anter); Personal property taxes, \$136.94, plus additional penalty, if any; plus City income tax reporting and/or monies due; and

Pilot House, 3136 Military Street, Class C/SDM (Donald Schultz); Personal property taxes, \$2,788.48, plus additional penalty, if any, plus City income tax reporting and/or monies due; and

WHEREAS, on February 9, 2004, the public hearing was held concerning the above licenses;

NOW, THEREFORE, BE IT RESOLVED, the City of Port Huron wishes to object to renewal of the on-premise licensees named above and hereby directs the City Clerk to forward the following items to the Michigan Liquor Control Commission:

- 1) Certified copy of resolutions adopted January 12, 2004, and February 23, 2004, concerning aforementioned license;
- 2) Certified copy of notice to licensee;
- 3) Certified copy of notice published in The Times Herald.

Adopted unanimously.

R-2. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, it is necessary to prepare permits and perform soundings of the River Street and Water Street Marina; and

WHEREAS, if it is determined that dredging is necessary at these City owned marinas, professional services will be necessary to prepare bid documents; and

WHEREAS, Tetra Tech MPS was determined in a competitive selection process to be the appropriate engineering firm to provide these services; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and Tetra Tech MPS for the Marina Dredging Project No. P04-0070;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Tetra Tech MPS, for engineering services during all phases of the Marina Dredging Project and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #04-16).

Adopted unanimously.

R-3. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, pursuant to the provisions of Act 451, Public Acts of Michigan, 1994, as amended ("Act 451"), when the State of Michigan Water Resources Commission (the "Commission") has ordered the installation, construction, alteration, improvement or operation of a sewage system, solid waste facility or waterworks system in a municipality, and the plans therefor have been prepared and approved by the state department or commission having the authority by law to grant the approval, the legislative body of the municipality may issue and sell the necessary bonds for the construction, installation, alteration, operation or improvement thereof, including the treatment works and such other facilities as may be so ordered or set forth in the permit as being necessary to provide for the effective operation of the system; and

WHEREAS, the City of Port Huron (the "City"), pursuant to Michigan Water Resources Commission Wastewater Treatment Facilities National Pollutant Discharge Elimination System Permit No. MI0023833, dated July 16, 1992, as now in force or hereafter amended, and Michigan Department of Environmental Quality ("MDEQ") Order DFO-SW98-001 dated February 19, 1998 (together, the "Order"), is required to make certain modifications to its sanitary sewer collection system and storm water system, which improvements are necessary in order for the City to meet its clean water obligations under relevant federal and state law; and

WHEREAS, the City desires to comply with the Order and to make the improvements required thereby, including the improvements set forth in the Final Project Plan – Combined Sewer Overflow Control/Solids Handling Facilities prepared by TetraTech MPS (formerly McNamee, Porter & Seeley, Inc.), dated June 1998, as the same is updated and amended from time to time (collectively, the "Project"); and

WHEREAS, the Project qualifies in whole or in part for the State of Michigan Revolving Fund ("SRF") financing program being administered by the Michigan Department of Environmental Quality ("MDEQ") and the Michigan Municipal Bond Authority ("MMBA" or "Authority"); and

WHEREAS, the plans for the current phase of the Project have been prepared and have been or shortly shall be approved by MDEQ as required by Act 451; and

WHEREAS, in pursuance of the authority granted by Act 451, this City Council desires to issue and sell the necessary bonds to the MMBA to pay part of the cost of the Project; and

WHEREAS, the City previously has issued its \$8,000,000 General Obligation Limited Tax Bonds, Series 1999A, dated June 1, 1999, its \$7,775,000 General Obligation Limited Tax Bonds, Series 1999B, dated June 24, 1999, its \$5,230,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2000A, dated March 30, 2000, its \$9,470,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2000B, dated June 29, 2000, its \$8,120,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2001A, dated March 29, 2001, its \$640,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2001B, dated September 28, 2001, its \$10,000,000 General Obligation Limited Tax Bonds, Series 2002, dated June 1, 2002, its \$3,650,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2002A, dated March 28, 2002, its \$3,310,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2002B, dated September 26, 2002, its \$10,220,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2002C, dated September 26, 2002, its \$1,670,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2003A, dated March 27, 2003, and its \$5,500,000 General Obligation Limited Tax Bonds, Series 2003B, dated November 18, 2003; and

WHEREAS, it is the determination of the City Council that at this time one or more series of limited tax general obligation bonds in the aggregate principal amount of not to exceed Seven Million Five Hundred Thousand Dollars (\$7,500,000) should be issued to pay for current phases of the Project.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Bonds of the City designated **GENERAL OBLIGATION LIMITED TAX BONDS (STATE REVOLVING FUND), SERIES 2004** (the "Series 2004 SRF Bonds") are authorized to be issued in one or more series in the aggregate principal sum of not to exceed Seven Million Five Hundred Thousand Dollars (\$7,500,000), as finally determined by an order or orders of the MDEQ, for the purpose of paying part of the cost of the Project, including the costs incidental to the issuance, sale and delivery of the Series 2004 SRF Bonds. Each series of Series 2004 SRF Bonds shall be sold to the Authority and shall be in the form of a single fully-registered, nonconvertible bond in the denomination of the full principal amount thereof, dated as of the date of delivery of the Series 2004 SRF Bonds, payable in principal installments serially as finally determined by order of the MDEQ at the time of sale of the Series 2004 SRF Bonds and approved by the MMBA and the Director of Finance. Final determination of the Principal Amount of a series of Series 2004 SRF Bonds and the payment dates and amounts of principal installments of a series of Series 2004 SRF Bonds shall be evidenced by execution of a Purchase Contract (the "Purchase Contract") between the City and the MMBA providing for sale of the Series 2004 SRF Bonds, and the City Manager, Director of Finance and City Clerk (the "Authorized Officers") are authorized and directed to execute and deliver the Purchase Contract when it is in final form and to make the determinations set forth above. The Director of Finance is authorized and directed to approve of a separate series designation with respect to each series of Series 2004 SRF Bonds and to make appropriate changes to the designation hereinbefore set forth.

The Series 2004 SRF Bonds or principal installments thereof will be subject to prepayment prior to maturity in the manner and at the times as provided in the form of Series 2004 SRF Bond contained in this Resolution or as may be approved by the Authorized Officers at the time of sale of the Series 2004 SRF Bonds or by the MMBA at the time of prepayment.

The Series 2004 SRF Bonds shall bear interest at a rate of two and one-half percent (2.5%) per annum on the par value thereof or such other rate as evidenced by execution of the Purchase Contract, but in any event not to exceed seven percent (7%) per annum, and the Authorized Officers shall deliver the Series 2004 SRF Bonds in accordance with the delivery instructions of the MMBA.

Each Series 2004 SRF Bond principal amount is expected to be drawn down by the City periodically, and interest on the principal amount shall accrue from the date such principal amount is drawn down by the City.

The Series 2004 SRF Bonds shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2004 SRF Bonds shall be payable as provided in the Series 2004 SRF Bond form in this Resolution as the same may be amended to conform to MMBA requirements.

An Authorized Officer shall record on the registration books payment by the City of each installment of principal or interest or both when made and the cancelled checks or other records evidencing such payments shall be returned to and retained by the Authorized Officer.

Upon payment by the City of all outstanding principal of and interest on a Series 2004 SRF Bond, the MMBA shall deliver the respective Series 2004 SRF Bond to the City for cancellation.

2. Bonds of the City designated **GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2004** (the "Series 2004 Public Sale Bonds"), are authorized to be issued in one or more series in the aggregate principal sum of not to exceed the full amount authorized by Section 1 of this Resolution less the actual face amount of Series 2004 SRF Bonds and Series 2004C Bonds (hereinafter defined) issued and to be issued hereunder, for the purpose of paying part of the cost of the current phase of the Project not eligible for SRF financing and not otherwise payable from other available funds of the City, including capitalized interest and the costs incidental to the issuance, sale and delivery of the Series 2004 Public Sale Bonds.

The Series 2004 Public Sale Bonds shall be sold by competitive public sale and shall be issued in fully-registered form of the denomination of \$5,000, or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, numbered consecutively in order of registration, and shall be dated as of the date of delivery, or such other date as may be determined by an Authorized Officer, and shall mature on November 1, or such other date as may be determined by an Authorized Officer, in the years and amounts as determined by an Authorized Officer, provided that the final maturity shall not be greater than twenty-five (25) years from the date of issuance.

The Series 2004 Public Sale Bonds shall bear interest at a rate or rates to be determined on public sale thereof, but in any event not exceeding seven percent (7%) per annum, payable on May 1 and November 1 of each year, or such other dates as shall be determined by an Authorized Officer. The Director of Finance is authorized and directed to approve of a series designation with respect to each series of the Series 2004 Public Sale Bonds, and to make appropriate changes to the designation hereinbefore set forth.

The Series 2004 Public Sale Bonds may be issued as serial bonds or term bonds or both and shall be subject to redemption prior to maturity at the times, in the amounts and at the prices as approved by order of an Authorized Officer at the time of sale and in the manner and with notice as set forth in Section 9 hereof and Exhibit A hereto, subject to revision as determined by an Authorized Officer, provided that the redemption premium may not exceed three percent (3%).

Interest shall be payable to the registered owner of record as of the 15th day of the month prior to the payment date for each interest payment. The record date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. Interest shall be payable by check or draft drawn on the Transfer Agent (as hereinafter defined) mailed to the registered owner at the registered address, as shown on the registration books of the City maintained by the Transfer Agent. The principal of the Series 2004 Public Sale Bonds shall be payable upon presentation and surrender to the Transfer Agent.

The Authorized Officers are authorized to select a qualified bank or financial institution to serve as bond registrar, paying agent and transfer agent (the "Transfer Agent") for this issue. The City reserves the right to replace the Transfer Agent at any time upon written notice to the registered owners of record of the Series 2004 Public Sale Bonds not less than sixty (60) days prior to an interest payment date.

The Series 2004 Public Sale Bonds may be issued in book-entry only form as one fully registered bond per maturity and, if so issued, shall be registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company ("DTC"), New York, New York. If the Series 2004 Public Sale Bonds are issued in book-entry only form, DTC will act as securities depository for the Series 2004 Public Sale Bonds, and purchasers will not receive certificates representing their interest in Series 2004 Public Sale Bonds purchased. If the Series 2004 Public Sale Bonds are issued in book-entry only form, provisions in this Resolution to the contrary shall be of no force nor effect unless and until the suspension of the book-entry only system. The Authorized Officers are authorized to determine whether the Series 2004 Public Sale Bonds shall be issued in book-entry only form, to make such changes in the form of the Series 2004 Public Sale Bonds and the notice of sale as shall be necessary or convenient to enable the Series 2004 Public Sale Bonds to be issued in book-entry only form, and to execute such documents as may be required to enable the Series 2004 Public Sale Bonds to be so issued.

3. Bonds of the City designated **GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2004C** (the "Series 2004C Bonds"), are authorized to be issued in one or more series in the aggregate principal sum of not to exceed the full amount authorized by Section 1 of this Resolution less the actual face amount of Series 2004 SRF Bonds and Series 2004 Public Sale Bonds issued and to be issued hereunder, as finally determined by execution of the Purchase Contract (hereinafter defined), for the purpose of paying part of the cost of the current phase of the Project not eligible for SRF financing and not otherwise payable from other available funds of the City, including capitalized interest and the costs incidental to the issuance, sale and delivery of the Series 2004C Bonds. Each series of Series 2004C Bonds shall be sold to the Authority and shall be in the form of a single fully-registered, nonconvertible bond in the denomination of the full principal amount thereof, dated as of the date of delivery of the Series 2004C Bonds, payable in not to exceed thirty (30)

principal installments serially as finally determined in the Purchase Contract at the time of sale of the Series 2004C Bonds and approved by the Authority and an Authorized Officer. Final determination of the Principal Amount of a series of Series 2004C Bonds and the payment dates and amounts of principal installments of a series of Series 2004C Bonds shall be evidenced by execution of a Purchase Contract (the "Purchase Contract") between the City and the MMBA providing for sale of the Series 2004C Bonds, and the Authorized Officers are authorized and directed to execute and deliver the Purchase Contract when it is in final form and to make the determinations set forth above. The Director of Finance is authorized and directed to approve of a separate series designation with respect to each series of Series 2004C Bonds and to make appropriate changes to the designation hereinbefore set forth.

The Series 2004C Bonds or principal installments thereof will be subject to prepayment prior to maturity in the manner and at the times as provided in the form of Series 2004C Bond contained in this Resolution or as may be approved by the Authorized Officers at the time of sale of the Series 2004C Bonds or by the MMBA at the time of prepayment.

The Series 2004C Bonds shall bear interest at a rate to be finally determined by execution of the Purchase Contract, but in any event not to exceed seven percent (7%) per annum, and the Authorized Officers shall deliver the Series 2004C Bonds in accordance with the delivery instructions of the MMBA.

The Series 2004C Bonds shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2004C Bonds shall be payable as provided in the Series 2004C Bond form in this Resolution as the same may be amended to conform to MMBA requirements.

An Authorized Officer shall record on the registration books payment by the City of each installment of principal or interest or both when made and the cancelled checks or other records evidencing such payments shall be returned to and retained by the Authorized Officer.

Upon payment by the City of all outstanding principal of and interest on a Series 2004C Bond, the MMBA shall deliver the respective Series 2004C Bond to the City for cancellation.

4. The Series 2004 SRF Bonds, the Series 2004 Public Sale Bonds and the Series 2004C Bonds (collectively, the "Bonds," and each a "Series") shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and Director of Finance of the City and shall have the seal of the City, or a facsimile thereof, printed or impressed on the Bonds. If the Bonds shall bear facsimile signatures, no Bond shall be valid until authenticated by an authorized officer or representative of the Transfer Agent.

5. The Transfer Agent shall keep the books of registration for this issue on behalf of the City. Any Bonds may be transferred upon such registration books by the registered owner of record, 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 City 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 the payment by

the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.

Unless waived by any registered owner of Bonds to be redeemed, official notice of redemption shall be given by the Transfer Agent on behalf of the City. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; CUSIP numbers, if any; certificate numbers (and in the case of partial redemption) the called amounts of each certificate; the place where the Bonds called for redemption are to be surrendered for payment; and that interest on the Bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date.

In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

6. The Director of Finance is authorized to open a separate depository account for each Series with a bank or trust company designated by the Director of Finance, to be designated 2004 WASTEWATER SYSTEM BONDS DEBT RETIREMENT FUND (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Series of Bonds as they mature. All proceeds from taxes levied for the Debt Retirement Fund shall be deposited into the Debt Retirement Fund as collected. Commencing with the fiscal year beginning July 1, 2003, the City shall provide in its budget each year until the Bonds are paid, in the manner provided by the provisions of Act 451, an amount sufficient to promptly pay, when due, after taking into account other available funds of the City, the principal of and interest on the Bonds becoming due prior to the next annual tax levy. The limited tax full faith, credit and resources of the City are hereby pledged for the prompt payment of the principal of and interest on the Bonds as they become due, which pledge shall include the City's obligation to pay from its general funds as a first budget obligation said principal and interest and, if necessary, to levy ad valorem taxes on all taxable property in the City, within applicable constitutional, statutory and charter tax rate limitations.

7. The Director of Finance is authorized to open a separate depository account for each Series with a bank or trust company designated by the Director of Finance, to be designated SERIES 2004 WASTEWATER SYSTEM BONDS CONSTRUCTION FUND (the "Construction Fund") and deposit into said Construction Fund the proceeds of the respective Series of Bonds. The moneys in the Construction Fund shall be used solely to pay the costs of the Project and the costs of issuance of the Bonds.

8. The Series 2004 SRF Bonds and Series 2004C Bonds shall be in substantially the following form, subject to such modifications which may be required by the Michigan Attorney General and the MMBA and approved by bond counsel:

**UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF ST. CLAIR

CITY OF PORT HURON**

**GENERAL OBLIGATION LIMITED TAX BOND
[(STATE REVOLVING FUND),] SERIES 2004__**

REGISTERED OWNER: Michigan Municipal Bond Authority
PRINCIPAL AMOUNT: _____ Dollars (\$____,000)
DATE OF ORIGINAL ISSUE: _____, 2004

The CITY OF PORT HURON, County of St. Clair, State of Michigan (the "City"), for value received, hereby promises to pay to the Michigan Municipal Bond Authority (the "Authority"), or registered assigns, the Principal Amount shown above, or such portion thereof as shall have been advanced to the City pursuant to a Purchase Contract between the City and the Authority [and a Supplemental Agreement by and among the City, the Authority and the State of Michigan acting through the Department of Environmental Quality], in lawful money of the United States of America, unless prepaid prior thereto as hereinafter provided.

During the time the Principal Amount is being drawn down by the City under this bond, the Authority will periodically provide to the City a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the City of its obligation to repay the outstanding Principal Amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this bond.

The Principal Amount shall be payable on the dates and in the annual principal installment amounts set forth in Schedule A attached hereto and made a part hereof, as such Schedule may be adjusted if less than \$____,000 is disbursed to the City or if a portion of the Principal Amount is prepaid as provided below, with interest on said principal installments from the date each said installment is delivered to the holder hereof until paid at the rate of _____ percent (____%) per annum. Interest is first payable on _____ 1, 200_, and semiannually thereafter on the first day of _____ and _____ of each year, as set forth in the Purchase Contract.

Notwithstanding any other provision of this bond, as long as the Authority is the owner of this bond, (a) this bond is payable as to principal, premium, if any, and interest at the corporate trust office of National City Bank of Michigan/Illinois or at such other place as shall be designated in writing to the City by the Authority (the "Authority's Depository"); (b) the City agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on this bond in immediately available funds at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; and (c) written notice of any redemption of this bond shall be given by the City and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

Additional Interest

In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to

provide funds to purchase this bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the City's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provide funds to purchase this bond fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the City shall and hereby agrees to pay on demand only the City's pro rata share (as determined by the Authority) of such deficiency as additional interest on this bond.

This bond is a single, fully-registered, non-convertible bond in the principal sum of \$____,000, issued for the purpose of paying the cost of certain modifications to the sanitary sewer collection system and storm drain system of the City and paying costs incidental to the issuance of the bonds, in pursuance of the authority granted under Act 451, Public Acts of Michigan, 1994, as amended, and Michigan Water Resources Commission Wastewater Treatment Facilities National Pollutant Discharge Elimination System Permit No. MI0023833 and MDEQ Order DFO-SW98-001, as now in force or hereafter amended.

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

This bond, including the interest hereon, is payable as a first budget obligation from the general funds of the City, and the City is required, if necessary, to levy ad valorem taxes on all taxable property in the City for the payment thereof, subject to applicable constitutional, statutory and charter tax rate limitations.

This bond is transferable only upon the registration books of the City by the registered owner of record in person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the City duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the resolution authorizing this bond and upon the payment of the charges, if any, therein prescribed.

It is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this bond and the series of bonds of which this is one, exist and have been done and performed in regular and due form and time as required by law, and that the total indebtedness of the City, including this bond and the series of bonds of which this is one, does not exceed any constitutional, statutory or charter debt limitation.

IN WITNESS WHEREOF, the City, by its City Council, has caused this bond to be signed in the name of the City by the manual or facsimile signatures of its Mayor and Director of Finance and its corporate seal or a facsimile thereof to be printed or impressed hereon, all as of the Date of Original Issue.

CITY OF PORT HURON
County of St. Clair
State of Michigan

(SEAL) By _____
Its Mayor

By _____
Its Director of Finance

DEQ Project No.
DEQ Approved Amt: \$

SCHEDULE A

Based on the schedule provided below unless revised as provided in this paragraph, repayment of principal of the Bond shall be made until the full amount advanced to the City is repaid. In the event the Order of Approval issued by the Department of Environmental Quality (the "Order") approves a principal amount of assistance less than the amount of the Bond delivered to the Authority, the Authority shall only disburse principal up to the amount stated in the Order. In the event (1) that the payment schedule approved by the City and described below provides for payment of a total principal amount greater than the amount of assistance approved by the Order or (2) that less than the principal amount of assistance approved by the Order is disbursed to the City by the Authority, the Authority shall prepare a new payment schedule which shall be effective upon receipt by the City.

Principal Installment Due on <u> 1 </u>	Amount of Principal Installment
---	---------------------------------------

Interest on the Bond shall accrue on principal disbursed by the Authority to the City from the date principal is disbursed, until paid, at the rate of _____% per annum, payable _____ 1, 200 , and semi-annually thereafter.

9. The Series 2004 Public Sale Bonds, if and when issued, shall be in substantially the following form:

**UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF ST. CLAIR**

CITY OF PORT HURON

**GENERAL OBLIGATION LIMITED TAX BOND,
SERIES 2004__**

Interest <u>Rate</u>	Maturity <u>Date</u>	Date of Original <u>Issue</u>	<u>CUSIP</u>
-------------------------	-------------------------	-------------------------------------	--------------

Registered Owner: _____ 1, 2004

Principal Amount: _____ Dollars

KNOW ALL MEN BY THESE PRESENTS, that the City of Port Huron, County of St. Clair, State of Michigan (the "City"), acknowledges itself to owe and for value received hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Maturity Date specified above, unless

prepaid prior thereto as hereinafter provided, with interest thereon from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on _____ 1, 200_ and semiannually thereafter. Principal of this bond is payable at the designated office of _____, _____, Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner not less than sixty (60) days prior to an interest payment date (the "Transfer Agent"). Interest on this bond is payable to the registered owner of record as of the 15th day of the month preceding the interest payment date as shown on the registration books of the City kept by the Transfer Agent by check or draft mailed by the Transfer Agent to the registered owner of record at the registered address. For prompt payment of this bond, both principal and interest, the full faith, credit and resources of the City are hereby irrevocably pledged.

This bond is one of a series of bonds of even date of original issue aggregating the principal sum of \$ _____ issued for the purpose of paying the cost of certain modifications to the sanitary sewer collection system and storm drain system of the City and paying [capitalized interest and] costs incidental to the issuance of the bonds, in pursuance of the authority granted under Act 451, Public Acts of Michigan, 1994, as amended, and Michigan Water Resources Commission Wastewater Treatment Facilities National Pollutant Discharge Elimination System Permit No. MI0023833 and MDEQ Order DFO-SW98-001, as now in force or hereafter amended.

[Bonds of this issue maturing in the years _____ to _____, inclusive, shall not be subject to redemption prior to maturity].

[Bonds or portions of bonds in multiples of \$5,000 of this issue maturing in the years 20__ to 20__, inclusive, shall be subject to redemption prior to maturity, at the option of the City, in such order as the City shall determine and by lot within any maturity, on any date on or after _____ 1, 20__, at a redemption price of par plus accrued interest to the date fixed for redemption].

[Insert term bond provisions, if applicable].

In case less than the full amount of an outstanding bond is called for redemption, the Transfer Agent, upon presentation of the bond called for redemption, shall register, authenticate and deliver to the registered owner of record a new bond in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given to the registered owner of any bond or portion thereof called for redemption by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered address of the registered owner of record. A bond or portion thereof so called for redemption shall not bear interest after the date fixed for redemption, whether presented for redemption or not, provided funds are on hand with the Transfer Agent to redeem said bond or portion thereof.

This bond, including the interest hereon, is payable as a first budget obligation from the general funds of the City, and the City is required, if necessary, to levy ad valorem taxes on all taxable property in the City for the payment thereof, subject to applicable constitutional, statutory and charter tax rate limitations.

This bond is transferable only upon the registration books of the City kept by the Transfer Agent by the registered owner of record in

person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the resolution authorizing this bond and upon the payment of the charges, if any, therein prescribed.

It is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this bond and the series of bonds of which this is one, exist and have been done and performed in regular and due form and time as required by law, and that the total indebtedness of the City, including this bond and the series of bonds of which this is one, does not exceed any constitutional, statutory or charter debt limitation.

This bond is not valid or obligatory for any purpose until the Transfer Agent's Certificate of Authentication on this bond has been executed by the Transfer Agent.

IN WITNESS WHEREOF, the City, by its City Council, has caused this bond to be signed in the name of the City by the facsimile signatures of its Mayor and Director of Finance and a facsimile of its corporate seal to be printed hereon, all as of the Date of Original Issue.

CITY OF PORT HURON
County of St. Clair
State of Michigan

By _____
Its Mayor

(SEAL)

By _____
Its Director of Finance

Date of Authentication:

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within-mentioned resolution.

_____, Michigan,
Transfer Agent

By _____
Authorized Representative

[insert form of assignment]

10. If Series 2004 Public Sale Bonds are to be issued and sold, the Director of Finance shall fix a date of sale for the Series 2004 Public Sale Bonds and publish a notice of sale of the Series 2004 Public Sale Bonds in the form and manner required by applicable law and regulations.

11. The estimated period of usefulness of the Project to be financed with the proceeds of the Bonds is hereby declared to be not less than thirty (30) years and its total cost is estimated to be not less than the amount set forth in Section 1 of this Resolution.

12. The City shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Bonds from gross income for federal income tax purposes (as opposed to any alternative minimum or other indirect taxation) 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 expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds.

13. The Authorized Officers are each hereby authorized to make application to the Authority and to the MDEQ for placement of the Series 2004 SRF Bonds and the Series 2004C Bonds with the Authority. Any of the Authorized Officers is further authorized to execute and deliver such contracts, documents and certificates as may be required by the Authority or MDEQ or as may be otherwise necessary to effect the approval, sale and delivery of the Series 2004 SRF Bonds and the Series 2004C Bonds, including a Purchase Contract, a Supplemental Agreement, and Issuer's Certificate.

14. If then required in connection with the issuance and sale of the Series 2004 Public Sale Bonds, the City hereby agrees that it shall execute a Continuing Disclosure Undertaking in form and substance satisfactory to bond counsel (the "Undertaking") to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, on or prior to the last day of the 6th month after the end of the fiscal year of the City, commencing with the fiscal year ending June 30, 2004, (i) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year, (ii) timely notice of the occurrence of certain material events with respect to the bonds and (iii) timely notice of a failure by the City to provide the required annual financial information on or before the date specified in (i) above to enable prospective purchasers of the Series 2004 Public Sale Bonds to meet their obligations under the Rule, and the Director of Finance is authorized and directed to execute the Undertaking.

15. The Authorized Officers are authorized and directed to file an application for waivers and approvals, to the extent necessary, for the Bonds from the Michigan Department of Treasury (the "Department"), to make post-delivery filings and to pay all fees related thereto; to cause the preparation and circulation of a preliminary and final Official Statement with respect to the issuance and sale of the Series 2004 Public Sale Bonds, if then required; to procure a policy of municipal bond insurance with respect to the Bonds or cause the qualification of the Bonds therefor if, upon the advice of the City's financial advisor, the acquisition of such insurance would be of economic benefit to the City; to obtain ratings on the Bonds; and to take all other actions necessary or advisable, and to make such other filings for waivers or other approvals with the Department or with other parties, to enable the sale and delivery of the Bonds as contemplated herein.

16. The Director of Finance is hereby authorized to adjust the final bond details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing is authorized to exercise the authority and make the determinations authorized pursuant to Section 315(1)(d) of Act 34, Public Acts of Michigan, 2001, including but not limited to determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, designation of Series, and other matters, provided that the principal

amount of Bonds issued shall not exceed the principal amount authorized in this Resolution, the interest rate per annum on the Bonds shall not exceed seven percent (7%), and the Bonds shall mature in not more than thirty (30) principal installments.

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

Adopted unanimously.

R-4. Councilmember Jacobs offered and moved the adoption of the following resolution:

WHEREAS, on December 10, 2003, an inspection was conducted at 2820 Electric Avenue resulting in the determination that the garage located on said property constituted a blighting factor as defined by Section 34-2(6) of the Code of Ordinances of the City of Port Huron; and

WHEREAS, after subsequent notification of the blight condition, the property owner failed to correct the blighting factor; and

WHEREAS, per Section 34-3 of the Code of Ordinances of the City of Port Huron, the property owner was issued a "Removal Notice" and given until February 16, 2004, to demolish the garage; and

WHEREAS, the property owner has not complied with the Removal Notice nor filed a written request for an appeal hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes and directs the City Manager to cause the garage located at 2820 Electric Avenue to be immediately demolished in the event the owner does not execute a work agreement contract by March 1, 2004.

Adopted unanimously.

R-5. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, in 2002, the United States Department of Housing and Urban Development (HUD) allocated \$486,000 in HOME funding to the City of Port Huron for use in developing affordable housing for low-income persons in the city; and

WHEREAS, a condition of receipt of funds is that at least 15% of the annual allocation be set aside for eligible (Community Housing Development Organization) CHDO housing projects; and

WHEREAS, the city requested proposals from eligible CHDOs, which included a specific housing project to provide permanent housing to low-income persons; and

WHEREAS, the Community Development Division reviewed and scored each of the applications received; and

WHEREAS, the Economic Opportunity Committee of St. Clair County has been recommended to receive the award from 2002 HOME funding in the amount of \$97,200 (contingent upon meeting all applicable regulations and execution of contract agreements);

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the City's Community Development Division to allocate 2002 HOME CHDO funds according to the Economic Opportunity Committee's proposal for the purpose of acquiring and rehabilitating two (2) single-family homes for re-sale to low-income, first-time home buyers in the Woodrow Wilson School neighborhood (Community Renaissance Program boundaries).

Adopted unanimously.

6-7. Councilmember Prax offered and moved the adoption of the following resolution:

R-6. WHEREAS, the City of Port Huron owns certain real property that is suitable for location of a cellular telephone communications antennae; and

WHEREAS, a lease between the City of Port Huron and Sprint PCS for the placement of a cellular telephone communications antennae on City property has been negotiated;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached lease with Sprint PCS for the placement of a cellular telephone communications antennae on the roof of the Grandview Towers building and authorizes the appropriate City officials to execute said agreement. (See City Clerk File #04-17)

R-7. WHEREAS, the City of Port Huron owns certain real property that is suitable for location of a cellular telephone communications antennae; and

WHEREAS, a lease between the City of Port Huron and Sprint PCS for the placement of a cellular telephone communications tower on City property has been negotiated;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached lease with Sprint PCS for placement of a cellular telephone communications tower on City property at the North End Service Center and authorizes the appropriate City officials to execute said agreement. (See City Clerk File #04-18)

Motion to adopt Resolutions 6 and 7 adopted unanimously.

ORDINANCES

O-1. Councilmember Prax moved an ordinance introduced February 23, 2004 entitled and reading as follows be given its first, second, third and final reading and enacted under emergency status:

ORDINANCE NO. 1224

AN ORDINANCE TO PROVIDE FOR THE ACQUISITION, CONSTRUCTION, INSTALLATION, FURNISHING AND EQUIPPING OF ADDITIONS AND IMPROVEMENTS TO THE EXISTING WATER SUPPLY SYSTEM OF THE CITY OF PORT HURON, MICHIGAN; TO PROVIDE FOR THE ISSUANCE AND SALE OF REVENUE BONDS OF EQUAL STANDING AND OF SENIOR STANDING WITH REVENUE BONDS NOW OUTSTANDING AND TO PAY THE COST THEREOF; TO

PROVIDE FOR THE RETIREMENT AND SECURITY OF THE BONDS HEREIN AUTHORIZED; TO CONFIRM THE EXISTING RATES FOR THE SYSTEM; TO AMEND THE PRIOR BOND AUTHORIZING ORDINANCE OF THE CITY; AND TO PROVIDE FOR OTHER MATTERS RELATIVE TO THE SYSTEM AND THE BONDS.

THE CITY OF PORT HURON ORDAINS:

Section 1. Title and Purpose. This Ordinance shall be known and cited as the "Series 2004 Water Bond Ordinance." Pursuant to the authority granted under the provisions of Act 94, the Code of the City of Port Huron is hereby amended by adding this Ordinance.

Section 2. Definitions. Capitalized terms used in this Ordinance and not otherwise defined shall have the meanings given them in the Master Ordinance. In addition, the following terms shall have the following meanings, and the Master Ordinance is hereby amended to add the following defined terms:

(a) "Act 34" means Act No. 34 of the Public Acts of Michigan, 2001, as the same may be amended from time to time.

(b) "Authority" or "MMBA" shall mean the Michigan Municipal Bond Authority.

(c) "Master Ordinance" means Ordinance No. 1 adopted by the City Council on May 10, 1999, authorizing the issuance of the Outstanding Bonds and of Bonds and Junior Lien Bonds.

(d) "MDEQ" means the Michigan Department of Environmental Quality.

(e) "Outstanding Bonds" means the City's outstanding Water Supply System Revenue Bonds (Junior Lien), Series 1999 (Limited Tax General Obligation), dated June 24, 1999, authorized as Junior Lien Bonds in the original principal amount of \$10,000,000; Water Supply System Revenue Bonds (Junior Lien), Series 2001B (Limited Tax General Obligation), dated December 20, 2001, authorized as Junior Lien Bonds in the original principal amount of \$8,945,000; Water Supply System Revenue Bonds (Junior Lien), Series 2002B (Limited Tax General Obligation), dated March 28, 2002, authorized as Junior Lien Bonds in the original principal amount of \$3,930,000; Water Supply System Revenue Bonds (Junior Lien), Series 2002C (Limited Tax General Obligation), dated September 26, 2002, authorized as Junior Lien Bonds in the original principal amount of \$1,805,000; Water Supply System Revenue Bonds (Junior Lien), Series 2003A (Limited Tax General Obligation), dated March 27, 2003, authorized as Junior Lien Bonds in the original principal amount of \$1,800,000; and Water Supply System Revenue Bonds (Junior Lien), Series 2004A (Limited Tax General Obligation), dated February 18, 2004, authorized as Junior Lien Bonds in the original principal amount of \$3,000,000.

(f) "Series 2004C Bonds" means the Water Supply System Revenue Bonds (Junior Lien), Series 2004C (Limited Tax General Obligation), issued pursuant to this Ordinance.

(g) "Series 2004 DWRP Bonds" means the Water Supply System Revenue Bonds (Junior Lien), Series 2004 (Limited Tax General Obligation), issued pursuant to this Ordinance.

(h) "Series 2004 Public Sale Bonds" means the Water Supply System Revenue Bonds, Series 2004 (Limited Tax General Obligation), issued pursuant to this Ordinance.

(I) "Series 2004 Bonds" means, collectively, the Series 2004 Public Sale Bonds, the Series 2004 DWRB Bonds and the Series 2004C Bonds.

Section 3. Necessity; Approval of Plans and Specifications. It is hereby determined to be a necessary public purpose of the Issuer to acquire and construct the Project in accordance with the plans and specifications prepared by the City's consulting engineers, Tetra Tech MPS of Ann Arbor, Michigan, which plans and specifications are hereby approved. The Project qualifies in whole or in part for the State of Michigan Drinking Water Revolving Fund financing program ("DWRB") being administered by the MDEQ and the Authority.

Section 4. Costs; Useful Life. The cost of the current phase of the Project is estimated to not exceed Four Million Dollars (\$4,000,000), plus the payment of incidental expenses as specified in Section 5 of this Ordinance, which estimate of cost is hereby approved and confirmed, and the period of usefulness of the Project is estimated to be not less than thirty (30) years.

Section 5. Payment of Cost; Bonds Authorized. To pay part of the cost of acquiring, constructing and installing the current phase of the Project, legal, engineering, financial and other expenses incident thereto and incident to the issuance and sale of the Series 2004 Bonds, the Issuer shall borrow the sum of not to exceed Four Million Dollars (\$4,000,000) and issue the Series 2004 Bonds therefor pursuant to the provisions of Act 94. The remaining cost of the Project shall be defrayed from Issuer funds on hand and legally available for such use.

Except as amended by or expressly provided to the contrary in this Ordinance, all of the provisions of the Master Ordinance shall apply to the Series 2004 Bonds issued pursuant to this Ordinance, the same as though each of said provisions were repeated in this Ordinance in detail; the purpose of this Ordinance being to authorize the issuance of additional revenue bonds of both equal and senior lien with respect to the Outstanding Bonds to finance the cost of acquiring additions, extensions and improvements to the System, additional bonds of equal and senior standing with the Outstanding Bonds for such purpose being authorized by the provisions of Section 22 of the Master Ordinance (as amended by this Ordinance), upon the conditions therein stated, which conditions have been fully met.

Section 6. Issuance of Series 2004 DWRB Bonds; Details. Bonds of the Issuer, to be designated **WATER SUPPLY SYSTEM REVENUE BONDS (JUNIOR LIEN), SERIES 2004 (LIMITED TAX GENERAL OBLIGATION)**, are authorized to be issued in one or more series in the aggregate principal sum of not to exceed Four Million Dollars (\$4,000,000), as finally determined by order of the MDEQ, for the purpose of paying part of the cost of the Project, including the costs incidental to the issuance, sale and delivery of the Series 2004 DWRB Bonds. The Series 2004 DWRB Bonds shall be sold to the Authority and shall be payable out of the Net Revenues, as set forth more fully in Section 7 hereof, provided that said Series 2004 DWRB Bonds shall be junior and subordinate to the prior lien with respect to the Net Revenues of the Series 2004 Public Sale Bonds and any additional Senior Lien Bonds hereafter issued. The Series 2004 DWRB Bonds shall be in the form of a single fully-registered, nonconvertible bond of the denomination of the full

principal amount thereof, dated as of the date of delivery of the Series 2004 DWRB Bonds, payable in principal installments serially as finally determined by the order of the MDEQ at the time of sale of the Series 2004 DWRB Bonds and approved by the Authority and an Authorized Officer. Final determination of the Principal Amount and the payment dates and amounts of principal installments of the Series 2004 DWRB Bonds shall be evidenced by execution of a Purchase Contract (the "Purchase Contract") between the Issuer and the Authority providing for sale of the Series 2004 DWRB Bonds, and any of the Authorized Officers is authorized and directed to execute and deliver the Purchase Contract when it is in final form and to make the determinations set forth above. If the Series 2004 DWRB Bonds are issued in more than one series, the Director of Finance of the Issuer shall assign a specific series designation to each respective series of Series 2004 DWRB Bonds pursuant to the authority granted by Section 13 of this Ordinance.

The Series 2004 DWRB Bonds or principal installments thereof will be subject to prepayment prior to maturity in the manner and at the times as provided in the form of Series 2004 DWRB Bond contained in Section 10A of this Ordinance or as may be approved by an Authorized Officer at the time of sale of the Series 2004 DWRB Bonds or by the Authority at the time of prepayment.

The Series 2004 DWRB Bonds shall bear interest at a rate of two and one-half percent (2.5%) per annum on the par value thereof or such other rate as evidenced by execution of the Purchase Contract, but in any event not to exceed seven percent (7%) per annum, and the Authorized Officers shall deliver the Series 2004 DWRB Bonds in accordance with the delivery instructions of the Authority. The Series 2004 DWRB Bonds shall be signed with the manual or facsimile signature of the Mayor and countersigned with the manual or facsimile signature of the Director of Finance and shall have the corporate seal of the Issuer or a facsimile thereof impressed or imprinted thereon.

The Series 2004 DWRB Bonds principal amount is expected to be drawn down by the Issuer periodically, and interest on the principal amount shall accrue from the date such principal amount is drawn down by the Issuer.

The Series 2004 DWRB Bonds shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2004 DWRB Bonds shall be payable as provided in the Series 2004 DWRB Bond form set forth in Section 10A of this Ordinance.

An Authorized Officer shall record on the registration books payment by the Issuer of each installment of principal or interest or both when made and the cancelled checks or other records evidencing such payments shall be returned to and retained by an Authorized Officer.

Upon payment by the Issuer of all outstanding principal of and interest on the Series 2004 DWRB Bond, the Authority shall deliver the Series 2004 DWRB Bond to the City for cancellation.

Section 6A. Issuance of Series 2004 Public Sale Bonds; Details. Bonds of the Issuer, to be designated **WATER SUPPLY SYSTEM REVENUE BONDS, SERIES 2004** (the "Series 2004 Public Sale Bonds"), are authorized to be issued in one or more series in the aggregate principal sum of not to exceed the maximum amount authorized pursuant to this Ordinance less the actual face amount of Series 2004 DWRB Bonds and Series 2004C Bonds issued and to be

issued pursuant to Section 6 and 6B of this Ordinance, for the purpose of paying part of the cost of the current phase of the Project not eligible for DWRP program financing, including the costs incidental to the issuance, sale and delivery of the Series 2004 Public Sale Bonds. Said Series 2004 Public Sale Bonds shall be sold by competitive public sale and shall be of senior standing and priority of lien as to the Net Revenues with the Outstanding Bonds, the Series 2004 DWRP Bonds and the Series 2004C Bonds. The Series 2004 Public Sale Bonds shall be payable out of the Net Revenues, as set forth more fully in Section 7 hereof, and shall consist of fully-registered bonds of the denomination of \$5,000 each, or integral multiples thereof not exceeding in any one year the amount maturing in that year, dated as the date of delivery of the Series 2004 Public Sale Bonds, or such other date as determined by an Authorized Officer, numbered in order of registration, and shall mature on November 1, or such other date as shall be determined by an Authorized Officer, in the years and amounts as determined by an Authorized Officer, provided that the final maturity shall not be greater than twenty-five (25) years from the date of issuance. The Director of Finance shall assign a specific series designation to each respective series of Series 2004 Public Sale Bonds pursuant to the authority granted by Section 13 of this Ordinance.

The Series 2004 Public Sale Bonds shall bear interest at a rate or rates to be determined on public sale thereof, but in any event not exceeding seven percent per annum (7%), payable on May 1 and November 1 of each year, or such other dates as shall be determined by an Authorized Officer, commencing as determined by order of an Authorized Officer by check or draft mailed by the transfer agent selected by the Issuer 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 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 Series 2004 Public Sale Bonds shall be sold at not less than 97% of their par value. The principal of the Series 2004 Public Sale Bonds shall be payable at the bank or trust company designated by an Authorized Officer as registrar and transfer agent for this issue.

The Series 2004 Public Sale Bonds may be issued as serial bonds or term bonds or both and shall be subject to redemption prior to maturity at the times, in the amounts and at the prices as approved by order of an Authorized Officer at the time of sale and in the manner and with notice as set forth in the form of Series 2004 Public Sale Bond contained in Section 10B of this Ordinance.

In case less than the full amount of an outstanding Series 2004 Public Sale Bond is called for redemption, the transfer agent upon presentation of the Series 2004 Public Sale Bond called in part for redemption shall register, authenticate and deliver to the registered owner a new bond in the principal amount of the portion of the original bond not called for redemption. Notice of redemption shall be given in the manner specified in the form of the Series 2004 Public Sale Bonds contained in Section 10B of this Ordinance.

The Series 2004 Public Sale Bonds may be issued in book-entry only form as one fully registered bond per maturity and, if so issued, shall be registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company ("DTC"), New York, New York. If the Series 2004 Public Sale Bonds are issued in book-entry only form, DTC will act as securities depository for the Series 2004 Public Sale Bonds, and purchasers will not receive certificates

representing their interest in Series 2004 Public Sale Bonds purchased. If the Series 2004 Public Sale Bonds are issued in book-entry only form, provisions in this Ordinance to the contrary shall be of no force nor effect unless and until the suspension of the book-entry only system. The Authorized Officers are authorized to determine whether the Series 2004 Public Sale Bonds shall be issued in book-entry only form, to make such changes in the form of the Series 2004 Public Sale Bonds and the notice of sale as shall be necessary or convenient to enable the Series 2004 Public Sale Bonds to be issued in book-entry only form, and to execute such documents as may be required to enable the Series 2004 Public Sale Bonds to be so issued.

The Series 2004 Public Sale Bonds shall be signed by the manual or facsimile signature of the Mayor and countersigned by the manual or facsimile signature of the Director of Finance and shall have the corporate seal of the Issuer or a facsimile thereof impressed or imprinted thereon. The Series 2004 Public Sale Bonds shall be delivered to the transfer agent for authentication and thereafter be delivered by the transfer agent to the purchaser thereof in accordance with instructions from the Director of Finance upon payment of the purchase price for the Series 2004 Public Sale Bonds in accordance with the bid therefor when accepted. Executed blank bonds for registration and issuance to transferees shall simultaneously, and from time to time thereafter as necessary, be delivered to the transfer agent for safekeeping.

Section 6B. Issuance of Series 2004C Bonds; Details. Bonds of the Issuer, to be designated **WATER SUPPLY SYSTEM REVENUE BONDS (JUNIOR LIEN), SERIES 2004C (LIMITED TAX GENERAL OBLIGATION)** (the "Series 2004C Bonds"), are authorized to be issued in one or more series in the aggregate principal sum of not to exceed the maximum amount authorized pursuant to this Ordinance less the actual face amount of Series 2004 DWRP Bonds and Series 2004 Public Sale Bonds issued and to be issued pursuant to Section 6 and Section 6A of this Ordinance, as finally determined by execution of the Purchase Contract (hereinafter defined), for the purpose of paying part of the cost of the Project not eligible for participation in the DWRP Program and not otherwise payable from other available funds of the Issuer, including the costs incidental to the issuance, sale and delivery of the Series 2004C Bonds. The Series 2004C Bonds shall be sold to the Authority and shall be Junior Lien Bonds, payable out of the Net Revenues as set forth more fully in Section 7 hereof, provided that said Series 2004C Bonds shall be junior and subordinate to the prior lien with respect to the Net Revenues of the Series 2004 Public Sale Bonds and any additional Senior Lien Bonds hereafter issued. The Series 2004C Bonds shall be in the form of a single fully-registered, nonconvertible bond of the denomination of the full principal amount thereof, dated as of the date of delivery of the Series 2004C Bond, payable in not to exceed thirty (30) principal installments serially as finally determined in the Purchase Contract at the time of sale of the Series 2004C Bonds and approved by the Authority and an Authorized Officer. Final determination of the Principal Amount and the payment dates and amounts of principal installments of the Series 2004C Bonds shall be evidenced by execution of a Purchase Contract (the "Purchase Contract") between the Issuer and the Authority providing for sale of the Series 2004C Bonds, and the Authorized Officers are authorized and directed to execute and deliver the Purchase Contract when it is in final form and to make the determinations set forth above and in Section 13 of this Ordinance.

The Series 2004C Bonds or principal installments thereof will be subject to prepayment prior to maturity in the manner and at the times as provided in the form of Series 2004C Bond contained in Section 10A of this Ordinance or as may be approved by the Authorized Officers at the time of sale of the Series 2004C Bonds or by the Authority at the time of prepayment.

The Series 2004C Bonds shall bear interest at a rate to be finally determined by execution of the Purchase Contract, but in any event not to exceed seven percent (7%) per annum, and the Authorized Officers shall deliver the Series 2004C Bonds in accordance with the delivery instructions of the Authority. The Series 2004C Bonds shall be signed with the manual or facsimile signature of the Mayor and countersigned with the manual or facsimile signature of the Director of Finance and shall have the corporate seal of the Issuer or a facsimile thereof impressed or imprinted thereon.

The Series 2004C Bond shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2004C Bonds shall be payable as provided in the Series 2004C Bond form set forth in Section 10A of this Ordinance.

An Authorized Officer shall record on the registration books payment by the Issuer of each installment of principal or interest or both when made and the cancelled checks or other records evidencing such payments shall be returned to and retained by the Authorized Officer.

Upon payment by the Issuer of all outstanding principal of and interest on the Series 2004C Bond, the Authority shall deliver the Series 2004C Bond to the Issuer for cancellation.

Section 7. Payment of Bonds; Security; Priority of Lien. Principal of and interest on the Series 2004 Bonds and the Outstanding Bonds shall be payable from the Net Revenues. There is hereby recognized the statutory lien upon the whole of the Net Revenues created by the Master Ordinance, which shall be a first lien (except with respect to the Series 2004 DWRP Bonds and the Series 2004C Bonds authorized by this Ordinance, and the Outstanding Bonds, which shall have a statutory second lien on the Net Revenues) to continue until payment in full of the principal of and interest on all Bonds or Junior Lien 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 or Junior Lien Bonds of a series then outstanding, principal and interest on such Bonds or Junior Lien Bonds to maturity, or, if called for redemption, to the date fixed for redemption together with the amount of the redemption premium, if any. 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 or Junior Lien Bonds, the holders of that series shall have no further rights under the Master Ordinance or this Ordinance, except for payment from the deposited funds, and the Bonds or Junior Lien Bonds of that series shall no longer be considered to be outstanding under the Master Ordinance or this Ordinance.

In addition, the Series 2004 DWRP Bonds and the Series 2004C Bonds being sold to the Authority, the Issuer hereby pledges its limited tax full faith and credit for the payment of the principal of and interest on the Series 2004 DWRP Bonds and the Series 2004C Bonds. Should the Net Revenues of the System at any time be insufficient to pay the principal of and interest on the Series 2004 DWRP Bonds or the Series 2004C Bonds as the same become due, then the Issuer shall advance from any funds available therefor, or, if

necessary, levy taxes upon all taxable property in the Issuer, subject to constitutional, statutory and charter limitations, such sums as may be necessary to pay said principal and interest. The Issuer shall be reimbursed for any such advance from the Net Revenues of the System subsequently received which are not otherwise pledged or encumbered by this Ordinance or the Master Ordinance.

Section 8. Rates and Charges. The rates and charges for service furnished by the System and the methods of collection and enforcement of the collection of the rates shall be those in effect on the date of adoption of this Ordinance. No free service or use of the System, or service or use of the System at less than cost, 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 9. Bond Proceeds. Upon delivery of any series of the Series 2004 Bonds there shall be first immediately deposited from the proceeds of the Series 2004 Bonds in a separate account in the Redemption Fund or the Junior Lien Redemption Fund, as applicable, an amount equal to the accrued interest and premium, if any, received on delivery of the Series 2004 Bonds. With respect to the Series 2004 Public Sale Bonds there shall next be deposited in the Bond Reserve Account an amount sufficient to satisfy the Reserve Amount; provided, however, that alternatively the Bond Reserve Account may be funded from monthly deposits from Net Revenues over not more than a five-year period from the delivery date of the Series 2004 Public Sale Bonds, as determined by an Authorized Officer. The balance of the proceeds of the sale of the Series 2004 Bonds shall be deposited in a bank or banks, designated by the Director of Finance, qualified to act as depository of the proceeds of sale under the provisions of Section 15 of Act 94, in an account designated 2004 WATER PROJECTS CONSTRUCTION FUND (the "Construction Fund"). Moneys in the Construction Fund shall be applied solely in payment of the cost of the Project and any engineering, legal and other expenses incident thereto and to the financing thereof, and shall be fully expended on Project costs within three years after the date of delivery of the Series 2004 Bonds. Payments for construction, either on account or otherwise, shall not be made unless the registered engineer in charge of such work shall file with the City Council of the Issuer a signed statement to the effect that the work has been completed in accordance with the plans and specifications therefor; that it was done pursuant to and in accordance with the contract therefor (including properly authorized change orders), that such work is satisfactory and that such work has not been previously paid for.

Any unexpended balance of the proceeds of sale of the Series 2004 Bonds remaining after completion of the Project in the Construction Fund shall, in the discretion of the City Council of the Issuer, be used either for further improvements, enlargements and extension to the System, if, at the time of such expenditures, such use is approved by the Michigan Department of Treasury, if such permission is then required by law, or for the purpose of purchasing Series 2004 Bonds on the open market at not more than the fair market value thereof, but not more than the price at which Series 2004 Bonds may next be called for redemption, or used for the purpose of paying principal of the Series 2004 Bonds upon maturity or calling Series 2004 Bonds for redemption.

Section 10A. Bond Form. The Series 2004 DWRP Bonds and Series 2004C Bonds shall be in substantially the following forms, with such changes or completions as necessary or appropriate to give effect to the intent of this Ordinance:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF ST. CLAIR

CITY OF PORT HURON

WATER SUPPLY SYSTEM REVENUE BOND
(JUNIOR LIEN), SERIES 2004
(LIMITED TAX GENERAL OBLIGATION)

REGISTERED OWNER: Michigan Municipal Bond Authority

PRINCIPAL AMOUNT: _____ Dollars (\$____,000)

DATE OF ORIGINAL ISSUE: _____, 2004

The CITY OF PORT HURON, County of St. Clair, State of Michigan (the "City"), for value received, hereby promises to pay, primarily out of the hereinafter described Net Revenues of the City's Water Supply System (hereinafter defined), to the Michigan Municipal Bond Authority (the "Authority"), or registered assigns, the Principal Amount shown above, or such portion thereof as shall have been advanced to the City pursuant to a Purchase Contract between the City and the Authority [and a Supplemental Agreement by and among the City, the Authority and the State of Michigan acting through the Department of Environmental Quality], in lawful money of the United States of America, unless prepaid prior thereto as hereinafter provided.

During the time funds are being drawn down by the City under this bond, the Authority will periodically provide to the City a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the City of its obligation to repay the outstanding Principal Amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this bond.

The Principal Amount shall be payable on the dates and in the annual principal installment amounts set forth on the Schedule A attached hereto and made a part hereof, as such Schedule may be adjusted if less than \$_____ is disbursed to the City or if a portion of the Principal Amount is prepaid as provided below, with interest on said principal installments from the date each said installment is delivered to the holder hereof until paid at the rate of _____ percent (____%) per annum. Interest is first payable on _____ 1, 200_, and semiannually thereafter and principal is payable on the first day of _____ commencing _____ 1, 200_ (as identified in the Purchase Contract) and annually thereafter.

The bond may be subject to redemption prior to maturity by the City only with the prior written consent of the Authority and on such terms as may be required by the Authority.

Notwithstanding any other provision of this bond, as long as the Authority is the owner of this bond, (a) this bond is payable as to principal, premium, if any, and interest at the corporate trust office of National City Bank of Michigan/Illinois or at such other place as shall be designated in writing to the City by the Authority (the "Authority's Depository"); (b) the City agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if

any, and interest on this bond in immediately available funds at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; and (c) written notice of any redemption of this bond shall be given by the City and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

Additional Interest

In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase this bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the City's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provide funds to purchase this bond fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the City shall and hereby agrees to pay on demand only the City's pro rata share (as determined by the Authority) of such deficiency as additional interest on this bond.

For prompt payment of principal and interest on this bond, the City has irrevocably pledged the revenues of the Water Supply System of the City, including all appurtenances, extensions and improvements thereto (the "System"), after provision has been made for reasonable and necessary expenses of operation, maintenance and administration (the "Net Revenues"), and a statutory second lien thereon is hereby recognized and created, subject to the prior lien of any Senior Lien Bonds hereafter issued. **The City has reserved the right to issue additional Senior Lien Bonds which shall be superior and senior in all respects to the bonds of this issue as to the Net Revenues.**

Purchasers of the bonds of this issue, by their acceptance of the bonds of this issue or a beneficial ownership interest therein, shall be deemed to have consented to the subordination of their interest in and lien upon the Net Revenues upon the issuance of Senior Lien Bonds subsequent to the delivery of the bonds of this issue.

The bonds of this issue are equally secured and on parity in all respects as to the Net Revenues with the City's Water Supply System Revenue Bond (Junior Lien), Series 1999 (Limited Tax General Obligation), dated June 22, 1999, Water Supply System Revenue Bond (Junior Lien), Series 2001B (Limited Tax General Obligation), dated December 20, 2001, Water Supply System Revenue Bond (Junior Lien), Series 2002B (Limited Tax General Obligation), dated March 28, 2002, Water Supply System Revenue Bond (Junior Lien), Series 2002C (Limited Tax General Obligation), dated September 26, 2002, Water Supply System Revenue Bond (Junior Lien), Series 2003A (Limited Tax General Obligation), dated March 27, 2003, and Water Supply System Revenue Bond (Junior Lien), Series 2004A

(Limited Tax General Obligation), dated February 18, 2004 (the "Outstanding Bonds").

This bond is a single, fully-registered, non-convertible bond in the principal sum indicated above issued pursuant to Ordinance No. 1 and Ordinance No. ___ duly adopted by the City Council of the City, 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 part of the cost of acquiring and constructing additions, extensions and improvements to the System.

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 superior and equal standing 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 primarily a self-liquidating bond, payable, both as to principal and interest, primarily from the Net Revenues of the System. The principal of and interest on this bond are secured by the statutory lien hereinbefore mentioned. As additional security, the City has pledged its limited tax full faith and credit for payment of the principal of and interest on the bonds of this issue, which includes the City's obligation to levy taxes, if necessary, within applicable constitutional, statutory and charter tax limitations.

The City 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 upon and the principal of the bonds of this issue, the Outstanding Bonds, and any additional bonds of superior or equal standing with the bonds of this issue and the Outstanding Bonds, as and when the same shall become due and payable, and to maintain a bond redemption fund therefor, 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 said Ordinances.

This bond is transferable only upon the books of the City by the registered owner in person or the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the transfer agent, duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the Ordinance authorizing the bonds, and upon payment of the charges, if any, therein prescribed.

It is hereby certified and recited that all acts, conditions and things required by law to be done precedent to and in the issuance of this bond 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 Port Huron, County of St. Clair, State of Michigan, by its City Council, has caused this bond to be executed with the manual signatures of its Mayor and its Director of Finance and the corporate seal of the City to be impressed hereon, all as of the Date of Original Issue.

CITY OF PORT HURON

By _____
Mayor

(Seal)

Countersigned:

Director of Finance

SCHEDULE A

Based on the schedule provided below unless revised as provided in this paragraph, repayment of principal of the bond shall be made until the full amount advanced to the City is repaid. In the event the Order of Approval issued by the Department of Environmental Quality (the "Order") approves a principal amount of assistance less than the amount of the bond delivered to the Authority, the Authority shall only disburse principal up to the amount stated in the Order. In the event (1) that the payment schedule approved by the City and described below provides for payment of a total principal amount greater than the amount of assistance approved by the Order or (2) that less than the principal amount of assistance approved by the Order is disbursed to the City by the Authority, the Authority shall prepare a new payment schedule which shall be effective upon receipt by the City.

Principal Installment <u>Due on 1</u>	Amount of Principal <u>Installment</u>
---	--

Interest on the bond shall accrue on principal disbursed by the Authority to the City from the date principal is disbursed, until paid, at the rate of ____% per annum, payable ____ 1, 200_, and semi-annually thereafter.

The City agrees that it will deposit with National City Bank of Michigan/Illinois, or at such other place as shall be designated in writing to the City by the Authority (the "Authority's Depository") payments of the principal of, premium, if any, and interest on this bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise. In the event that the Authority's Depository has not received the City's deposit by 12:00 noon on the scheduled day, the City shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment.

Section 10B. Bond Form. The Series 2004 Public Sale Bonds shall be in substantially the following form, with such changes or completions as necessary or appropriate to give effect to the intent of this Ordinance:

**UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF ST. CLAIR**

CITY OF PORT HURON

**WATER SUPPLY SYSTEM REVENUE BOND,
SERIES 2004 _
(LIMITED TAX GENERAL OBLIGATION)**

	Date of
Interest	Maturity Original
<u>Rate</u>	<u>Date</u> <u>Issue</u> <u>CUSIP</u>

REGISTERED OWNER:

PRINCIPAL AMOUNT: DOLLARS

The CITY OF PORT HURON, County of St. Clair, State of Michigan (the "Issuer"), for value received, hereby promises to pay the Principal Amount shown above, in lawful money of the United States of America, to the Registered Owner shown above, or registered assigns, on the Maturity Date shown above, unless prepaid prior thereto as hereinafter provided, with interest thereon 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, payable on _____ 1, 200_, and semiannually thereafter. Principal of this bond is payable upon surrender of this bond at the _____ office of _____, _____, Michigan, or such other transfer agent as the Issuer may hereafter designate by notice mailed to the registered owner not less than 60 days prior to the date of any interest payment date. Interest on this bond is payable by check or draft mailed to the person or entity who or which is, as of the 15th day of the month preceding the interest payment date, the registered owner of record, at the registered address as shown on the registration books of the Issuer kept by the transfer agent. 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.

The bonds of this issue are of senior standing and priority of lien as to the Net Revenues with the Issuer's Water Supply System Revenue Bond (Junior Lien), Series 1999 (Limited Tax General Obligation), dated June 22, 1999, Water Supply System Revenue Bond (Junior Lien), Series 2001B (Limited Tax General Obligation), dated December 20, 2001, Water Supply System Revenue Bonds (Junior Lien), Series 2002B (Limited Tax General Obligation), dated March 28, 2002, Water Supply System Revenue Bonds (Junior Lien), Series 2002C (Limited Tax General Obligation), dated September 26, 2002, Water Supply System Revenue Bond (Junior Lien), Series 2003A (Limited Tax General Obligation), dated March 27, 2003, and Water Supply System Revenue Bond (Junior Lien), Series 2004A (Limited Tax General Obligation), dated February 18, 2004 (the "Outstanding Bonds").

This bond is one of a series of bonds of even date of original issue, aggregating the principal sum of \$ _____ issued pursuant to Ordinance No. 1 and Ordinance No. __, duly adopted by the City Council of the Issuer, 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 part of the cost of acquiring and constructing additions, extensions and improvements to the System.

For a complete statement of the revenues from which and the conditions under which this bond is payable, a statement of the conditions under which additional bonds of equal standing may hereafter be issued and the general covenants and provisions pursuant to which this bond is issued, reference is made to the above-described Ordinances.

[Bonds maturing in the years ____ to ____, inclusive, are not subject to redemption prior to maturity].

[Bonds or portions of bonds in multiples of \$5,000 maturing in the year ____ and thereafter, inclusive, shall be subject to redemption prior to maturity at the option of the Issuer, in such order of maturity as the Issuer shall determine and within a single maturity by lot, on any date on or after _____ 1, ____, at a redemption price of par plus accrued interest to the date fixed for redemption].

[Insert term bond provisions, if applicable].

Notice of redemption of any bond or portion thereof shall be given by the transfer agent at least thirty (30) days prior to the date fixed for redemption by mail to the registered owner at the registered address shown on the registration books kept by the transfer agent. Bonds shall be called for redemption in multiples of \$5,000 and any bond of a denomination of more than \$5,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the bond by \$5,000 and such bond may be redeemed in part. Notice of redemption for a bond redeemed in part shall state that upon surrender of the bond to be redeemed a new bond or bonds in aggregate principal amount equal to the unredeemed portion of the bonds surrendered shall be issued to the registered owner thereof. No further interest on a bond or portion thereof called for redemption shall accrue after the date fixed for redemption, whether presented for redemption or not, provided funds are on hand with the transfer agent to redeem the bond or portion thereof.

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 limitation of the Issuer, but is payable, both as to principal and interest solely 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 principal of and interest on 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 maintain a bond redemption fund (including a bond reserve account) therefor, 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 said Ordinances.

This bond is transferable only upon the books of the Issuer kept for that purpose at the office of the transfer agent by the registered owner in person or the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the transfer agent, duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the Ordinance authorizing the bonds, and upon payment of the charges, if any, therein prescribed.

This bond is not valid or obligatory for any purpose until the transfer agent's Certificate of Authentication on this bond has been executed by the transfer 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 Port Huron, County of St. Clair, State of Michigan, by its City Council, has caused this bond to be executed with the facsimile signatures of its Mayor and its Director of Finance and the corporate seal of the Issuer to be printed on this bond, all as of the Date of Original Issue.

CITY OF PORT HURON

By _____
Mayor

(Seal)

Countersigned:

Director of Finance

Date of Registration:

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within-mentioned Ordinances.

Transfer Agent

By _____
Authorized Signatory

Section 11. Application to MDEQ and Authority. The Authorized Officers are hereby authorized to make application to the Authority and to the MDEQ for placement of the Series 2004 DWRB Bonds and the Series 2004C Bonds with the Authority. Any of the Authorized Officers is further authorized to execute and deliver such contracts, documents and certificates as may be required by the Authority or MDEQ or as may be otherwise necessary to effect the approval, sale and delivery of the Series 2004 DWRB Bonds and the Series 2004C Bonds, including a Purchase Contract, a Supplemental Agreement and Issuer's Certificate. In the event of a sale of the Series 2004 DWRB Bonds or the Series 2004C Bonds to the Authority, any Authorized Officer is hereby authorized to make such changes to the form of Series bond contained in Section 10A of this Ordinance as may be necessary to conform to the requirements of 1985 PA 227 ("Act 227"), including, but not limited to, changes in the principal maturity and interest payment dates and references to additional security required by Act 227. In the event the Series 2004 DWRB Bonds or the Series 2004C Bonds are sold to the Authority, the taxes collected by the State of Michigan and returned to the Issuer may be pledged for payment of the Series 2004 DWRB Bonds or the Series 2004C Bonds, and an Authorized Officer is further authorized to negotiate, execute and deliver an agreement with the Authority for payment of such taxes to the Authority or to a trustee as provided in Section 23 of Act 227.

Section 12. Covenant Regarding Tax Exempt Status of the Bonds. 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 2004 Bonds from gross income for federal income tax purposes (as opposed to any alternative minimum or other indirect taxation) 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 expenditure and investment of Series 2004 Bond proceeds and moneys deemed to be Series 2004 Bond proceeds.

Section 13. Approval of Bond Details. Any of the Authorized Officers is hereby authorized to adjust the final Series 2004 Bond details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing is authorized to exercise the authority and make the determinations authorized pursuant to Section 7a(1)(c) of Act 94 and Section 315(1)(d) of Act 34, including but not limited to, determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, series designations and other matters necessary to complete the transactions authorized by the Master Ordinance and this Ordinance, provided that the principal amount of Series 2004 Bonds issued shall not exceed the principal amount authorized in this Ordinance, the interest rate per annum on the Series 2004 Bonds shall not exceed seven percent (7%) per annum, and the Series 2004 Bonds shall mature in not more than thirty (30) principal installments.

Section 14. Sale of Series 2004 Public Sale Bonds. If the Series 2004 Public Sale Bonds are to be issued and sold, the Director of Finance shall fix a date of sale for the Series 2004 Public Sale Bonds and publish a notice of sale of the Series 2004 Public Sale Bonds in the form and manner required by applicable law and regulations.

Section 15. Continuing Disclosure. If then required in connection with the issuance and sale of the Series 2004 Public Sale Bonds, the City hereby agrees that it shall execute a Continuing Disclosure Undertaking in form and substance satisfactory to bond counsel (the "Undertaking") to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, on or prior to the last day of the 6th month after the end of the fiscal year of the City, commencing with the fiscal year ending June 30, 2004, (I) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year, (ii) timely notice of the occurrence of certain material events with respect to the bonds and (iii) timely notice of a failure by the City to provide the required annual financial information on or before the date specified in (I) above to enable prospective purchasers of the Series 2004 Public Sale Bonds to meet their obligations under the Rule, and the Director of Finance is authorized and directed to execute the Undertaking.

Section 16. The Authorized Officers are authorized and directed to file an application for waivers and approvals, to the extent necessary, for the Bonds from the Michigan Department of Treasury (the "Department"), to make post-delivery filings and to pay all fees related thereto; to cause the preparation and circulation of a preliminary and final Official Statement with respect to the issuance and sale of the Series 2004 Public Sale Bonds, if then required; to procure a policy of municipal bond insurance with respect to the Bonds or cause the qualification of the Bonds therefor if, upon the advice of the City's financial advisor, the acquisition of such

insurance would be of economic benefit to the City; to obtain ratings on the Bonds; and to take all other actions necessary or advisable, and to make such other filings for waivers or other approvals with the Department or with other parties, to enable the sale and delivery of the Bonds as contemplated herein.

Section 17. Repeal; Savings Clause. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, repealed.

Section 18. 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 19. Publication and Recordation. This Ordinance shall be published in full in the *Times Herald*, a newspaper of general circulation in the Issuer 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 20. Effective Date. Pursuant to the provisions of Act 94, this Ordinance shall be effective upon its adoption.

Pauline M. Repp, CMC
City Clerk

ADOPTED: 02/23/04
PUBLISHED: 02/28/04
EFFECTIVE: 02/23/04

Adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. **Councilmember Cutcher** announced the Community Benefit Committee, Port Huron Hospital Foundation, will be sponsoring a new free event in Pine Grove Park on June 20, 2004, entitled "Hobby Fest."
2. **Councilmember Prax** requested that, if possible, pictures be shown on suspects when the CAPTURE presentation is being made by Community Services Officer Marcy Kuehn. Additionally, she wanted to pass along to Bob Clegg, City Engineer, that a citizen had complained to her about a sewer overflow problem but later called back and congratulated the City crews for their prompt response.
3. **Mayor Neal** offered condolences to the family of Gerald Richert, Board member of the McMorran Auditorium Authority, who recently passed away.

On motion (8:33 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

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Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, March 1, 2004, at 10:00 a.m. at the Fogcutter, 511 Fort Street, Port Huron.

The meeting was called to order by Mayor Neal. (Meeting was convened in the Chart Room.)

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs (arrived at 11:00 a.m.) and Steinborn.

Absent: Councilmembers Prax.

Councilmember Steinborn moved to enter into an executive session to discuss land acquisition.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes and Steinborn.

No: None.

Absent: Councilmember Jacobs and Prax.

Councilmember Haynes (11:05 a.m.) moved to reconvene into regular session.

Motion to reconvene adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.

No: None.

Absent: Councilmember Prax.

City Council moved to the Wellington Room where they participated in a goal setting session with the City Manager and City Department Heads. Denise Brooks, Port Huron Hospital Foundation, was the facilitator for the retreat.

The following agenda was followed (a lunch break was held from 12:30 to 1:15 p.m. in the Buckingham Room):

- I. Welcome and Icebreaker
- II. Budget Overview (John Ogden)
- III. Best City
 - A. Affirm mission statement
 - B. How are we doing?
 - 1) Revitalize Neighborhoods
 - 2) Put "Port" Back in Port Huron
 - 3) Downtown Development
- IV. Other issues

Through the facilitation process, the goal of job creation/ economic development was added to the three previous ones listed above under "B." (See City Clerk File No. 04-19 for copy of facilitator's notes.)

On motion (3:35 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, March 8, 2004, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Pastor Lyle Reynolds, Hillside Wesleyan Church, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, and Prax.

Absent: Councilmembers Cutcher and Steinborn.

The minutes of the regular meeting of February 23, 2004, and the special meeting of March 1, 2004, were approved.

PRESENTATIONS

1. Janice Littlefield, 1005 Huron Avenue, introduced Jim Brennan, President, and Terry Nolan, Secretary, of the Irish American Club who presented the City with an Irish flag. Terry Nolan gave a presentation on CelticFest activities that began March 7 and run through March 17. A bagpipe player performed.

PUBLIC AUDIENCES

1. Patricia Alexander, CWA Local 4107, addressed the City Council asking for their assistance in seeing that Comcast does not continue raising its rates beyond inflation and making sure that they abide by all aspects of their franchise with the City. She also feels they are violating the public's privacy by sharing personal information. Ms. Alexander asked that City Council hold meetings to hear comments from the public.

CONSENT AGENDA

Councilmember Fisher offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- City Council is accepting applications for membership in the recently formed Sister City Commission as well as other boards and commissions. Contact the City Clerk's office at 984-9725 for more details or an application or visit the City's website at www.porthuron.org.

FROM THE CITY MANAGER

CM-1. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On February 23, 2004, the City of Port Huron received eleven (11) bids for the demolition of the structures located at 2034 St. Clair Street (Code Case #03-006), 2202 St. Clair Street (Code Case #03-007), 2104 St. Clair Street (Code Case #03-008), and 2206 St. Clair Street (Code Case #03-008):

Carrigan Development, Inc.	\$ 11,260.00
Will Construction	13,000.00
S. A. Torello Trucking	13,600.00
Briolat Construction	13,770.00
Turke Brothers Trucking, Inc.	14,903.00
JemJo Construction, LLC	18,000.00
Jerry Hall Trucking	21,130.00
Ed Hall Trucking	21,998.00
Sheldon Construction	28,299.00
a TW Contracting, Inc.	28,541.00
D.L.F. Trucking, Inc.	32,976.01

It is recommended that the bid of Carrigan Development, Inc., P.O. Box 61-1175, Port Huron, Michigan 48061-1175, in the amount of Eleven Thousand Two Hundred Sixty and 00/100 Dollars (\$11,260.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Prax.
- No: None.
- Absent: Councilmembers Cutcher and Steinborn.

CM-2. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On February 26, 2004, the City of Port Huron received three (3) unit price bids for the 2004 Annual Sidewalk Contract, Project No. F04-0010. Based on estimated annual quantities, the following is a comparative summary of the bids received:

Lakeside Cement	\$150,975.00
All Type Cement	\$162,700.00
Hinojosa Construction	\$192,626.25

It is recommended that the unit price bid of Lakeside Cement, 6305 Hesson Road, Fair Haven, Michigan 48023, in the estimated amount of One Hundred Fifty Thousand Nine Hundred Seventy-Five and 00/100 Dollars (\$150,975.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Prax.
- No: None.
- Absent: Councilmembers Cutcher and Steinborn.

CM-3. Councilmember Prax offered and moved the adoption of the following City Manager's recommendation:

On February 26, 2004, the City of Port Huron received five (5) bids for the Industrial Park Concrete Pavement Replacement Project:

Six-S, Inc.	\$1,270,410.00
Florence Cement Company	\$1,402,694.45
Fessler & Bowman, Inc.	\$1,449,983.24
Boddy Construction Co., Inc.	\$1,481,281.08
Major Cement Company	\$1,532,944.00

It is recommended that the bid of Six-S, Inc., 2210 Scott Lake Road, Waterford, Michigan 48328, in the amount of One Million Two Hundred Seventy Thousand Four Hundred Ten and 00/100 Dollars (\$1,270,410.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Prax.
 No: None.
 Absent: Councilmembers Cutcher and Steinborn.

CM-4. Councilmember Prax offered and moved the adoption of the following City Manager's recommendation:

On February 26, 2004, the City of Port Huron received two (2) quotes for two compact combination portable light towers/generators for Utilities Division:

Evans Equipment Company	\$18,602.00
Randy's Rent-All	\$26,730.00

It is recommended that the quote of Evans Equipment Company, G-3283 Dort Highway, Burton, Michigan 48529, in the amount of Eighteen Thousand Six Hundred Two and 00/100 Dollars (\$18,602.00) be accepted as the lowest cost responsive and responsible quote and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Prax.
 No: None.
 Absent: Councilmembers Cutcher and Steinborn.

CM-5. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

The City is in the process of completing the traffic signal interconnect project. In order to assure efficient operation of the system it is necessary to purchase a set of spare signal radios. Carrier and Gable, Inc. is the sole source of signal radios in Michigan.

It is recommended that Carrier and Gable, Inc., 24110 Research Drive, Farmington Hills, Michigan 48335, provide the City of Port Huron with a spare radio for the traffic signal interconnect project and that the appropriate City officials be authorized to issue a purchase order in the amount of Five Thousand Three Hundred Eighty-Four and 65/100 Dollars (\$5,384.65) for this equipment.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Prax.
 No: None.
 Absent: Councilmembers Cutcher and Steinborn.

CM-6. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On February 12, 2004, the City of Port Huron received three (3) unit price quotes for aerial photography and topographic mapping for 16th Avenue Sewer Separation Phase II and Phase III projects:

Air-Land Surveys	\$9,330.00
Abrams Aerial Survey, Inc.	\$15,710.00
Advanced Mapping Technologies	\$17,050.00

It is recommended that the unit price quote of Air-Land Surveys, 3040 Airpark Drive, Flint, Michigan 48507 in the estimated amount of Nine Thousand Three Hundred Thirty and 00/100 Dollars (\$9,330.00) be accepted as the lowest cost responsive and responsible quote and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Prax.
 No: None.
 Absent: Councilmembers Cutcher and Steinborn.

RESOLUTIONS

R-1. Councilmember Prax offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #04-01)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Prax.
 No: None.
 Absent: Councilmembers Cutcher and Steinborn.

R-2. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the Port Huron Police Department utilizes a Live-Scan fingerprint system; and

WHEREAS, it is necessary to maintain a contract for annual maintenance services of the fingerprinting system; and

WHEREAS, the current maintenance contract expires May 19, 2004; and

WHEREAS, Identix Empowering Identification's Maintenance Agreement Quotation for system maintenance will cover the period from May 20, 2004 to May 19, 2005 at a cost of \$6,985.65; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves the agreement with Identix Empowering Identification, 100 Cooper Court, Los Gatos, California 95032, for Live-Scan fingerprinting system maintenance and authorizes and directs the proper City officials to execute the agreement (See City Clerk File #04-20).

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Prax.
 No: None.
 Absent: Councilmembers Cutcher and Steinborn.

***R-3.** WHEREAS, on February 23, 2004, the City Council, after due notice and proper hearing, adopted a resolution objecting to renewal of the following on-premise Class C/SDM license:

Big Daddy's Bar & Grill, 1211 Griswold Street, Class C/SDM (Cheryl/Lester Diepenhorst)

for non-payment of personal property taxes and/or income tax reporting; and

WHEREAS, all payments have been made by Big Daddy's Bar & Grill;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby recommends approval of the above-named Class C/SDM license for the 2004-05 licensing year; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to forward a certified copy of this resolution to the Licensing and Enforcement Division of the Michigan Liquor Control Commission.

Adopted.

R-4. Councilmember Fisher offered and moved that the following resolution be *postponed* until the regular meeting of March 22, 2004, when all Councilmembers are expected to be in attendance:

WHEREAS, from time to time the role of a member of City Council and their particular job (profession) and/or community involvement can be construed to be in conflict; and

WHEREAS, it is important that any potential conflict be reviewed and reported publicly and any necessary further action be taken; and

WHEREAS, the City Council adopted a policy on November 27, 2000, that:

1) Required all seven (7) members of City Council elected at the November Odd-Year General Election to fill out a conflict of interest statement within thirty (30) days following the election; and

2) Required that the conflict of interest statements be reviewed and presented to City Council at the first regular meeting in the month of March following the November election; and

WHEREAS, Section 3 of Public Act 317 of 1968, as amended, provides that a contract in an amount of \$250.00 or more between a public servant and public entity otherwise prohibited under Section 1 may be approved by a vote at a public meeting held at least seven days after the initial disclosure of the potential conflict so long as the following information appears in the official minutes of the public body:

“(I) the name of each party involved in the contract;

(ii) the terms of the contract, including duration, financial consideration between the parties, facilities or service of the public entity included in the contract, and the nature and degree of assignment of employees of the public entity for fulfillment of the contract;

(iii) the nature of any pecuniary interest.”; and

WHEREAS, Section 8 of Act 317 was amended March 2, 1998, stating that “this act shall constitute the sole law in this state and shall supercede all other acts in respect to conflicts of interest relative to public contracts involving public servants other than members of the legislature and state officers.....;” therefore, the City Charter provision (Section 5a) does not apply in this case but rather Public Act 317 requiring a 2/3 affirmative vote rather than a unanimous vote by the remaining members of City Council;

WHEREAS, the following City Councilmembers have provided information regarding business ownership, employment, ownership of property or other activities which may be, or may be perceived to be, in conflict:

B. Mark Neal - Mayor Neal has an ownership interest in the Credit Bureau Services of Michigan. The City of Port Huron utilizes the services of the Credit Bureau in three areas. The first service is for background checks, including credit reports, on candidates for employment, primarily in the area of law enforcement (cost per credit report - \$10; approximate annual cost \$100). This service is actually provided by a vendor which has a business relationship with the Credit Bureau. The second service is for a subscription to the bi-weekly Public Record Bulletin. This bulletin is used by the assessor's office in their personal property assessment management and the income tax office to track new business establishments and review federal and state tax liens (cost per month - \$25; annual cost \$300). The second service is assistance in collecting delinquent accounts owed the City, including parking and OUIL fees (contingent fee per collection - 30%, 40% or 50%, depending on circumstances; approximate annual collections for 2003 \$15,000 to \$16,000 before contingent fee of \$5,000 to \$6,000).

Alan D. Cutcher - Councilmember Cutcher is retired from Domtar, owns rental property within the City of Port Huron and serves as the City representative on the Board of Directors for the Economic Opportunity Committee of St. Clair County (EOC). The City of Port Huron regulates and inspects rental housing within the City. Further, the City of Port Huron, the EOC and other community organizations jointly participate in various housing initiatives.

James M. Fisher - Councilmember Fisher is employed by Home Depot as a kitchen designer and owns rental property within the City of Port Huron. The City of Port Huron purchases products, primarily repair and maintenance items, from Home Depot in the ordinary course of business. The City also regulates and inspects rental housing within the City.

David Haynes - Councilmember Haynes is self-employed with Haynes Realty. He does consulting work for the James C. Acheson Charitable Foundation and serves on the Economic Restructuring Committee for MainStreet Port Huron, Inc. The City of Port Huron has joined with other community organizations, including the James C. Acheson Charitable Foundation and MainStreet Port Huron, Inc., in various community development initiatives.

Sally A. Jacobs - Councilmember Jacobs is employed by the Hock Shop and Sports Center as a sales clerk. The City of Port Huron purchases products, primarily ammunition and other supplies, from the Hock Shop in the ordinary course of business.

Kimberly Prax - Councilmember Prax is employed by Citizens First as a teller and serves as the City representative on the board of directors of the Economic Development Alliance of St. Clair County (EDA). The City of Port Huron, Citizens First and other community organizations jointly participate in various housing initiatives. The City and the EDA jointly participate in a variety of economic development activities. The City of Port Huron also receives various banking services from Citizens First.

Mark Steinborn - Councilperson Steinborn is employed by Macomb County Community College (MCCC) as an adjunct instructor and has other part-time positions. Mr. Steinborn's brother owns Jones Monument. The City of Port Huron uses the services of the MCCC for various police, fire and other training courses. The City has also purchased columbaria and other services from Jones Monument.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby declares that it is in the best interest of the City of Port Huron to engage the Credit Bureau Services of Michigan to provide various services for an indefinite period, recognizing the ownership interest of Mayor Neal; and

BE IT FURTHER RESOLVED that the City Council hereby declares that it is in the best interest of the City of Port Huron to engage the services of, participate in initiatives with and, if appropriate, continue and expand similar such activities for an indefinite period with various other organizations and activities noted by Councilmembers in their conflict of interest statements, recognizing the potential appearance of a conflict.

Motion to *postpone* adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Prax.

No: None.

Absent: Councilmembers Cutcher and Steinborn.

***R-5.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 14-13, 34-3, and 24-19; and

WHEREAS, the attached special assessment report has been certified by the City Engineer and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$727.74 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk file #04-21).

Adopted.

***R-6.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for sidewalk replacement; and

WHEREAS, the costs of sidewalk replacement shall be assessed to the property owner(s) pursuant to City Ordinance 24-19; and

WHEREAS, the attached special assessment report has been certified by the City Engineer and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$18,110.12 for sidewalk replacement upon the lots and premises described in the attached special assessment report (see City Clerk file #04-22).

Adopted.

R-7. Councilmember Fisher offered and moved the adoption of the following resolution (Option B):

WHEREAS, the City of Port Huron has prepared the "Annual Action Plan" for use of Community Development Block Grant (CDBG) and HOME funds in accordance with the five year Consolidated Plan (2000-2005), as mandated by the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, in accordance with federal regulations, the City has held two public hearings regarding the housing and community development needs of the City and reviewed any comments of the proposed 2004 Annual Action Plan; and

WHEREAS, a 30-day public comment and review period was established; and

WHEREAS, the City has taken these comments into consideration prior to revising the Annual Action Plan;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron authorizes and approves the submission of the City's Annual Action Plan (see City Clerk File No. 04-23) for program year 2004 to the U.S. Department of Housing and Urban Development for their review and approval;

BE IT FURTHER RESOLVED that the City Council also authorizes and approves the Community Development Director and/or Supervisor to sign all necessary sub-recipient and rehabilitation program agreements.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Prax.

No: None.

Absent: Councilmembers Cutcher and Steinborn.

R-8. Councilmember Jacobs offered and moved the adoption of the following resolution:

WHEREAS, the City Planning Commission has received a request from John A. Ponitz to rezone the following described property from "C-1" General Business District to "A-1" Medium Density Multiple Family District:

commencing at the southeast corner of Lot 69 of the Subdivision of Lots 27, 28, 29, 30, and 32 of the McNeil Tract, according to the plat thereof as recorded in Liber 2 of Plats, page 13, St. Clair County Register of Deeds Office; thence north 08°56'25" west 923.93 feet along the west line of 12th Avenue to the POINT OF BEGINNING; thence south 81°05'25" west 83.26 feet; thence south 08°32'48" east 64.32 feet; thence south 81°01'17" west 153.25 feet; thence south 73°49'17" west 194.40 feet; thence north 16°29'50" west 77.00 feet; thence south 79°30'10" west 91.00 feet; thence north 08°56'30" west 144.47 feet to a point on the south line of the Colonial Woods Subdivision No. 3, according to the plat thereof as recorded in Liber 66 of Plats, pages 3 and 4, St. Clair County Register of Deeds Office; thence north 81°07'30" east 528.68 feet along said south plat line to the southeast corner of said plat; thence south 10°15'48" east 100.03 feet to a point on the west line of 12th Avenue; thence south 08°56'25" east 29.00 feet along said west line to the point of beginning, also known as: 2901 12th Avenue; and

WHEREAS, on March 2, 2004, the City Planning Commission held a public hearing to hear comments on the proposed rezoning; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (vote: 8 ayes; 0 nays; 1 absent) of the rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for April 26, 2004, to hear comments on the above request, or in the case of a negative vote hereby denies the request of John A. Ponitz for the rezoning of the above described property.

Motion adopted to schedule a public hearing by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Prax.
No: None.
Absent: Councilmembers Cutcher and Steinborn.

MOTIONS & MISCELLANEOUS BUSINESS

1. Tom Hutka, City Manager, congratulated all who received awards at the Police Department Awards Ceremony held prior to the City Council meeting tonight as well as offered congratulations to the entire Police Department for a job well done.

2. Mayor Neal concurred with Mr. Hutka's remarks. He also asked whether the City monitors Comcast. Mr. Hutka replied that it is difficult to monitor; however, he will ask City Attorney John Livesay to prepare a report relative to the rates charged by Comcast and the jurisdiction the City Council has over them. Mayor Neal asked that the issue of service be addressed also and Councilmember Prax asked about documentation of complaints received by the City from residents (Mr. Hutka stated residents can call either himself or the Bureau of Public Information and Complaint to register a complaint.)

On motion (8:15 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

NOTE: It has been discovered that a resolution adopted by the Port Huron City Council at its April 28, 2003, meeting was inadvertently left out of the official minute book for the year 2003.

The item dealt with the "Downtown Port Huron Commercial Development Action Plan and the following items were reviewed to ensure that the adoption of the resolution took place: Summary of the Proceedings of the City Council published in The Times Herald, handwritten notes of the vote taken by the City Clerk and review of the tape from the meeting. In order to have this approval reflected officially in the minutes, it is necessary to note this resolution and the official vote of the City Council, which is shown below:

R-5. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, commercial economic development is a priority for the community; and

WHEREAS, the local commercial sector has already achieved many successes as is evident by the attractive appearance of the downtown area, many popular special events and the number of profitable downtown businesses; and

WHEREAS, the "Downtown Port Huron Commercial Development Action Plan" has been formulated with active involvement and input from merchants, property owners, MainStreet Port Huron, the Greater Port Huron Chamber of Commerce, the Blue Water Area Convention and Visitors Bureau, the Downtown Development Authority, the Port Huron Museum, the City of Port Huron Planning Commission and all stakeholders in the community's commercial sector; and

WHEREAS, the boards of MainStreet Port Huron, the Greater Port Huron Chamber of Commerce, the Blue Water Area Convention and Visitors Bureau, the Downtown Development Authority, the Port Huron Museum and the City of Port Huron Planning Commission have formally approved the plan; and

WHEREAS, the Downtown Development Authority has accepted the duty of overall plan management to include the tasks of 1) accepting assignments and schedules for individual action items and 2) tracking progress;

NOW, THEREFORE, BE IT RESOLVED, the "Downtown Port Huron Commercial Development Action Plan" is approved and City staff is directed to work as a member of the team consisting of all stakeholders toward the successful implementation of all items in the plan. (See City Clerk File #03-29)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax, Sample-Wynn and Schrader.
No: None.
Absent: None.

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, March 22, 2004, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Chaplain Max Amstutz, Port Huron Hospital, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs, Prax and Steinborn.

The minutes of the regular meeting of March 8, 2004, were approved.

PRESENTATIONS

1. Councilmember Mark Steinborn gave a power point presentation on the National League of Cities conference held in Washington, D.C., that he recently attended and talked about the different training sessions and meetings with legislators.
2. Mayor Pro-tem Alan D. Cutcher gave a presentation on his Sister City trip to Chiquimula, Guatemala. He presented the gifts he received – a flag and key to their city – and showed various photographs. Additionally, he presented their official acceptance of Port Huron as their sister city.
3. Port Huron Community Services Officer Marcy Kuehn gave a presentation on the CAPTURE program.
4. Proclamation designating the week of March 21, 2004, as Severe Weather Awareness Week was presented to Fire Chief Robert Eick.

PUBLIC AUDIENCES

1. Anthony America, Port Huron, addressed the City Council in opposition to prayers at Council and other public meetings and stated that there is “malfeasance and injustice in Port Huron” citing different examples, questioned where money goes that is collected as hotel room taxes and other miscellaneous items.
2. Ken Harris, Wells Street, addressed the City Council with concerns about several items: major employer leaving town; cost of 800 megahertz system; cost of water project; would we really save money by purchasing electricity elsewhere; and concern whether cost of keeping marinas open is justified.

CONSENT AGENDA

Councilmember Fisher offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- On Monday, April 5, pickup at the curb of yard waste in containers and compost bags will begin on residents’ regular pickup days. The large set out of brush, branch and tree trimmings will begin April 12 and will follow a 4-day pickup schedule. Refer to the City’s newsletter, which will be mailed next week, to read about the guidelines for the programs or visit our website at www.porthuron.org.
- City Council is accepting applications for membership in the recently formed Sister City Commission. Contact the City Clerk’s office at 984-9725 for more details or an application or visit the City’s website at www.porthuron.org.
- The City is looking for volunteers to greet the public and provide general information in the lobby of the Municipal Office Center. Contact the City Clerk’s office at 984-9725.
- The City Clerk’s office is looking for individuals to serve as precinct election inspectors. For more information, contact the Clerk’s office at 984-9725.
- MainStreet’s Wabbit Walk downtown will be held on April 10. For more information contact MainStreet at 985-8843.

UNFINISHED BUSINESS

1. **Councilmember Prax** offered and moved that the following resolution be *postponed* until July 12, 2004:

WHEREAS, on September 9, 2002, the property owner of 1218-1220 Lapeer Avenue entered into a work agreement with the City to correct numerous building code violations; and

WHEREAS, on September 13, 2002, the City Council adopted Resolution #13, declaring the property a nuisance (Code Case #02-007) defined by Chapter 5, Section 6-46, and Chapter 20, Section 20-3, of the Code of Ordinances for the City of Port Huron; and

WHEREAS, the City has extended the established deadlines of the September 9, 2002, Work Agreement to allow the property owner the opportunity to finish the work started on the property and the property owner has still failed to complete the required repairs, constituting a breach of contract; and

WHEREAS, the City notified the property owner of the Non-Compliance with the work agreement on January 6, 2004, and has not received a written appeal or response to such notice;

NOW, THEREFORE, BE IT RESOLVED that the City Manager is directed and authorized to cause the immediate demolition of the structure(s) at 1218-1220 Lapeer Avenue.

Adopted unanimously.

2. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, from time to time the role of a member of City Council and their particular job (profession) and/or community involvement can be construed to be in conflict; and

WHEREAS, it is important that any potential conflict be reviewed and reported publicly and any necessary further action be taken; and

WHEREAS, the City Council adopted a policy on November 27, 2000, that:

- 1) Required all seven (7) members of City Council elected at the November Odd-Year General Election to fill out a conflict of interest statement within thirty (30) days following the election; and
- 2) Required that the conflict of interest statements be reviewed and presented to City Council at the first regular meeting in the month of March following the November election; and

WHEREAS, Section 3 of Public Act 317 of 1968, as amended, provides that a contract in an amount of \$250.00 or more between a public servant and public entity otherwise prohibited under Section 1 may be approved by a vote at a public meeting held at least seven days after the initial disclosure of the potential conflict so long as the following information appears in the official minutes of the public body:

- (i) the name of each party involved in the contract;
- (ii) the terms of the contract, including duration, financial consideration between the parties, facilities or service of the public entity included in the contract, and the nature and degree of assignment of employees of the public entity for fulfillment of the contract;
- (iii) the nature of any pecuniary interest.”; and

WHEREAS, Section 8 of Act 317 was amended March 2, 1998, stating that “this act shall constitute the sole law in this state and shall supercede all other acts in respect to conflicts of interest relative to public contracts involving public servants other than members of the legislature and state officers.....;” therefore, the City Charter provision (Section 5a) does not apply in this case but rather Public Act 317 requiring a 2/3 affirmative vote rather than a unanimous vote by the remaining members of City Council;

WHEREAS, the following City Councilmembers have provided information regarding business ownership, employment, ownership of property or other activities which may be, or may be perceived to be, in conflict:

B. Mark Neal - Mayor Neal has an ownership interest in the Credit Bureau Services of Michigan. The City of Port Huron utilizes the services of the Credit Bureau in three areas. The first service is for background checks, including credit reports, on candidates for employment, primarily in the area of law enforcement (cost per credit report - \$10; approximate annual cost \$100). This service is actually provided by a vendor which has a business relationship with the Credit Bureau. The second service is for a subscription to the bi-

weekly Public Record Bulletin. This bulletin is used by the assessor’s office in their personal property assessment management and the income tax office to track new business establishments and review federal and state tax liens (cost per month - \$25; annual cost \$300). The second service is assistance in collecting delinquent accounts owed the City, including parking and OUIL fees (contingent fee per collection - 30%, 40% or 50%, depending on circumstances; approximate annual collections for 2003 \$15,000 to \$16,000 before contingent fee of \$5,000 to \$6,000).

Alan D. Cutcher - Councilmember Cutcher is retired from Domtar, owns rental property within the City of Port Huron and serves as the City representative on the Board of Directors for the Economic Opportunity Committee of St. Clair County (EOC). The City of Port Huron regulates and inspects rental housing within the City. Further, the City of Port Huron, the EOC and other community organizations jointly participate in various housing initiatives.

James M. Fisher - Councilmember Fisher is employed by Home Depot as a kitchen designer and owns rental property within the City of Port Huron. The City of Port Huron purchases products, primarily repair and maintenance items, from Home Depot in the ordinary course of business. The City also regulates and inspects rental housing within the City.

David Haynes - Councilmember Haynes is self-employed with Haynes Realty. He does consulting work for the James C. Acheson Charitable Foundation and serves on the Economic Restructuring Committee for MainStreet Port Huron, Inc. The City of Port Huron has joined with other community organizations, including the James C. Acheson Charitable Foundation and MainStreet Port Huron, Inc., in various community development initiatives.

Sally A. Jacobs - Councilmember Jacobs is employed by the Hock Shop and Sports Center as a sales clerk. The City of Port Huron purchases products, primarily ammunition and other supplies, from the Hock Shop in the ordinary course of business.

Kimberly Prax - Councilmember Prax is employed by Citizens First as a teller and serves as the City representative on the board of directors of the Economic Development Alliance of St. Clair County (EDA). The City of Port Huron, Citizens First and other community organizations jointly participate in various housing initiatives. The City and the EDA jointly participate in a variety of economic development activities. The City of Port Huron also receives various banking services from Citizens First.

Mark Steinborn - Councilperson Steinborn is employed by Macomb County Community College (MCCC) as an adjunct instructor and has other part-time positions. Mr. Steinborn’s brother owns Jones Monument. The City of Port Huron uses the services of the MCCC for various police, fire and other training courses. The City has also purchased columbaria and other services from Jones Monument.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby declares that it is in the best interest of the City of Port Huron to engage the Credit Bureau Services of Michigan to provide various services for an indefinite period, recognizing the ownership interest of Mayor Neal; and

BE IT FURTHER RESOLVED that the City Council hereby declares that it is in the best interest of the City of Port Huron to engage the services of, participate in initiatives with and, if appropriate, continue and expand similar such activities for an indefinite period with various other organizations and activities noted by Councilmembers in their conflict of interest statements, recognizing the potential appearance of a conflict.

Motion adopted by the following vote:

- Yes: Councilmembers Cutcher, Fisher, Haynes, Jacobs, Prax and Steinborn.
- No: None.
- Abstain: Mayor Neal.
- Absent: None.

FROM THE CITY MANAGER

CM-1. Councilmember Fisher offered and moved the adoption of the following City Manager’s recommendation:

On March 11, 2004, the City of Port Huron received three (3) unit price bids for City street striping. Based on estimated annual quantities, the following is a comparative summary of the bids received:

R.S. Contracting	\$5,986.48
Clark Highway Services	\$6,029.50
Michigan Pavement Markings	\$6,698.00

It is recommended that the unit price bid of R. S. Contracting, 16737 13 Mile Road, Fraser, Michigan 48026, in the estimated amount of Five Thousand Nine Hundred Eighty-Six and 48/100 Dollars (\$5,986.48) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-2. Councilmember Prax offered and moved the adoption of the following City Manager’s recommendation:

On March 11, 2004, the City of Port Huron received three (3) unit price bids for 450 dry tons of aluminum sulfate for the Water Filtration Plant and the Water Reclamation Facility:

GAC Mid America, Inc.	\$121.50 per ton
U. S. Aluminate	\$142.99 per ton
General Chemical	\$170.00 per ton

It is recommended that the unit price bid of GAC Mid America, Inc., P. O. Box 819, Holland, Ohio 43528, in the amount of \$121.50 per ton be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-3. Councilmember Fisher offered and moved the adoption of the following City Manager’s recommendation:

On March 11, 2004, the City of Port Huron received the results of the State of Michigan Extended Purchasing Program bids for three (3) 2004 Crown Victoria Police Patrol Cars:

Gorno Ford, Inc.	\$60,717.00
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It is recommended that the bid of Gorno Ford, Inc., 22025 Allen Road, Woodhaven, Michigan 48183, in the amount of Sixty Thousand Seven Hundred Seventeen and 00/100 Dollars (\$60,717.00) be accepted in accordance with the State of Michigan Extended Purchasing Program and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-4. Councilmember Fisher offered and moved the adoption of the following City Manager’s recommendation:

On March 15, 2004, the City of Port Huron received two (2) unit price bids for dredging of the River Street Marina (estimated 1,500 cubic yards) and the Water Street Municipal Marina (estimated 1,000 cubic yards). Based on estimated quantities, the following is a comparative summary of bids received:

Malcolm Marine, Inc.	\$64,650.00
Waterfront Construction Co.	\$105,925.00

It is recommended that the unit price bid of Malcolm Marine, Inc. 1159 Fred Moore Highway, P.O. Box 177, St. Clair, Michigan, 48079-0177, in the estimated amount of Sixty Four Thousand Six Hundred and Fifty and No/100 Dollars (\$64,650.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City Officials be authorized to execute the necessary documents.

Adopted unanimously.

RESOLUTIONS

***R-1.** WHEREAS, the International Symphony Orchestra of Sarnia and Port Huron has made application to the Bureau of State Lottery for a gaming license to conduct a raffle; and

WHEREAS, the Bureau requires a resolution from the local government recognizing the organization as non-profit;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron does hereby recognize the International Symphony Orchestra of Sarnia and Port Huron as a non-profit organization in the City of Port Huron.

Adopted.

***R-2.** WHEREAS, under authority delegated by the City Manager, the Chief of Police has issued Temporary Traffic Control Order No. 849L-O, effective February 6, 2004, pursuant to Chapter 29, Article II, of the 1992 Port Huron City Code:

McMORRAN BLVD. -

- L.** There shall be a Commercial Loading and Unloading Zone established from the east edge of the handicapped approach of the sidewalk crossing between the north and south sides of McMorrان Blvd., east of Superior Mall to a point 36 feet to the east.
- M.** There shall be a No Parking Fire Lane established from the east edge of the handicapped approach of the sidewalk crossing between the north and south sides of McMorrان Blvd., east of Superior Mall to a point 31.5 feet to the west.
- N.** There shall be 15 minute parking between the hours of 8:00 a.m. and 5:00 p.m. and No Parking between the hours of 5:00 p.m. and 8:00 a.m. on the north side of McMorrان Blvd. from the west edge of the 31.5 foot No Parking Fire Lane to a point 91 feet to the west. (This westerly point shall be the beginning of the 62.5 foot No Parking Fire Lane in front of the Main Arena doors.)
- O.** There shall be 15 minute parking between the hours of 8:00 a.m. and 5:00 p.m. and No Parking between the hours of 5:00 p.m. and 8:00 a.m. on the north side of McMorrان Blvd. from the west edge of the 62.5 foot Fire Lane in front of the Main Arena doors to a point 125 feet to the west.

NOW, THEREFORE, BE IT RESOLVED that said Traffic Control Order be and hereby is made permanent until such time as it is modified or repealed;

BE IT FURTHER RESOLVED that said Traffic Control Order be filed and enforced in keeping with the appropriate laws as contained in the Statutes of this State, as well as the Charter, Ordinances, and Resolutions of the City of Port Huron.

Adopted.

R-3. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, the Port Huron Lions Club has operated a concession in Pine Grove Park since 1974; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and the Port Huron Lions Club for continuation of this concession;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreement with the Port Huron Lions Club and authorizes and directs the appropriate City officials to execute said agreement (see City Clerk File #04-24).

Adopted unanimously.

R-4. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron provides group term life and group accidental death and dismemberment insurance in accordance with bargaining group agreements and personnel policies; and

WHEREAS, from time to time this benefit is reviewed and analyzed for its cost effectiveness; and

WHEREAS, the Municipal Employees Retirement System of Michigan (MERS) has launched its Group Insurance initiative for participating employers to consolidate their purchasing power for life and disability insurance products; and

WHEREAS, it has been determined that MERS has negotiated excellent rates and coverage through The Standard Insurance Company;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the standard employee benefit life insurance contract with The Standard Insurance Company, to provide group term life insurance and group accidental death and dismemberment insurance in accordance with the current bargaining group agreements and personnel policies and authorizes and directs the appropriate City officials to execute said agreement.

Adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Steinborn announced the recent ribbon cutting for Best Western Hospitality Inn and showed a picture.

2. Councilmember Prax asked if other Councilmembers were getting calls about traffic problem (speeding) on Botsford. Tom Hutka, City Manager, said he would check it out and report back to Council at their next meeting.

On motion (8:50 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, April 12, 2004, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Pastor Richard Shelton, Riverside Tabernacle Church of God, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs, Prax and Steinborn.

The minutes of the regular meeting of March 22, 2004, were approved.

PRESENTATIONS

1. Proclamation proclaiming Sunday, April 25, 2004, as "Blue Sunday" was presented to Sally Straffon, Executive Director, St. Clair County Child Abuse and Neglect Council.
2. Proclamation recognizing the St. Clair County Council on Aging for their 36 years of service to seniors was presented to William Smiley, President, and Laura Newsome, Director.
3. Proclamation recognizing the celebration of Arbor Day on April 22, 2004, was presented to Robert W. Eick, Fire Chief.
4. Stephen R. Williams and Holly Quaine, members of the Sesquicentennial Steering Committee, gave an update on the committee's progress. They also provided the logo design contest details.

PUBLIC AUDIENCES

No one appeared.

CONSENT AGENDA

Councilmember Prax offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- The Sesquicentennial Steering Committee is sponsoring a contest that is open to all ages for the design of a logo to promote the City's 150th birthday in 2007. The deadline is June 1 and the winning designer will receive \$150. For further details, contact the Greater Port Huron Area Chamber of Commerce at 985-7101.
- The City of Port Huron joins other states, municipalities, and agencies in recognizing the 30th Anniversary of the Community Development Block Grant (CDBG) Program during the week of April 12- 18, 2004. Stop by and check out the display located in the lobby of the Municipal Office Center.

- Curbside yard waste and large brush and branch pickup programs have begun. Large brush and branches are to be placed at the curb with cut ends facing the street. Piles must be clear from overhead obstructions and away from fire hydrants and stationary objects.
- City Council still has three openings on the Sister City Commission. Contact the City Clerk's office at 984-9725 for more details or an application or visit the City's website at www.porthuron.org.
- The City is looking for volunteers to greet the public and provide general information in the lobby of the Municipal Office Center. Contact the City Clerk's office at 984-9725.
- The City's Beautification Commission needs volunteers to help with preparing and planting of 22 flower beds. Please join them on Saturday, May 1, and/or Saturday, May 22, at 8:00 a.m. in front of the County Building, 201 McMorrin Boulevard. For more information or to volunteer, contact Jean Webb at 987-3705.
- Beginning May 1, the Water Street Marina has seasonal boat slips for lease with full utilities for boats up to 40 feet. Slips are also available at a reduced rate for boats up to 34 feet not requiring utilities. For further information, contact Dan Collins in the Marina Division at 984-9744.

COMMUNICATIONS & PETITIONS

***C-1.** Notification from the Michigan Liquor Control Commission that an application has been received from Webster's Party Store, LLC, requesting to transfer ownership of 2003 SDD & SDM licensed business, located at 3407 Electric Avenue, from Nicholas F. Webster.

Received and filed.

***C-2.** Notification from the Michigan Municipal League that the Region V annual meeting will be held May 4, 2004, in Lapeer, Michigan.

Received and filed and Councilmembers authorized to attend.

***C-3.** From Stephen R. Williams, Port Huron Museum Director, requesting that the vendor permit fees be waived for the Feast of the Ste. Claire and the Blue Water Indian Celebration - Pow Wow.

Received and filed and request granted.

***C-4.** From Janice Dubay, Program Manager, MainStreet Port Huron, requesting that permit fees be waived for the Summer Sidewalk Sales, Be A Tourist in Your Own Town, Furniture Fair, McDonagh's Carnival Event, Antique & Classic Auto Weekend, Port Huron to Mackinac Boat Race (Concession Lot), Art on the Avenue, Antique & Classic Boat Show and Happy Apple Days.

Received and filed and request granted.

***C-5.** From Larry J. Krabach, General Manager, McMorrin Place, requesting an appropriation of \$350,000.00 from the City to support McMorrin's operating budget.

Received and filed and request to be considered during budget review.

FROM THE CITY MANAGER

1- 6. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendations:

CM-1. On March 11, 2004, the City of Port Huron received the results of the State of Michigan Extended Purchasing Program bids for one (1) 2004 Crown Victoria for the Fire Department:

Gorno Ford, Inc.	\$20,389.00
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It is recommended that the bid of Gorno Ford, Inc., 22025 Allen Road, Woodhaven, Michigan 48183, in the amount of Twenty Thousand Three Hundred Eighty-Nine and 00/100 Dollars (\$20,389.00) be accepted in accordance with the State of Michigan Extended Purchasing Program and that the appropriate City officials be authorized to execute the necessary documents.

CM-2. On March 11, 2004, the City of Port Huron received the results of the State of Michigan Extended Purchasing Program bids for one (1) 2004 Ford Excursion for the Fire Department:

Gorno Ford, Inc.	\$28,806.00
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It is recommended that the bid of Gorno Ford, Inc., 22025 Allen Road, Woodhaven, Michigan 48183, in the amount of Twenty-Eight Thousand Eight Hundred Six and 00/100 Dollars (\$28,806.00) be accepted in accordance with the State of Michigan Extended Purchasing Program and that the appropriate City officials be authorized to execute the necessary documents.

CM-3. On March 11, 2004, the City of Port Huron received the results of the State of Michigan Extended Purchasing Program bids for one (1) 2004 Ford F-250 4X4 standard cab pickup for the Parks & Forestry Division:

Gorno Ford, Inc.	\$16,374.00
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It is recommended that the bid of Gorno Ford, Inc., 22025 Allen Road, Woodhaven, Michigan 48183, in the amount of Sixteen Thousand Three Hundred Seventy-Four and 00/100 Dollars (\$16,374.00) be accepted in accordance with the State of Michigan Extended Purchasing Program and that the appropriate City officials be authorized to execute the necessary documents.

CM-4. On March 11, 2004, the City of Port Huron received the results of the State of Michigan Extended Purchasing Program bids for one (1) 2004 Ford F-150 4X4 extended cab pickup for the Engineering Division:

Gorno Ford, Inc.	\$16,983.75
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It is recommended that the bid of Gorno Ford, Inc., 22025 Allen Road, Woodhaven, Michigan 48183, in the amount of Sixteen Thousand Nine Hundred Eighty-Three and 75/100 Dollars (\$16,983.75) be accepted in accordance with the State of Michigan Extended Purchasing Program and that the appropriate City officials be authorized to execute the necessary documents.

CM-5. On March 11, 2004, the City of Port Huron received the results of the State of Michigan Extended Purchasing Program bids for one (1) 2004 Ford E-150 Work Van for the Utilities Division:

Gorno Ford, Inc.	\$12,861.25
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It is recommended that the bid of Gorno Ford, Inc., 22025 Allen Road, Woodhaven, Michigan 48183, in the amount of Twelve Thousand Eight Hundred Sixty-One and 25/100 Dollars (\$12,861.25) be accepted in accordance with the State of Michigan Extended Purchasing Program and that the appropriate City officials be authorized to execute the necessary documents.

CM-6. On March 11, 2004, the City of Port Huron received the results of the State of Michigan Extended Purchasing Program bids for one (1) 2004 Ford E-150 Work Van for the Utilities Division:

Gorno Ford, Inc.	\$13,906.25
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It is recommended that the bid of Gorno Ford, Inc., 22025 Allen Road, Woodhaven, Michigan 48183, in the amount of Thirteen Thousand Nine Hundred Six and 25/100 Dollars (\$13,906.25) be accepted in accordance with the State of Michigan Extended Purchasing Program and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.

No: Councilmember Prax.

Absent: None.

CM-7. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On April 1, 2004, the City of Port Huron received two (2) bids for dock repair work at the River Street Marina and the Water Street Municipal Marina:

Sanford & Son Marine Construction	\$24,075.00
Malcolm Marine, Inc.	\$28,100.00

It is recommended that the bid of Sanford & Son Marine Construction, 2984 Fruit Road, Algonac, Michigan 48001, in the amount of Twenty-Four Thousand Seventy Five and 00/100 Dollars (\$24,075.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City Officials be authorized to execute the necessary documents.

Adopted unanimously.

RESOLUTIONS

R-1. Councilmember Prax offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #04-01)

Adopted unanimously.

R-2. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, last year the Federal Emergency Management Agency (FEMA) encouraged communities that incurred expenses while dealing with the catastrophic power outage, which occurred during August 14-17, 2003, to submit a detailed listing of those expenses for possible reimbursement; and

WHEREAS, the City of Port Huron submitted expenses in the amount of \$63,126.00; and

WHEREAS, the amount to be reimbursed to the City of Port Huron by FEMA is \$37,830.05, which represents 75% of the total adjusted project cost;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the grant agreement with the Federal Emergency Management Agency to reimburse the City of Port Huron for expenses incurred during the power outage of August 14-17, 2003, and does hereby specifically agree, but not by way of limitation, to the following:

1. To retain copies of all correspondence and maintain complete records of all work, including receipts, checks, bills, job orders, contracts, equipment usage records, payroll information, and any other necessary documentation for three years from the date of final payment for audit purposes;
2. To comply with any and all terms of this agreement, including all terms not specifically set forth in the foregoing portion of this resolution; and

BE IT FURTHER RESOLVED that Robert W. Eick, Fire Chief/Emergency Management Coordinator, be appointed as the project coordinator and authorized representative for all aspects of the grant agreement; and

BE IT FURTHER RESOLVED that the appropriate City officials are hereby authorized to execute the grant agreement on behalf of the City of Port Huron. (See City Clerk File #04-25)

Adopted unanimously.

R-3. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, there has been a Contract #03-5512 prepared between the City of Port Huron and the Michigan Department of Transportation (MDOT) for the reconstruction of four intersections on Highway I-94BL (Military Street) at Griswold Street, Court Street, Pine Street, and Water Street; all together with necessary related work; all located within the corporate limits of the City; and

WHEREAS, MDOT request that the City pave these intersections in concrete as part of the City's 4th Street Sewer Separation Project; and

WHEREAS, in a spirit of cooperation the City agreed to complete the requested work as part of its project; and

WHEREAS, this contract provides reimbursement to the City of Port Huron for construction and engineering costs associated with four intersections on I-94BL. The intersection improvement project involved Griswold, Court, Pine, and Water Streets;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the contract with the Michigan Department of Transportation for reconstruction of four intersections on Highway I-94BL (Military Street) at Griswold Street, Court Street, Pine Street, and Water Street; all together with necessary related work; all within the corporate limits of the City and directs the appropriate City officials to execute said agreement. (See City Clerk File #04-26)

Adopted unanimously.

***R-4.** WHEREAS, Black River Plastics, 2345 Petit Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, and equipment); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for April 26, 2004, in order to hear comments on the application of Black River Plastics for an Industrial Facilities Exemption Certificate; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following Legislative Bodies:

City Assessor - Port Huron
County Board of Commissioners - St. Clair County
Port Huron Area School Board
St. Clair County Community College
Intermediate School District
Downtown Development Authority

Adopted.

***R-5.** WHEREAS, Shawmut Corporation, 2770 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (land and building improvements, machinery and equipment, and furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for April 26, 2004, in order to hear comments on the application of Shawmut Corporation for an Industrial Facilities Exemption Certificate; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following Legislative Bodies:

City Assessor - Port Huron
 County Board of Commissioners - St. Clair County
 Port Huron Area School Board
 St. Clair County Community College
 Intermediate School District
 Downtown Development Authority

Adopted.

***R-6.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 14-13, 34-3, and 24-19; and

WHEREAS, the attached special assessment report has been certified by the City Engineer and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$96.20 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk file #04-27).

Adopted.

***R-7.** WHEREAS, on February 9, 2004 the City Council established by ordinance a Sister City Commission; and

WHEREAS, it is stated in the Ordinance Code of the City of Port Huron, Chapter 2, Administration, Article III, Division 14, Section 2-402:

“Sec. 2-402. Membership and terms of office. The membership of the commission shall be composed of nine (9) members appointed by the City Council, from applications on file in the City Clerk’s Office, and shall represent persons with a strong interest in and knowledge of foreign countries or cultures, as much as is possible. Members shall serve without compensation.

The members of the commission shall serve terms of three (3) years. In making the initial appointments, the City Council shall appoint three (3) members for terms of one (1) year, three (3) members for terms of two (2) years; and the remaining three (3) members for terms of three (3) years. All subsequent appointments shall be for terms of three (3) years.”

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby confirms the following appointments to the Sister City Commission:

<u>Member</u>	<u>Term to Expire</u>
Mark Byrne	April 12, 2007
Thomas Hamilton	April 12, 2007
Thomas Seppo	April 12, 2007
Steven Loxton	April 12, 2006
Irene Michels	April 12, 2006
Perry Melton	April 12, 2005

Adopted.

***R-8.** WHEREAS, the Board of Review has completed the review, correction and certification of the 2004 assessment roll; and

WHEREAS, the Assessment Roll has been delivered to the City Clerk;

NOW, THEREFORE, BE IT RESOLVED, that in compliance with Section 69 of the City Charter of the City of Port Huron, the 2004 Assessment Roll is fully and finally confirmed by the City Council of the City of Port Huron. (See City Clerk File #04-28).

Adopted.

R-9. Ballots were distributed by the Deputy City Clerk with the names of people who had applied to be on the McMorran Authority. The results were as follows: Nicole VonHiltmayer - 5 votes; Timothy McCulloch - 1 vote; Billy Sanders - 1 vote.

Councilmember Cutcher offered and moved the adoption of the following resolution:

WHEREAS, it is stated in the amended Articles of Incorporation of the Henry McMorran Memorial Auditorium Authority, a Michigan Municipal Corporation, Article V, Section:

“The authority shall be directed and governed by a board of nine commissioners known as the “Commission,” each to be elected by the City Council of the City of Port Huron, no member of which may be a member of the authority commission;” and

NOW, THEREFORE, BE IT RESOLVED that Nicole VonHiltmayer is hereby appointed to the Henry McMorran Memorial Auditorium Authority to fill a vacancy with a term to expire on March 22, 2006.

Adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Cutcher recognized the recent ribbon cutting ceremonies for Blue Water (Clubhouse) Rhythms Café and the Blue Water Memories. The Back Door Internet Café, 309 Huron Avenue, will hold a ribbon cutting ceremony on April 19 at 5:00 p.m.

2. Councilmember Prax inquired if there was anything further done for the speeding problem on Botsford Street which she brought up at the last Council meeting. The Manager responded that spot enforcement is still being done and the situation is being monitored through the various departments.

3. Councilmember Cutcher mentioned that he watched a television program that mentioned the possible cellphone problems in Michigan which might affect the proposed 800 megahertz communications system. He brought this up so that it can be discussed at future meetings.

On motion (8:10 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
 Deputy City Clerk

Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, April 26, 2004, at 6:00 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.

Absent: Mayor Pro-tem Cutcher.

Proposed legislative initiatives were presented by Tom Hutka, City Manager, and staff for both federal and state issues (see City Clerk File #04-29 for a copy). Following discussion by City Council, Mayor Neal requested that the possibility of going to Washington, D.C., (like the County has) to lobby for our needs be looked into.

On motion (7:20 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, April 26, 2004, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Pastor Mark Seppo, Life of Faith Fellowship, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn. Absent: Mayor Pro-tem Cutcher

The minutes of the regular meeting of April 12, 2004, were approved.

PRESENTATIONS

1. Proclamation designating May 8, 2004, as National Association of Letter Carriers Food Drive Day was presented to Christine Brown, NALC Food Drive Coordinator.
2. Port Huron Community Services Officer Marcy Kuehn gave a presentation on the CAPTURE program.
3. Presentation was given by Robert Clegg, City Engineer, on the upcoming street millage election being held on May 4, 2004.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the request to rezone property located at 2901-12th Avenue from "C-1" General Business District to "A-1" Medium Density Multiple Family District. (See Ordinance #1)

No one appeared to be heard.

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the application of Black River Plastics, 2345 Petit Street, for an Industrial Facilities Exemption Certificate. (See Resolution #6)

No one appeared to be heard.

The Mayor declared the hearing closed.

3. **The Mayor** announced that this was the time to hear comments on the application of Shawmut Corporation, 2770 Dove Street, for an Industrial Facilities Exemption Certificate. (See Resolution #7)

Doug Alexander, Executive Director, EDA, and Justin Keppy, Director of Operations in Michigan, Shawmut Corporation, appeared requesting support of their application and stating that they will be coming back to City Council in the future for another one plus the purchase of land for an expansion of their operation.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Reverends' David Caswell, Dan Stewart, and Tom Seppo, representing Evangelical Ministerial Association, presented the City of Port Huron with a check for \$450 for the Sister Cities International membership dues.

CONSENT AGENDA

Councilmember Fisher offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.
 No: None.
 Absent: Mayor Pro-tem Cutcher.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- The Sesquicentennial Steering Committee is sponsoring a contest that is open to all ages for the design of a logo to promote the City's 150th birthday in 2007. The deadline is June 1 and the winning designer will receive \$150. For further details, contact the Greater Port Huron Area Chamber of Commerce at 985-7101.
- The Sister City Commission still has one opening. Contact the City Clerk's office at 984-9725 for more details or visit the City's website at www.porthuron.org.
- The City is looking for volunteers to greet the public and provide general information in the lobby of the Municipal Office Center. Contact the City Clerk's office at 984-9725.
- The City's Beautification Commission needs volunteers to help with preparing and planting of 22 flower beds. Please join them on Saturday, May 1, and/or Saturday, May 22, at 8:00 a.m. in front of the County Building, 201 McMorrin Boulevard. For more information or to volunteer, contact Jean Webb at 987-3705.
- Beginning May 1, the Water Street Marina has seasonal boat slips for lease with full utilities for boats up to 40 feet. Slips are also available at a reduced rate for boats up to 34 feet not requiring utilities. For further information, contact Dan Collins in the Marina Division at 984-9744.

COMMUNICATIONS & PETITIONS

***C-1.** From Rev. Scott Babin, Rev. Dan Stewart, Rev. Elden Lee and Rev. Dave Caswell, Evangelical Minister's Association Officers, offering to pay the annual fee this year for the City's membership in the Sister City International organization.

Received and filed.

***C-2.** From Richard C. Engle, Vice President, Acheson Ventures, LLC, requesting the permit fees be waived for the Southside Summer Festival (June 25-27) to be held at Memorial Park and Stadium on 24th Street.

Received and filed and permit fees waived.

FROM THE CITY MANAGER

CM-1. Councilmember Prax offered and moved the adoption of the following City Manager's recommendation:

On April 1, 2004, the City of Port Huron received three (3) proposals to provide five Automatic External Defibrillators for use by the Fire Department. Proposals received are as follows:

Medtronic Physio Control	\$ 12,400.00
Philips Medical Systems	\$ 15,613.50
Cardiac Science	*

* Did not meet requirements

It is recommended that the proposal from Medtronic Physio Control, 11811 Willows Rd., NE, Redmond, Washington 98073-9723, in the amount of Twelve Thousand Four Hundred and 00/100 Dollars (\$12,400.00) be accepted as the best proposal and that the appropriate City Officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.
 No: None.
 Absent: Mayor Pro-tem Cutcher.

CM-2. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On April 1, 2004, the City of Port Huron received two (2) bids for a Hydraulic Burial Vault Handling Cart to be used by the Cemetery Department. Bids received are as follows:

Long Machine Company	\$ 13,525.00
Axis Corporation	\$ 14,900.00

It is recommended that the bid from Long Machine Company, 519 N. Main Avenue, Maiden, North Carolina 28650-1123, in the amount of Thirteen Thousand Five Hundred Twenty-five and 00/100 Dollars (\$13,525.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City Officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.
 No: None.
 Absent: Mayor Pro-tem Cutcher.

CM-3. Councilmember Steinborn offered and moved the adoption of the following City Manager's recommendation:

On March 18, 2004, the City of Port Huron received seven (7) quotes for a compact tractor with implements for the Parks & Forestry Division:

Jones Equipment Rental	\$27,214.00
AIS Construction Equipment	\$29,879.04
Weingartz Golf & Turf	\$29,911.86
Weingartz Golf & Turf	\$30,500.00
Flint New Holland	\$31,507.00
Richmond Ford Tractor	*

* Did not meet specifications

It is recommended that the quote of Jones Equipment Rental Company, 4600 24th Avenue, Fort Gratiot, Michigan 48059, in the amount of Twenty-Seven Thousand Two Hundred Fourteen and 00/100 Dollars (\$27,214.00) be accepted as the lowest cost responsive and responsible quote the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, and Steinborn.
 No: Councilmember Prax.
 Absent: Mayor Pro-tem Cutcher.

4-5. Councilmember Prax offered and moved the adoption of the following City Manager's recommendations:

CM-4. On March 30, 2004, the City of Port Huron received three (3) unit price bids for the Annual Sewer Cleaning and Video Inspection, Project No. D04-0070 (Planned Video Inspections). Based on estimated annual quantities, the following is a comparative summary of the bids received:

	Planned Video Inspections
National Industrial Maintenance, Inc.	\$ 92,440.00
Michigan Pipe Inspection	\$119,345.00
Inland Waters Pollution	\$233,000.00

It is recommended that the unit price bid of National Industrial Maintenance, Inc., 4400 Stecker, Dearborn, Michigan 48126-3895, in the estimated amount of Ninety-Two Thousand Four Hundred Forty and 00/100 Dollars (\$92,440.00) be accepted as the lowest cost responsive and responsible bid for planned video inspections and that the appropriate City officials be authorized to execute the necessary documents.

CM-5. On March 30, 2004, the City of Port Huron received three (3) unit price bids for the Annual Sewer Cleaning and Video Inspection, Project No. D04-0070 (Emergency Video Inspections). Based on estimated annual quantities, the following is a comparative summary of the bids received:

	Emergency Video Inspections
Michigan Pipe Inspection	\$123,000.00
Inland Waters Pollution	\$143,030.00
National Industrial Maintenance, Inc	\$147,630.00

It is recommended that the unit price bid of Michigan Pipe Inspection, 3508 Armour Street, Port Huron, Michigan 48060, in the estimated amount of One Hundred Twenty-Three Thousand and 00/100 Dollars (\$123,000.00) be accepted as the lowest cost responsive and responsible bid for emergency video inspections and that the appropriate City officials be authorized to execute the necessary documents.

Motion to adopt City Manager recommendations 4 and 5 adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.
- No: None.
- Absent: Mayor Pro-tem Cutcher.

CM-6. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On April 15, 2004, the City of Port Huron received three (3) bids for the Stone Street Sewer Lining Project from Elmwood to Hancock:

Pro Line Technologies of Michigan LLC	\$42,126.00
Lanzo Lining Service, Inc.	\$55,200.00
Liquiforce Services (USA), Inc.	\$63,000.00

It is recommended that the bid of Pro Line Technologies of Michigan, LLC, 2021 S. Schaefer, Detroit, Michigan 48217, in the amount of Forty-Two Thousand One Hundred Twenty-Six and 00/100 Dollars (\$42,126.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.
- No: None.
- Absent: Mayor Pro-tem Cutcher.

***CM-7.** The proposed Capital Improvement Program for 2004-2005 through 2008-2009 (See City Clerk File #04-30) be received for further review of the City Council, that a public hearing thereon be held on May 10, 2004, at 7:30 p.m. in the Public Meeting Room in the Municipal Office Center, and that the City Clerk be instructed to provide interested citizens with a copies of this Capital Improvement Program and to publish notice of said hearing at least one week in advance of May 10, 2004.

Received and filed and public hearing scheduled.

***CM-8.** The proposed Operating Budget for Fiscal Year 2004-05 (See City Clerk File #04-31) be received for further review of the City Council, that a public hearing thereon be held on May 10 2004, at 7:30 p.m., in the Public Meeting Room in the Municipal Office Center, that the City Clerk be instructed to place on display copies of this proposed budget and to publish notice of said hearing at least one week in advance of May 10, 2004.

Received and filed and public hearing scheduled.

RESOLUTIONS

***R-1.** WHEREAS, on February 9, 2004 the City Council established by ordinance a Sister City Commission; and

WHEREAS, it is stated in the Ordinance Code of the City of Port Huron, Chapter 2, Administration, Article III, Division 14, Section 2-402:

“Sec. 2-402. Membership and terms of office. The membership of the commission shall be composed of nine (9) members appointed by the City Council, from applications on file in the City Clerk’s Office, and shall represent persons with a strong interest in and knowledge of foreign countries or cultures, as much as is possible. Members shall serve without compensation.

The members of the commission shall serve terms of three (3) years. In making the initial appointments, the City Council shall appoint three (3) members for terms of one (1) year, three (3) members for terms of two (2) years; and the remaining three (3) members for terms of three (3) years. All subsequent appointments shall be for terms of three (3) years.”

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby confirms the following appointments to the Sister City Commission:

<u>Member</u>	<u>Term to Expire</u>
Erika Foster	April 26, 2006
Jennifer Merchant	April 26, 2005

Adopted.

***R-2.** WHEREAS, Act 197 of 1975, the Downtown Development Authority Act, authorizes the City of Port Huron Downtown Development Authority to levy up to a 1.9874 mill ad valorem tax on the taxable value of all real and personal property within the district boundaries; and

WHEREAS, the City of Port Huron Development Authority will receive a tentative budget for the 2004-2005 fiscal year in the amount of \$1,368,900 based upon anticipated revenues of a 1.9874 mill levy on the taxable value of real and personal property within the Downtown Development District and captured taxes from Tax Increment Financing within the Downtown Development District; and

WHEREAS, both the 1.9874 mill ad valorem tax levy and the budget for the 2004-2005 fiscal year are subject to approval by the City Council of the City of Port Huron.

NOW, THEREFORE, BE IT RESOLVED that the tentative budget of the City of Port Huron Downtown Development Authority (City Clerk’s File #04-34) be received for further review by the City Council and that a public hearing thereon be held May 10, 2004.

Received and filed and public hearing scheduled.

R-3. Councilmember Jacobs offered and moved the adoption of the following resolution:

WHEREAS, it is necessary to perform professional engineering services for the 16th Avenue Sewer Separation Phase II project; and

WHEREAS, Rowe Incorporated is the appropriate engineering firm to provide these services based upon an evaluation of competitive proposals submitted; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and Rowe Incorporated for professional engineering services for Project No. D03-0060;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Rowe Incorporated for professional engineering services during the 16th Avenue Sewer Separation Phase II project and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #04-32).

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.

No: None.

Absent: Mayor Pro-tem Cutchner.

***R-4.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 14-13, 34-3, and 24-19; and

WHEREAS, the attached special assessment report has been certified by the City Engineer and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$197.92 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk file #04-33).

Adopted.

***R-5.** WHEREAS, it is anticipated that there will be no need to hold the second meetings in the months of June, July and August;

NOW, THEREFORE, BE IT RESOLVED that the City Council:

- a) Suspends its rules and procedures for the regular meetings of June 28, July 26 and August 23, 2004; and
- b) Instructs the City Manager to not prepare an agenda for these regular meetings; and
- c) Instructs the City Clerk to place on the bulletin board in the main lobby of the Municipal Office Center a public notice that the regular meetings of June 28, July 26 and August 23, 2004, will not be held.

Adopted.

***R-6.** WHEREAS, Black River Plastics, 2345 Petit Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery and equipment); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, the Port Huron City Council held a public hearing on April 26, 2004, to hear comments on the application; and

WHEREAS, the City Assessor and Legislative Body of each unit which levies taxes was notified of the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the Black River Plastics application for an Industrial Facilities Exemption Certificate for six (6) years on personal property and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that the above certificate will be issued for the following dates:

All personal property: 12/31/04 to 12/31/10 6 years

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the Industrial Facilities Exemption Certificate (considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force) shall not have the effect of substantially impeding the operation of the City of Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as Black River Plastics is located.

Adopted.

***R-7.** WHEREAS, Shawmut Corporation, 2770 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (land and building improvements, machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, the Port Huron City Council held a public hearing on April 26, 2004, to hear comments on the application; and

WHEREAS, the City Assessor and Legislative Body of each unit which levies taxes was notified of the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the Shawmut Corporation application for an Industrial Facilities Exemption Certificate for twelve (12) years on real and personal property and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that the above certificate will be issued for the following dates:

All real and personal property: 12/31/04 to 12/31/16 (12 years)

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the Industrial Facilities Exemption Certificate (considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force) shall not have the effect of substantially impeding the operation of the City of Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as Shawmut Corporation is located.

Adopted.

R-8. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, it is a priority of City government to maximize use and enjoyment of the City's waterfront property; and

WHEREAS, an audit commissioned by the Michigan Department of History, Arts and Libraries in 2003 recommended promoting maritime assets and, specifically, to place interpretive signs along the Thomas Edison Parkway to give information about the river, the freighters and the bridges; and

WHEREAS, the Coastal Management Program (CMP) of the Michigan Department of Environmental Quality provides Coastal Zone Management grants for coastal projects; and

WHEREAS, the CMP provides a maximum of \$50,000 in grant funds and the City of Port Huron and its community partners must provide at least 50 percent of total project costs as match, which may be in the form of in-kind services;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council supports a grant application to the Michigan Coastal Management Program for the placement of interpretive waterfront guide signs along the St. Clair River, indicating points of interest along the coastline and walkway; and

BE IT FURTHER RESOLVED, that the proposed project will be undertaken if the grant is awarded and the estimated required project match will be appropriated with in-kind services from the partnership with the City of Port Huron, the Port Huron Museum, Acheson Ventures and other community partners.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.
No: None.
Absent: Mayor Pro-tem Cutcher.

ORDINANCES

O-1. Councilmember Fisher moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 32, ZONING, ARTICLE IV, MAPPED DISTRICTS, SECTION 32-66, DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 2901 - 12TH AVENUE FROM "C-1" GENERAL BUSINESS DISTRICT TO "A-1" MEDIUM DENSITY MULTIPLE FAMILY DISTRICT.

Motion adopted by the following vote and ordinance given its first and second reading:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.
No: None.
Absent: Mayor Pro-tem Cutcher.

O-2. Councilmember Prax moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO ADOPT AND ENACT A NEW CODE OF ORDINANCES FOR THE CITY OF PORT HURON; PROVIDE FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDE A PENALTY FOR THE VIOLATION THEREOF; PROVIDE FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDE WHEN SUCH CODE AND THE ORDINANCE SHALL BECOME EFFECTIVE.

Motion adopted by the following vote and ordinance given its first and second reading:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.
No: None.
Absent: Mayor Pro-tem Cutcher.

O-3. Councilmember Prax moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 18, LICENSES AND BUSINESS REGULATIONS, ARTICLE VIII, PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS, DIVISION 1 THROUGH 4, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ADDING DIVISION 5, SPECIAL EVENTS VENDOR, TO ALLOW SPECIAL EVENT VENDORS TO SELL FOOD OR BEVERAGE PRODUCTS ON CITY-OWNED PROPERTY AT SPECIFIC SPECIAL EVENTS.

Motion adopted by the following vote and ordinance given its first and second reading:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.
No: None.
Absent: Mayor Pro-tem Cutcher.

O-4. Councilmember Fisher moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 18, LICENSES AND BUSINESS REGULATIONS, BY ADDING ARTICLE XIII, BUSKERS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ALLOWING BUSKING IN CERTAIN AREAS OF THE CITY.

Motion adopted by the following vote and ordinance given its first and second reading:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.
No: None.
Absent: Mayor Pro-tem Cutcher.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Haynes congratulated those involved with the neighborhood cleanup this past weekend in the Woodrow Wilson School area – especially Chris Krohn from Community Development, City workers, neighbors and Huron House workers.

2. Mayor Neal announced the recent grand opening of the Back Door Internet Café.

On motion (8:45 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

Special meeting of the City Council of the City of Port Huron, Michigan, held Tuesday, May 4, 2004, at 8:30 a.m. in the City Clerk's Conference Room, First Floor, Municipal Office Center.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.

Absent: Councilmember Prax.

RESOLUTIONS

R-1. Councilmember Haynes offered and moved the adoption of the following resolution:

WHEREAS, on February 23, 2004, the City Council, after due notice and proper hearing, adopted a resolution objecting to renewal of the following on-premise Class C/SDM license in escrow:

Martini Joe's, 3954 - 24th Avenue
Class C/SDM (Michelle Anter)

for non-compliance of income tax payments and/or reporting; and

WHEREAS, payment of income taxes and/or reporting has been made by Martini Joe's;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby recommends approval of the above-named Class C/SDM license for the 2004-05 licensing year; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to forward a certified copy of this resolution to the Licensing and Enforcement Division of the Michigan Liquor Control Commission.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.

No: None.

Absent: Councilmember Prax.

On motion (8:40 a.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, May 10, 2004, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Reverend Stan Liechty, Colonial Woods Missionary Church, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs, Prax (arrived at 7:40 p.m.) and Steinborn.

The minutes of the regular and special meetings of April 26, 2004, and the special meeting of May 4, 2004, were approved.

PRESENTATIONS

1. Councilmember Fisher gave a power point presentation on the inaugural Blue Water Train, which Amtrak is now running between Port Huron and Chicago.
2. Proclamation declaring the week of May 9-15, 2004, to be Police Week and specifically recognizing May 15, 2004, as Peace Officers' Memorial Day was presented to Police Chief William J. Corbett.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the proposed operating budget for fiscal year 2004-05.

No one appeared to be heard.

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the proposed capital improvement program for fiscal years 2004-05 through 2008-09.

No one appeared to be heard.

The Mayor declared the hearing closed.

3. **The Mayor** announced that this was the time to hear comments on the proposed Port Huron Downtown Development Authority budget for fiscal year 2004-05.

No one appeared to be heard.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. David Belair, 1334 Division, St. Clair County Allied Veterans, addressed City Council relative to the Memorial Day Parade and its importance and encouraged the City Council and community to attend

CONSENT AGENDA

Councilmember Prax offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- The City's Beautification Commission needs volunteers to help with planting the 22 flower beds. Please join them on Saturday, May 22, at 8:00 a.m., in front of the County Building, 201 McMorran Boulevard. For more information or to volunteer, contact Jean Webb at 987-3705.
- The annual Feast of the Ste. Claire will be held in Pine Grove Park on May 29-30.
- Memorial Day Parade will be held on May 30 and will start to Quay Street to Pine Grove Park.
- Applications are being accepted to fill a vacancy on the Downtown Development Authority. Contact the City Clerk's office at 984-9725 for an application or visit the City's website at www.porthuron.org.

COMMUNICATIONS & PETITIONS

***C-1.** Notification from the Michigan Liquor Control Commission that an application has been received from RMD, Inc., requesting to transfer location of the 2004 Specially Designated Distributor and Specially Designated Merchant Licenses located at 509 Tenth Street, to a new building, same address.

Received and filed.

FROM THE CITY MANAGER

CM-1. Councilmember Prax offered and moved to receive and file the following City Manager's report:

In accordance with Section 55 of the City Charter, there is submitted herewith a Quarterly Financial Report of the City of Port Huron for the nine month period ending March 31, 2004. (See City Clerk File # 04-35).

Adopted unanimously.

CM-2. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On May 4, 2004, the City of Port Huron received four (4) bids for the Woodstock Area Phase I Utility and Pavement Reconstruction:

Raymond Excavating Co.	\$1,467,521.81
Ron Bretz Excavating, Inc.	\$1,545,462.72*
Teltow Contracting, Inc.	\$1,564,849.30
Pamar Enterprises, Inc.	\$1,762,236.30*

* Indicates corrected bid

It is recommended that the bid of Raymond Excavating, 800 Gratiot Blvd., Marysville, Michigan 48040, in the amount of One Million Four Hundred Sixty-Seven Thousand Five Hundred Twenty-One and 81/100 Dollars (\$1,467,521.81) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-3. Councilmember Prax offered and moved the adoption of the following City Manager's recommendation:

On April 29, 2004, the City of Port Huron received three proposals to install one stand-by generator at Central Fire Station:

Stephenson Electric Company	\$27,600.00
Sopha Electric	\$29,375.00
Gen Power Products, Inc.	\$31,740.00

It is recommended that the proposal of Stephenson Electric Company, P. O. Box 610841, Port Huron, Michigan 48061-0841, in the amount of Twenty-Seven Thousand Six Hundred and 00/100 Dollars (\$27,600.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-4. Councilmember Haynes offered and moved the adoption of the following City Manager's recommendation:

On April 29, 2004, the City of Port Huron received three proposals to install two automatic transfer switches at the Municipal Office Center:

Stephenson Electric Company	\$12,900.00
Sopha Electric, Inc.	\$15,120.00
Gen Power Products, Inc.	\$15,480.00

It is recommended that the proposal of Stephenson Electric Company, P. O. Box 610841, Port Huron, Michigan 48061-0841 in the amount of Twelve Thousand Nine Hundred and 00/100 Dollars (\$12,900.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-5. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On May 4, 2004, the City of Port Huron received two quotes for an Anritsu Spectrum Analyzer for the Radio Shop:

Tessco	\$6,953.38
Anritsu	\$7,395.00

It is recommended that the quote of Tessco, 11126 McCormick Road, Hunt Valley, Maryland 21031-1494, in the amount of Six Thousand Nine Hundred Fifty Three and 38/100 Dollars (\$6,953.38) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-6. Thomas Hutka, City Manager, gave a verbal report regarding the proposed lease of White Park to the Port Huron Area School District.

BOARDS & COMMISSIONS

***B&C-1.** We, the Canvass Board of St. Clair County, Michigan, did on Wednesday, May 5, 2004, meet in the County Clerk's Office, 201 McMorrin Blvd., Port Huron, and did publicly canvass the results of the City of Port Huron Special Election held on Tuesday, May 4, 2004. The results of the canvass of said election are as follows:

CITY PROPOSITION

"Shall Section 54 of the Charter of the City of Port Huron, St. Clair County, Michigan, be amended so as to permit the levy by the City of an additional ad valorem tax in an amount not to exceed two (2) mills, 1.9880 mills (\$1.9880 per thousand dollars) being a renewal and .0120 mills (1.2 cents per thousand dollars) being an additional amount for a period of ten (10) years, starting in 2004, raising revenues estimated at \$1,282,184 for 2004 if the millage is levied and collected, for the purpose of providing additional funds for the resurfacing and reconstruction of streets?"

Yes	1,187
No	726

Proposal declared passed.

By: Loretta Johnson	William D. Emery
Vicki Davis	Marilyn Dunn

Received and filed.

RESOLUTIONS

R-1. Councilmember Prax offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #04-01)

Adopted unanimously.

***R-2.** WHEREAS, the Port Huron Police Department CAPTURE Program Association, Inc., Port Huron, has made application to the Bureau of State Lottery for a gaming license to conduct a raffle; and

WHEREAS, the Bureau requires a resolution from the local government recognizing the organization as non-profit;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron does hereby recognize the Port Huron Police Department CAPTURE Program Association, Inc., Port Huron, as a non-profit organization in the City of Port Huron.

Adopted.

***R-3.** WHEREAS, on February 9, 2004 the City Council established by ordinance a Sister City Commission; and

WHEREAS, it is stated in the Ordinance Code of the City of Port Huron, Chapter 2, Administration, Article III, Division 14, Section 2-402:

“Sec. 2-402. Membership and terms of office. The membership of the commission shall be composed of nine (9) members appointed by the City Council, from applications on file in the City Clerk’s Office, and shall represent persons with a strong interest in and knowledge of foreign countries or cultures, as much as is possible. Members shall serve without compensation.

The members of the commission shall serve terms of three (3) years. In making the initial appointments, the City Council shall appoint three (3) members for terms of one (1) year, three (3) members for terms of two (2) years; and the remaining three (3) members for terms of three (3) years. All subsequent appointments shall be for terms of three (3) years.”

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby confirms the following appointment to the Sister City Commission:

<u>Member</u>	<u>Term to Expire</u>
Armstead R. Diggs	April 26, 2005

Adopted.

***R-4(a)** WHEREAS, the City Council of the City of Port Huron determines that it is necessary to specially assess the cost of maintenance for the streetscape project described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard; and

WHEREAS, the City Council determines that the cost of maintaining such project should be paid by special assessment levied against the lots and parcels of land benefitted by such improvements;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Manager shall make an investigation of the cost of maintaining the project and prepare a report which shall include a budget for maintaining the project for the 2004-2005 fiscal year, a description of the assessment district, and his recommendation as to what portion of the cost should be paid by special assessment and what portion, if any, should be a general expense of the City, and the lands which should be included in the special assessment district.

2. The foregoing special report, as soon as completed, shall be presented to the City Council.

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

R-4(b). WHEREAS, in accordance with the City Council resolution dated May 10, 2004, the following is a report of the City Manager

regarding the proposed special assessment of the cost of maintaining certain public improvements:

1. The maintenance for the streetscape improvements for which all of the maintenance costs are to be specially assessed are described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard.

2. The estimated cost of maintaining streetscape improvements for the 2004-2005 fiscal year is \$40,000.00.

3. Said special assessment district is tentatively designated as all of the lots and parcels of land described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard
(See Appendix A - See City Clerk File #04-36).

NOW, THEREFORE, IT IS RECOMMENDED THAT:

1. The City Council tentatively declare the special assessment of the maintenance costs of the streetscape improvements to be of public necessity and proceed with necessary procedures to make such special assessment.

2. Said special assessment district be designated as all of the lots and parcels of land described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard (See Appendix A).

3. The cost of maintaining said public improvements for the 2004-2005 fiscal year is estimated to be \$40,000.00, all of which shall be spread over the special assessment district as hereinafter described, and none of which shall be paid as a general expense of the City.

R-4(c). WHEREAS, the City Council of the City of Port Huron tentatively determines that it is necessary to specially assess the cost of maintaining streetscape improvements in the City of Port Huron, more particularly hereinafter described in this resolution; and

WHEREAS, the City Manager has prepared a report concerning the maintenance costs of the streetscape improvements, which includes all the information required to be included by the Special Assessment Ordinance of the City; and

WHEREAS, the City Council has reviewed that report;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby tentatively determines the necessity for and further determines to proceed with special assessment of the cost of the streetscape improvements described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard.

2. The cost of operating improvements for the 2004-2005 fiscal year is estimated to be \$40,000.00, all of which shall be spread over the special assessment district as hereinafter described, and none of which shall be paid as a general expense of the City, and the aforesaid report of the City Manager is hereby approved.

3. Said special assessment district is tentatively designated as all of the lots and parcels of land described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard.

4. The report of the City Manager shall be placed on file in the office of the City Clerk where the same shall be available for public examination.

5. The City Assessor shall prepare a special assessment roll spreading that portion of the cost of maintaining the aforesaid streetscape improvements to be borne by the special assessment district against said district according to the benefits received, in conformity with the provisions of the Special Assessment Ordinance of the City and the City Charter. As soon as said roll is prepared, the City Assessor shall file the same with the City Council.

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

R-4(d). WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of maintaining streetscape improvements more particularly hereinafter described to the properties specially benefitted by the operation of said public improvements, and the same has been presented to the Council;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll shall be filed in the office of the City Clerk for public examination and shall be open to public inspection for a period of seven (7) days before the hearing hereinafter provided for.

2. The City Council shall meet at the Municipal Office Center, Port Huron, Michigan, at 7:30 p.m. on May 24, 2004, for the purpose of hearing all persons interested in the operation of said streetscape improvements and said special assessment roll and reviewing the same.

3. The City Clerk is directed to publish the notice of said hearing once in the Port Huron Times Herald, a newspaper of general circulation in the City of Port Huron, not less than ten (10) full days prior the date of the said hearing and shall further cause notice of the meeting to be sent by first class mail to each owner of or person in interest in property subject to assessment as indicated by the records in the City Assessor's office as shown on the current assessment rolls of the City, at least ten (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said current assessment rolls of the City.

4. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING

City of Port Huron
County of St. Clair, Michigan

TAKE NOTICE that the City Council of the City of Port Huron, St. Clair County, Michigan, has determined it to be necessary to specially assess the cost of maintaining streetscape improvements in the City of Port Huron as follows:

The City Council has determined that all the costs of the above described public improvements shall be assessed against each of the following lots and parcels of land:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard.

Take Further Notice that the City Council has caused a report concerning said public improvements to be prepared, which report includes estimates of cost of such public improvements for the 2004-2005 fiscal year, a descriptions of the assessment districts and other pertinent information and has caused a special assessment roll to be prepared and this report and special assessment roll are on file in the office of the City Clerk and are available for public examination.

Take Further Notice that the City Council will meet on May 24, 2004, at 7:30 p.m., at the Municipal Office Center in the City of Port Huron for the purpose of hearing interested persons on the maintenance costs of the streetscape improvements, the composition of said district and for the purpose of reviewing said special assessment roll.

Take Further Notice that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if any appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by 4:30 p.m. on May 24, 2004, and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

This Notice is given by order of the City Council of the City of Port Huron, St. Clair County, Michigan.

Pauline M. Repp, CMC
City Clerk

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

Adopted.

***R-5.** WHEREAS, the Community Development Division of the City of Port Huron has requested to schedule a public hearing on May 24, 2004, to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER) for the program year 2003 (04/01/03 - 03/31/04); and

WHEREAS, the Community Development Division must report to the U. S. Department of Housing and Urban Development all CDBG and HOME activities performed during the year; and

WHEREAS, the CAPER will be available at the City Clerk's office and the St. Clair County Library as of Monday, May 17, 2004, for public viewing and written comments for a period of at least fifteen days; and

WHEREAS, the report will be submitted to the U. S. Department of Housing and Urban Development after City Council approval on Tuesday, June 15, 2004, after all comments are considered;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Port Huron hereby schedules a public hearing for Monday, May 24, 2004, to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER).

Adopted.

***R-6.** WHEREAS, under the Provisions of Chapter 18 of the School Code of 1955 of the State of Michigan, as amended, school districts and various governmental units are authorized to cooperate in establishing and operating public systems; and

WHEREAS, it is the desire of the City of Port Huron and the Board of Education of the Port Huron Area School District to enter into such an agreement as authorized by the aforesaid statute, to cooperate with each other in furthering and improving the public recreation system being operated by the City in said School District;

NOW, THEREFORE BE IT RESOLVED that the attached agreement between the City of Port Huron and the Port Huron Area School District concerning the use of school buses for transporting children in the City's public recreation program is hereby approved and the appropriate City officials are authorized to execute said agreement. (See City Clerk File #04-37)

Adopted.

R-7. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron previously approved the St. Clair County Solid Waste Management Plan; and

WHEREAS, the St. Clair County Solid Waste Management Plan requires that all type II landfill material be deposited in the St. Clair County licensed sanitary landfill; and

WHEREAS, from time to time it is necessary for the City to deposit material in a sanitary landfill in accordance with State law and the St. Clair County Solid Waste Management Plan; and

WHEREAS, the St. Clair County Smiths Creek Landfill charges lower rates to contract haulers to deposit material in their landfill;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the contract with St. Clair County for landfill disposal services at the St. Clair County Landfill and directs the appropriate City officials to execute said agreement. (See City Clerk File #04-38)

Adopted unanimously.

ORDINANCES

O-1. Councilmember Fisher moved that an ordinance introduced April 26, 2004, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1225

AN ORDINANCE TO AMEND CHAPTER 32, ZONING, ARTICLE IV, MAPPED DISTRICTS, SECTION 32-66, DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 2901-12TH AVENUE FROM C-1 GENERAL BUSINESS DISTRICT TO A-1 MEDIUM DENSITY MULTIPLE FAMILY DISTRICT.

THE CITY OF PORT HURON ORDAINS:

That Chapter 32, Zoning, Article IV, Mapped Districts, Section 32-66, Districts, of the Code of Ordinances of the City of Port Huron is hereby amended by changing the following area from C-1 General Business District to A-1 Medium Density Multiple Family District:

commencing at the southeast corner of Lot 69 of the Subdivision of Lots 27, 28, 29, 30, and 32 of the McNeil Tract, according to the plat thereof as recorded in Liber 2 of Plats, page 13, St. Clair County Register of Deeds Office; thence north 08°56'25" west 923.93 feet along the west line of 12th Avenue to the POINT OF BEGINNING; thence south 81°05'25" west 83.26 feet; thence south 08°32'48" east 64.32 feet; thence south 81°01'17" west 153.25 feet; thence south 73°49'17" west 194.40 feet; thence north 16°29'50" west 77.00 feet; thence south 79°30'10" west 91.00 feet; thence north 08°56'30" west 144.47 feet to a point on the south line of the Colonial Woods Subdivision No. 3, according to the plat thereof as recorded in Liber 66 of Plats, pages 3 and 4, St. Clair County Register of Deeds Office; thence north 81°07'30" east 528.68 feet along said south plat line to the southeast corner of said plat; thence south 10°15'48" east 100.03 feet to a point on the west line of 12th Avenue; thence south 08°56'25" east 29.00 feet along said west line to the point of beginning, also known as: 2901 - 12th Avenue.

Pauline M. Repp, CMC
City Clerk

ADOPTED: 05/10/04
PUBLISHED: 05/15/04
EFFECTIVE: 05/15/04

Adopted unanimously.

O-2. Councilmember Prax moved that an ordinance introduced April 26, 2004, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1226

AN ORDINANCE TO ADOPT AND ENACT A NEW CODE OF ORDINANCES FOR THE CITY OF PORT HURON; PROVIDE FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDE A PENALTY FOR THE VIOLATION THEREOF; PROVIDE FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDE WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

THE CITY OF PORT HURON ORDAINS:

That an ordinance to adopt and enact a new Code of Ordinances for the City of Port Huron; provide for the repeal of certain ordinances not included therein; provide a penalty for the violation thereof; provide for the manner of amending such code; and provide when such code and this ordinance shall become effective is hereby adopted.

Section 1. Short title. This ordinance shall be known as the "Code of Ordinances adopting ordinance" and may be so cited.

Section 2. Adoption of Code of Ordinances. The Code entitled "Code of Ordinances, City of Port Huron, Michigan," published by Municipal Code Corporation, consisting of chapters 1 through 52, each inclusive, is adopted.

Section 3. Repealer. All ordinances of a general and permanent nature enacted on or before December 8, 2003, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 4. Prior ordinances not revived. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 5. Penalty. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding \$500.00 and/or imprisonment not exceeding 90 days in the discretion of the court. However, unless otherwise provided by law, a person convicted of a violation of this Code which substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days shall be punished by a fine not to exceed \$500.00, and costs of prosecution or by imprisonment for a period of not more than 93 days or by both such fine and imprisonment. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 6. Code additions or amendments. Additions or amendments to the Code when passed in such form as to indicate the intention of the city council to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 7. Later ordinances. Ordinances adopted after December 8, 2003, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 8. Effective date. This ordinance shall become effective June 1, 2004.

Pauline M. Repp, CMC
City Clerk

ADOPTED: 05/10/04
PUBLISHED: 05/15/04
EFFECTIVE: 06/01/04

Adopted unanimously.

O-3. Councilmember Prax moved that an ordinance introduced April 26, 2004, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1227

AN ORDINANCE TO AMEND CHAPTER 18, LICENSES AND BUSINESS REGULATIONS, ARTICLE VIII, PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS, DIVISION 1 THROUGH 4, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ADDING DIVISION 5, SPECIAL EVENTS VENDOR, TO ALLOW SPECIAL EVENT VENDORS TO SELL FOOD OR BEVERAGE PRODUCTS ON CITY-OWNED PROPERTY AT SPECIFIC SPECIAL EVENTS.

THE CITY OF PORT HURON ORDAINS:

That Chapter 18, Licenses and Business Regulations, Article VIII, Peddlers, Solicitors and Transient Merchants, Division 1 through 4, of the Code of Ordinances of the City of Port Huron is hereby amended for the purpose of adding Division 5, Special Events Vendor, to allow special event vendors to sell food or beverage products on City-owned property at specific special events.

CHAPTER 18
LICENSES AND BUSINESS REGULATIONS

ARTICLE VIII.
PEDDLERS, SOLICITORS, TRANSIENT
MERCHANTS AND SPECIAL EVENTS VENDORS

DIVISION 1. GENERALLY

Sec. 18-206. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Peddler shall mean any person, whether a resident of the city or not, or any firm, partnership, corporation or other business entity, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, magazines, meats, fish, vegetables, fruits, garden truck, farm products or provisions offering and exposing the same for sale or rent, or making sales or rentals and delivering articles to purchasers or renters; and further provided that one who solicits orders and, as a separate transaction, makes deliveries to purchasers or renters as part of a scheme or design to evade the provisions of this article, shall be deemed a "peddler" subject to the provisions of this article. The word "peddler" shall include the words "hawker" and "huckster."

Solicitor shall mean and include any person, whether a resident of the city or not, traveling either by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street, taking or attempting to take orders for the sale of goods, wares, merchandise, books, magazines or personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such person has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not. The word "solicitor" shall include any person who, for himself or for another person, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery. The word "solicitor" shall include the word "canvasser."

Transaction of business, as defined in this article, by any person for a period of less than six months consecutively shall be prima facie evidence that such person is a transient merchant within the meaning and intent of this article.

Transient merchant means any person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise from a fixed location within the city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, or boat, public rooms in hotels, motels, lodging houses, apartments, shops, or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction excluding any person who, while occupying such temporary location does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this section merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

Special Events Vendor means any person, firm, partnership, corporation, club, voluntary association or other entity licensed and authorized under this article to sell food or beverage products on city-owned property at specific city special events such as, but not limited to, Art in the Park, the Robinson Tennis Tournament, etc.

Special Events Committee is a committee of administrative officers or their designees as designated by the city manager to review special events held in the City of Port Huron.

Authorized officer of the City of Port Huron includes any Port Huron city police officer and all City of Port Huron administrative officers and their designees.

Sec. 18-207 through Sec. 18-220.

No changes.

DIVISION 2 THROUGH DIVISION 4

Sec. 18-221 through Sec. 18-260.

No changes.

DIVISION 5. SPECIAL EVENTS VENDOR

Sec. 18-261. License and fee.

(a) No person shall engage in the business or activity of a special events vendor without first obtaining a license therefor issued pursuant to this chapter. No license shall be granted except upon the approval of the Special Events Committee of the city.

(b) The fee for a Special Events Vendor's license shall be as follows:

- (1) If the vendor has a permanent business location within the city for the sale of food products, no fee shall be required.
- (2) If the vendor is an established St. Clair County non-profit organization, no fee shall be required.
- (3) For all other persons or business entities, a fee set by resolution of the City Council shall be required.
- (4) If the vendor requires water and/or electrical hookups from the city, additional fees may be charged to cover the cost of providing such services.

Sec. 18-262. Application.

(a) Applicants for a special events vendors license must file an application with the city clerk in writing on a form to be furnished by the city clerk which shall give at least the following information:

- (1) Name and description of the applicant.
- (2) A brief description of the nature of the business and food or beverage products to be sold.
- (3) If a vehicle is to be used, a description of the same, together with the license number or other means of identification.
- (4) The particular special event or events at which the applicant wishes to vend its food or beverages.
- (5) Copies of all of the following:
 - (i) Michigan sales tax license.
 - (ii) Health Department certifications or satisfaction of other Health Department requirements.
 - (iii) Any other permits or certificates required for providing retail food services.
- (6) Such additional information as may assist in the implementation of review of the application and issuance of a license.

Sec. 18-263. Limitations.

The Special Events Committee may limit and designate the special event or events at which the licensee may vend its food or beverages. The Special Events Committee may also limit the number and type of vendors at any one special event.

Sec. 18-264. Exemption from Restrictions.

Special Events Vendors shall be exempt from the restrictions on peddlers provided by city ordinance Sec. 18-224.

Sec. 18-265. License non-transferrable.

Licenses shall not be transferrable.

Sec. 18-266. Revocation of license.

A special events vendor license may be revoked at any time for failure to comply with the City code or conditions set forth in the license.

Pauline M. Repp, CMC
City Clerk

ADOPTED: 05/10/04
PUBLISHED: 05/15/04
EFFECTIVE: 05/15/04

Adopted unanimously.

O-4. Councilmember Fisher moved that an ordinance introduced April 26, 2004, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1228

AN ORDINANCE TO AMEND CHAPTER 18, LICENSES AND BUSINESS REGULATIONS, BY ADDING ARTICLE XIII, BUSKERS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ALLOWING BUSKING IN CERTAIN AREAS OF THE CITY.

THE CITY OF PORT HURON ORDAINS:

That Chapter 18, Licenses and Business Regulations, by adding Article XIII, Buskers, of the Code of Ordinances of the City of Port Huron for the purpose of allowing busking in certain areas of the City.

**CHAPTER 18.
LICENSES AND BUSINESS REGULATIONS
ARTICLE XIII. BUSKERS**

Sec. 18-701. Purpose.

No busking shall be permitted within the City of Port Huron except as provided in this article.

Sec. 18-702. Definitions.

For the purpose of this article, the following words and phrases shall have the meaning respectively ascribed to them by this section:

(a) *A busker or busking* means an entertainer or entertainment providing impromptu performances for the public by playing a musical instrument, dancing, singing, clowning or juggling, or doing other acts of a similar nature in public places.

(b) *Authorized officer* of the City of Port Huron includes any Port Huron city police officer and all City of Port Huron administrative officers and their designees.

Sec. 18-703. Permit and fee required.

Buskers must hold an authorized permit to busk issued by the City of Port Huron. Busking permits shall be obtained from the city clerk's office for a fee in an amount set by resolution of council.

Sec. 18-704. Application for permit.

Applicants for a busking permit must file with the city clerk a sworn application in writing on a form to be furnished by the city clerk. Applicant may be required to sign a privacy act release authorization form.

Sec. 18-705. Identification required.

For the purposes of identification, applicants will be required to present or provide the following items at the time of application before a busking permit will be issued:

- (a) Proof of identity in one of the following forms:
- (1) A current motor vehicle driver's license or state issued personal identification card.
 - (2) A student identity, proof of age card, or a sworn affidavit of a parent or legal guardian having proof of identity.
 - (3) A current passport.

(b) If the applicant is a non-resident of the United States, a passport and appropriate work visa shall be provided.

(c) If the applicant is under the age of eighteen (18) years, proof of parental consent consisting of a parental consent form provided by the city clerk's office signed by a parent or legal guardian of the minor shall be presented.

Sec. 18-706. Group acts.

Permits for group acts must list the names of all members of the act. The City reserves the right not to issue permits to group acts which it considers to have too many members or may present a risk to pedestrian safety.

Sec. 18-707. Permit length.

Busking permits shall be valid for six months from the permit's commencement date unless revoked by an authorized officer.

Sec. 18-708. Permits non-transferrable or refundable.

Permits shall not be transferrable or refundable.

Sec. 18-709. Allowed areas for busking.

Busking in the City of Port Huron shall only be permitted in the following areas:

On the north side of the Black River bound by Glenwood Avenue on the north, 10th Avenue on the west, the Black River on the south and the St. Clair River on the east.

On the south side of the Black River bound by the Black River on the north, 7th Street on the west, Oak Street on the south and the St. Clair River on the east.

Sec. 18-710. Prohibited busking types.

The following are not considered to be buskers and will not be issued a busking permit: Taro card and palm readers, fortune tellers or readers, artists selling their works (such as portrait artists), masseurs or masseuses, vendors of any kind or solicitors of money for any purpose, or any activity detrimental to the health, welfare or well-being of the public.

Sec. 18-711. Compliance.

By signing the application for a permit to busk, applicants agree to comply with all conditions for busking within the City of Port Huron.

Sec. 18-712. Application review and issuance of permit.

Applications for busking permits shall be reviewed by administrative officers of the city or their designees. A busking permit will be issued to applicants after review and approval. Busking permits will include a specific location for busking and the permit holder shall be limited to busking in that assigned area only.

Sec. 18-713. Permit conditions.

In relation to busking in the City, the following conditions apply:

- (a) Buskers must display their permits to busk in a prominent, highly visible position in the busking site at all times during their acts.
- (b) Buskers must not unreasonably interfere with pedestrian flow or public amenities or cause obstruction to traders or delivery vehicles including by way of encouraging audience formation in such a manner as to cause such interference.
- (c) Buskers may receive a monetary appreciation from the audience for their performance but may not solicit funds in any way.

(d) Buskers may only use amplification that is battery operated. Excessive amplification will not be allowed. Loud acts may be asked to lower their volume or cease busking.

(e) Buskers may not perform between the hours of 11:00 p.m. and 7:00 a.m.

Sec. 18-714. Prohibited conduct.

Buskers may not offer goods and services for sale, display, demonstrate or advertise goods for sale, or associate themselves with such advertising in conjunction with their performance. Authorized officers of the City of Port Huron may at any time request a busker to cease busking if the officer is of the opinion that the performance is loud or intrusive, or excessively repetitive, or is causing public inconvenience or disturbance, or is likely to cause harm to the public or property. The busker must immediately comply with such a request.

Sec. 18-715. Complaints.

Where a complaint has been received about the excessive noise, level of noise amplification, music of a percussive or repetitive nature, or excessive duration of an act, particularly in relation to the proximity of that act to a place of work or residence, and the complaint is deemed to be justified, a busker may be directed by authorized officers of the City of Port Huron to cease busking.

Sec. 18-716. Revocation of permit.

Busking permits may be revoked or modified in circumstances where buskers:

- (a) Are deemed by the City of Port Huron to be causing a nuisance.
- (b) Cause obstruction to pedestrians or vehicular traffic or entrances to shops or buildings.
- (c) Interfere in any way with an approved entertainment or activity without permission.
- (d) Sell or offer for sale any articles or commodity.

Pauline M. Repp, CMC
City Clerk

ADOPTED: 05/10/04
PUBLISHED: 05/15/04
EFFECTIVE: 05/15/04

Adopted unanimously.

On motion (8:18 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

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Special meeting of the City Council of the City of Port Huron, Michigan, held Tuesday, May 11, 2004, at 8:00 a.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Neal at 8:35 a.m.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs, Prax and Steinborn.

MOTIONS AND MISCELLANEOUS BUSINESS

1. Introduction by City Manager Thomas J. Hutka who stated that the proposed budget is conservation and everything has been held fairly level. Some additional dollars were added for blight enforcement.

2. Finance Director John Ogden gave a financial overview of the national and local economy stating that there is supposed to be a recovery coming but we heard the same thing last year. The Governor has proposed a flat revenue sharing figure so that is what was used in preparing the budget. If the revenue sharing figure gets cut or if other revenues do not pick up, then City Council will have to revisit the budget. He stated that vacant positions are not being filled where possible. Also, the increasing gas prices will affect us.

A discussion was held relative to personal property taxes and the recent auditing of filings. Discussion held on the postponement of various maintenance items. Discussion held on training and conferences and their importance.

3. Personnel Director John Berry talked about the in-house supervisor's academy currently being held. He also discussed health care and how the employees had been reduced to Community Blue 3 with higher co-pays. He also talked about all that is done to encourage wellness amongst the employees including the "no smoking" policy. Discussion held on prohibiting smoking on City property and whether it was feasible to institute this policy.

4. Planning Director Kim Harmer talked about blight enforcement and how they are looking at whole neighborhoods and at commercial blight. She stated that there is a procedure to follow and that recently one person was ordered to appear in court over blighted conditions and was heavily fined by the judge and ordered to abate the condition. Following questions, Ms. Harmer stated that some adjustments were needed within the sign and zoning ordinances, also. Discussion held on request for additional funds in the blight enforcement area for public education purposes and additional personnel. Mayor Neal stated he believes blight is a year round problem and stated that Councilmember Haynes has requested that the Mayor schedule a special meeting in the near future to discuss just blight enforcement. City Manager Tom Hutka stated that funding is an issue and with additional dollars a part-time person could be hired to help the Blight Inspector either on the street or for clerical. Mayor Neal stated he was frustrated with seeing the same blight over and over again at the same homes. City Manager Tom Hutka stated that this is a 50-year old problem and that headway is being made. Planning Director Kim Harmer stated that it is a complex issue and there is a need to educate people. Mayor Neal stated that there is a need to be more aggressive and he scheduled a special meeting for June 15 at 6:00 p.m. in Conference Room 408 to discuss the issue more fully. It was suggested that individual Councilmembers submit properties that they have concerns about and any possible suggestions for action.

A discussion was held on the problem of DTE Energy cutting down trees in the City with no regard to how they look. Councilmember Prax mentioned that 13th Street looks awful where they cut the tops of trees down on just one side of the street. City Manager Tom Hutka stated he will be meeting with DTE Energy to discuss this issue.

AT THIS POINT (10:20 a.m.), Council recessed until 10:40 a.m.

5. Bob Clegg, City Engineer, went over the planned construction projects for 2004-05. Discussion was held on trying to limit the disruption for businesses on 10th Street and with the restoration of lawns following construction projects. Councilmember Cutcher requested to see a list of the remaining sewer separation projects.

6. Bob Eick, Fire Chief, distributed a spreadsheet outlining the homeland security grants received to date (see City Clerk File #04-39). He stated they will be used for training, equipment, exercises, and planning. The local planning team is working on how to utilize the \$250,000 received from the State of Michigan that is earmarked for communications. Concerns were raised about the coordination of efforts between the City and County for the upgraded communications system (do not want to see City taxpayers hit twice).

AT THIS POINT (11:50 a.m.), Council recessed for lunch and resumed session at 12:20 p.m.

7. Discussion was held on the following subjects:

- a. Unionization of clerical workers in police department.
- b. Whether buyouts have been looked at.
- c. Overtime for police.
- d. Snow removal this past winter and complaints that were received.
- e. Councilmember Cutcher requested that a policy be formulated for Council as to what events they attend at the City's expense, perhaps a dollar amount per Councilmember and they can choose which ones.
- f. McMorran and its budget and what happens when the Authority expires.
- g. Whether the City is able to collect delinquent property taxes and receive the penalties and interest.
- h. Timing of the bridge openings.
- i. Travel and training and need for City Manager and Department Heads to attend training and conferences.
- j. Travel to Washington, D.C., to visit with legislative representatives as opposed to attending national conferences.
- k. Duties performed by the Assistant to the City Manager.
- l. Councilmember Prax would like a joint meeting with the DDA sometime in the next six months.
- m. Question on whether Court Street pool will be opening this summer.

On motion (2:05 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, May 24, 2004, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Reverend Johnny Johnson, Crossroad Christian Center, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.

Absent: Councilmember Haynes.

The minutes of the regular meeting of May 10, 2004, and the special meeting of May 11, 2004, were approved.

PRESENTATIONS

1. Certificates of Recognition were presented to the high school students who served as volunteers on various boards and commissions.
2. Proclamation designating the week of June 4 - 14, 2004, to be "Port Huron Hospital Foundation Helmet Safety Week" was presented to Officer Marcy Kuehn. In turn, Officer Kuehn presented Council with helmets.
3. Port Huron Community Services Officer Marcy Kuehn gave a presentation on the CAPTURE program.
4. Perry Melton, Chairperson, Sister City Commission, introduced members of the commission who were present, including Rev. Thomas Seppo, who in turn introduced Otto Bonilla, Chairman of the Sister City Committee from Chiquimula, Guatemala, and a Memorandum of Understanding between Port Huron and Chiquimula was signed.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments from all persons interested in the maintenance costs of the Huron Avenue streetscape project (from the north side of Black River to the south side of McMorrin Boulevard) and for the purpose of reviewing said special assessment roll. (See Resolution #2)

No one appeared to be heard.

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER) for the Community Development Division as required by the U. S. Department of Housing and Urban Development.

No one appeared to be heard.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. The following persons addressed City Council relative to flooding in their basements following the recent heavy rains, requesting restitution:

Kevin Clinton, 3025 North Boulevard
Walter Gates, 2705 North Boulevard
Mr. and Mrs. Torres, 2631 North Boulevard
Terry Bilecke, 2713 North Boulevard

Bob Clegg, City Engineer, addressed the situation as to what occurred and what they were doing to try and solve it. Tom Hutka, City Manager, stated that the City will find out what happened and fix it and any reimbursement would need to go through the process for consideration, with no guarantees.

2. James Reauthaux, 1031 Wall Street, addressed City Council requesting street lights similar to what Court and Union Streets have and also stated that the alley behind is in disrepair and requested that the alley be vacated. (Tom Hutka, City Manager, stated that someone from Public Works would contact him.)

3. Ken Harris, Wells Street, addressed the City Council about the article in this day's newspaper (whether Mayor should go to Washington representing Council) stating he feels that the voters approved the casino and Council should recognize this. Also, he thanked Councilmember Prax for responding to his questions on the budget.

CONSENT AGENDA

Councilmember Steinborn offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Haynes.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- Spirit of Port Huron nominations are being accepted through Friday, July 30, and should be sent to the Mayor's office for consideration by the selection committee.

- Applications are being accepted to fill a vacancy on the Downtown Development Authority. Contact the City Clerk's office at 984-9725 for an application or visit the City's website at www.porthuron.org.

Upcoming events in the City:

- Feast of the Ste. Claire, Pine Grove Park, May 29-30.
- Memorial Day Parade, Quay Street to Pine Grove Park, May 30
- Kidfest, Port Huron High School, June 5
- Be A Tourist in Your Own Town, June 5
- Art in the Park concert series begins June 10, Black River near 10th Street Bridge
- Port Huron Offshore Gran Prix boat race, June 10-14
- Outdoor Furniture Fair, downtown, June 12

COMMUNICATIONS & PETITIONS

C-1. Councilmember Prax moved to receive and file the following communication and request that administration look at the request and present a recommendation to Council at their next meeting:

From Gary M. Goulette, President, Peoples City Cab, Inc., requesting a taxi meter rate increase given the current economic conditions and skyrocketing fuel prices.

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.
- No: None.
- Absent: Councilmember Haynes.

NOTE: During this time, Gary Goulette addressed City Council and requested that the rate be increased to \$2.25 to enter the taxi and \$2.00 per mile thereafter.

C-2. Councilmember Prax moved to receive and file the following communication and approve request to be on the next agenda (June 14):

From Patricia Alexander, Communications Workers of America, requesting to be on the June 14, 2004, Council meeting agenda to present an informational report concerning Comcast.

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.
- No: None.
- Absent: Councilmember Haynes.

FROM THE CITY MANAGER

CM-1. Councilmember Prax offered and moved the adoption of the following City Manager’s recommendation:

On May 13, 2004, the City of Port Huron received four (4) bids for installation of a berm and evergreens along 24th Street and a portion of Moak Street adjacent to the Renaissance South Project:

St. Clair Nursery Company	\$ 27,500.00
Big Q Landscaping, L.L.C.	31,350.00
Kennedy's Landscaping	34,166.40
Raymond Excavating	38,000.00

It is recommended that the bid of St. Clair Nursery, 2205 St. Clair Highway, East China, Michigan 48054, in the amount of Twenty-Seven Thousand Five Hundred and 00/100 Dollars (\$27,500.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.
- No: None.
- Absent: Councilmember Haynes.

CM-2. Councilmember Steinborn offered and moved the adoption of the following City Manager’s recommendation:

Chapter 7, Cemeteries, Section 7-4 of the Code of Ordinances states, “The City Council shall fix the price of cemetery lots and fees and charges for services rendered by the City in connection with its cemeteries.” The cost of operating cemeteries should be totally funded by the revenues they generate from their operations. However, due to the age and size of Lakeside Cemetery, this has not been the case and the General Fund has been required to annually subsidize its operations. The proposed rate adjustment presented below is being recommended to at least offset the increased cost of its operations.

It is recommended that the following schedule of proposed charges for Lakeside Cemetery be adopted and become effective July 1, 2004:

GRAVES AND PERPETUAL CARE

	<u>Present</u>	<u>Proposed</u>
Residents:		
Adult	\$ 525	\$ 540
Child (Babyland, 36" to 59")	300	310
Infant (Babyland, 35" or under)	150	155
Nonresidents:		
Adult	1,050	1,080
Child (Babyland, 36" to 59")	600	620
Infant (Babyland, 35" or under)	300	310
Allied Veterans Cemetery (honorably discharged veterans only):		
Resident	Free	Free
Nonresident	525	540
Columbaria:		
Resident (niche holds 2 cremains)	525	Same
Nonresident (niche holds 2 cremains)	800	Same
Plaque (must be purchased from and installed by City)	110	125
Veterans Columbaria:		
Niche (holds 2 cremains) - For all St. Clair County honorably discharged veterans and their spouses	400	Same
Mausoleum:		
Crypt - Resident	1,350	Same
Crypt - Nonresident	2,700	Same
Perpetual Care:		
This fee is charged if care not previously paid. (Perpetual care is now included in grave purchase.)	125	140

INTERMENT SERVICE

(complete with chapel committal or graveside with greens)

Prices based on Monday through Friday until 3:30 p.m.

	<u>Present</u>	<u>Proposed</u>
Remains:		
Adult	\$ 575	\$590
Child or Infant (up to 59")	300	310

Overtime charges added to above rates:

After regular hours, Monday-Friday. . .	300	250
Saturday burial charge up to 3:00 p.m.	425	450

Additional fee charged for setting steel vaults 225 Same

Cremaains:

Adult, Child or Infant	300	310
Each additional cremaains buried at same time, same opening	100	Same

Overtime charges added to above rate:

After regular hours, Monday-Friday. . .	200	125
Saturday burial charge up to 3:00 p.m.	125	150

Columbaria:

__Opening/closing	100	Same
Overtime burial charges for cremaains apply when applicable		

Veterans Columbaria

Opening/closing	25	Same
Overtime burial charges for cremaains apply when applicable		

Mausoleum:

Remains - opening/closing	650	Same
Cremaains - opening/closing	250	Same
Overtime burial charges apply when applicable		

Indigent burials

(City residents only, rate set by State of Michigan):

One month and older	200	Same
Under one month	47	Same
Overtime charges for remains/cremaains apply when applicable		

Other Miscellaneous Charges:

Chapel service using second room	175	Same
Chapel service only, no burial (Mon.-Fri.)	175	Same
Chapel service only, no burial (Saturday)	300	Same

DISINTERMENTS / REINTERMENTS

	<u>Present</u>	<u>Proposed</u>
Remains:		
Disinterment from Lakeside Cemetery to another cemetery:		
Adult	\$ 575	\$ 590
Child or Infant (up to 59")	300	310
Disinterment and Reinterment within Lakeside Cemetery:		
Adult	1,150	1,180
Child or Infant (up to 59")	600	620

Present Proposed

Cremaains:

Disinterment from Lakeside Cemetery to another cemetery:		
Adult, Child or Infant	\$ 300	\$ 310

Disinterment and Reinterment within Lakeside Cemetery:		
Adult, Child or Infant	450	460

FOUNDATIONS

	<u>Present</u>	<u>Proposed</u>
Infants (35" or under)	\$ 40	Same
Others measuring LESS than 288 sq. in. (minimum charge)	140	Same
Others measuring 288 sq. in. or MORE per square inch charge60	Same

NOTE: If indigent burial, perpetual care must be paid prior to installing foundations

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Haynes.

RESOLUTIONS

***R-1.** BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #04-01)

Adopted.

R-2. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City Council has met after due and legal notice and heard all persons to be affected by the maintenance for the streetscape project and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the maintenance for the streetscape project described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard; and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said special assessment roll, the Council deems it advisable to proceed with said assessment and deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcels of land assessed; and

WHEREAS, the Council has not received written objection by owners of more than one-half (1/2) of the property to be assessed;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to defray the cost of maintaining the streetscape project by special assessment upon the property specially benefitted in proportion to the benefits to be derived.

2. The City Council hereby approves the estimates of cost of maintaining the aforesaid streetscape project for the 2004-2005 fiscal year, determines the estimated cost of maintaining said streetscape project to be \$40,000.00, all of which shall be specially assessed and none to be paid as a general expense of the City.

3. The City Council hereby designates the following lots and parcels of land as the property to comprise the special assessment district upon which the special assessment shall be levied.

4. Said revised special assessment roll as prepared by the City Assessor in the amount of \$40,000.00 is hereby confirmed and shall be known as Special Assessment Roll No. S-0001 (See City Clerk File #04-40).

5. Payments on said special assessment roll shall be due and payable on or before July 1, 2004.

6. The City Clerk be and is hereby directed to endorse the date of confirmation on the roll.

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

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Haynes.

3-4. Councilmember Fisher offered and moved the adoption of the following resolutions:

R-3. WHEREAS, the City of Port Huron approved an agreement with the Michigan Department of Natural Resources Parks and Recreation Bureau (MDNR) on October 13, 2003, to provide a Central Reservation System (CRS) whereby boaters can reserve and pay for boat slip rentals at the **Water Street Marina** up to six months in advance via telephone or the Internet; and

WHEREAS, an addendum to the original agreement has been prepared by the Michigan Department of Natural Resources Parks and Recreation Bureau to bring uniformity to their CRS contracts and would provide the following:

- Adds language for late fee collection
- Adds language that allows for modification of the agreement by decisions of the Waterways Commission and the MDNR
- Adds non-discrimination language
- Adds language to cover contract assignment
- Corrects the contract administrator address

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the addendum to the agreement prepared by the Michigan Department of Natural Resources Parks and Recreation Bureau that provides for centralized reservations at the Water Street Marina and authorizing the appropriate City officials to execute the addendum. (See City Clerk File #04-41)

R-4. WHEREAS, the City of Port Huron approved an agreement with the Michigan Department of Natural Resources Parks and Recreation Bureau (MDNR) on April 14, 2003, to provide a Central Reservation System (CRS) whereby boaters can reserve and pay for boat slip rentals at the **River Street Marina** up to six months in advance via telephone or the Internet; and

WHEREAS, an addendum to the original agreement has been prepared by the Michigan Department of Natural Resources Parks and Recreation Bureau to bring uniformity to their CRS contracts and would provide the following:

- Adds language for late fee collection
- Adds language that allows for modification of the agreement by decisions of the Waterways Commission and the MDNR
- Adds non-discrimination language
- Adds language to cover contract assignment
- Corrects the contract administrator address

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the addendum to the agreement prepared by the Michigan Department of Natural Resources Parks and Recreation Bureau that provides for centralized reservations at the River Street Marina and authorizing the appropriate City officials to execute the addendum. (See City Clerk File #04-42)

Motion to adopt Resolutions 3 and 4 adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Haynes.

R-5. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, the taxable value of real and personal property in the City of Port Huron has been determined to be \$684,309,080, plus \$40,692,159 of value on the Industrial Facilities Tax Roll.

NOW, THEREFORE, BE IT RESOLVED, that the budget of the City of Port Huron for the fiscal year beginning July 1, 2004 and ending June 30, 2005 is hereby determined and adopted as follows:

GENERAL FUND:

Means of financing:			
Estimated designated fund balance	\$ 300,000		
Property taxes	7,520,000		
Income tax	5,675,000		
Business licenses and permits	290,600		
Nonbusiness licenses and permits	269,400		
State shared revenues	4,222,500		
Charges for services	520,000		
Fines and forfeits	215,000		
Investment income	160,000		
Rents	180,000		
Sale of fixed assets	3,000		
Charges to other funds	<u>1,487,565</u>		<u>\$ 20,843,065</u>

Estimated requirements:			
Ordinary recurring expenses	\$20,756,151		
Capital outlay and/or salary adjustments	<u>86,914</u>		<u>\$ 20,843,065</u>

MAJOR STREETS FUND:

Means of financing:			
Estimated designated fund balance	\$ 41,709		
State shared revenues	1,735,000		
Trunkline maintenance	264,893		
State grants	2,475,000		
Transfer from Municipal streets to Major streets	<u>3,350,000</u>		<u>\$ 7,866,602</u>

Estimated requirements:			
Ordinary recurring expenses	\$ 2,151,192		
Capital outlay and street improvements	<u>5,715,410</u>		<u>\$ 7,866,602</u>

LOCAL STREETS FUND:

Means of financing:			
Estimated designated fund balance	\$ 1,692		
State shared revenues	530,000		
Transfer from Major streets to Local streets	430,000		
Transfer from Municipal streets to Local streets	<u>800,000</u>		<u>\$ 1,761,692</u>

Estimated requirements:			
Ordinary recurring expenses	\$ 956,302		
Capital outlay and street improvements	<u>805,390</u>		<u>\$ 1,761,692</u>

MUNICIPAL STREETS FUND:

Means of financing:			
Estimated designated fund balance	\$ 2,929,020		
Taxes	1,630,000		
Investment income	<u>50,000</u>		<u>\$ 4,609,020</u>

Estimated requirements:			
Ordinary recurring expenses			<u>\$ 4,609,020</u>

CEMETERY FUND:

Means of financing:			
Estimated designated fund balance	\$ 29,617		
Foundations	20,900		
Graveside interments	45,300		
Chapel interments	54,800		
Other services	14,300		
Transfer from Land Purchase fund	50,000		
Transfer from Cemetery perpetual care fund	<u>245,000</u>		<u>\$ 459,917</u>

Estimated requirements:			
Ordinary recurring expenses	\$ 443,917		
Capital outlay	<u>16,000</u>		<u>\$ 459,917</u>

GARBAGE AND RUBBISH COLLECTION FUND:

Means of financing:			
Taxes			<u>\$ 1,830,000</u>

Estimated requirements:			
Ordinary recurring expenses	\$ 1,738,266		
Capital outlay and/or other adjustments	<u>91,734</u>		<u>\$ 1,830,000</u>

RENTAL CERTIFICATION FUND:

Means of financing:			
Estimated designated fund balance	\$ 21,305		
Charges for services	<u>185,815</u>		<u>\$ 207,120</u>

Estimated requirements:			
Ordinary recurring expenses			<u>\$ 207,120</u>

O.U.I.L. FUND:

Means of financing:			
Fines and forfeits			<u>\$ 1,000</u>

Estimated requirements:			
Ordinary recurring expenses			<u>\$ 1,000</u>

DRUG LAW ENFORCEMENT FUND:

Means of financing:			
Fines and forfeits			<u>\$ 46,000</u>

Estimated requirements:			
Ordinary recurring expenses	\$ 6,000		
Capital outlay	<u>40,000</u>		<u>\$ 46,000</u>

LAW ENFORCEMENT FUND:

Means of financing:			
Charges for services			<u>\$ 1,000</u>

Estimated requirements:			
Ordinary recurring expenses			<u>\$ 1,000</u>

ENHANCED 911 FUND:

Means of financing:			
Charges for services			<u>\$ 142,185</u>

Estimated requirements:			
Ordinary recurring expenses	\$ 78,037		
Capital outlay	<u>64,148</u>		<u>\$ 142,185</u>

COMMUNITY DEVELOPMENT BLOCK GRANT FUND:

Means of financing:			
Grants			<u>\$ 1,023,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 200,000		
Capital outlay	<u>823,000</u>		<u>\$ 1,023,000</u>

RENTAL REHABILITATION FUND:

Means of financing:			
Grant			<u>\$ 15,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 1,500		
Capital outlay	<u>13,500</u>		<u>\$ 15,000</u>

HOME PROGRAM FUND:

Means of financing:			
Grants			<u>\$ 300,835</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 30,083		
Capital outlay	<u>270,752</u>		<u>\$ 300,835</u>

STREETSCAPE MAINTENANCE FUND:

Means of financing:			
Charges for services			<u>\$ 40,000</u>
Estimated requirements:			
Ordinary recurring expenses			<u>\$ 40,000</u>

DOWNTOWN DEVELOPMENT FUND:

Means of financing:			
Taxes	\$ 73,900		
State shared revenues	<u>3,800</u>		<u>\$ 77,700</u>
Estimated requirements:			
Ordinary recurring expenses			<u>\$ 77,700</u>

INDUSTRIAL PARK TAX INCREMENT FUND:

Means of financing:			
Estimated designated fund balance	\$ 800,000		
Taxes	<u>1,376,000</u>		<u>\$ 2,176,000</u>
Estimated requirements:			
Ordinary recurring expenses - Taxes not captured	\$ 1,376,000		
Capital outlay	<u>800,000</u>		<u>\$ 2,176,000</u>

PAPER COMPANY TAX INCREMENT FUND:

Means of financing:			
Taxes			<u>\$ 634,000</u>
Estimated requirements:			
Ordinary recurring expenses - Taxes not captured			<u>\$ 634,000</u>

KRAFFT-HOLLAND TAX INCREMENT FUND:

Means of financing:			
Taxes			<u>\$ 551,900</u>
Estimated requirements:			
Ordinary recurring expenses - Taxes not captured			<u>\$ 551,900</u>

PEERLESS SITE TAX INCREMENT FUND:

Means of financing:			
Taxes			<u>\$ 196,500</u>
Estimated requirements:			
Ordinary recurring expense	\$ 171,500		
Capital outlay	<u>25,000</u>		<u>\$ 196,500</u>

HARRINGTON HOTEL TAX INCREMENT FUND:

Means of financing:			
Estimated designated fund balance	\$ 30,000		
Taxes	<u>21,200</u>		<u>\$ 51,200</u>
Estimated requirements:			
Capital outlay			<u>\$ 51,200</u>

BANK TAX INCREMENT FUND:

Means of financing:			
Estimated designated fund balance	\$ 30,000		
Taxes	<u>40,000</u>		<u>\$ 70,000</u>
Estimated requirements:			
Capital outlay			<u>\$ 70,000</u>

EDISON REDEVELOPMENT TAX INCREMENT FUND:

Means of financing:			
Taxes			<u>\$ 491,500</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 466,500		
Capital outlay	<u>25,000</u>		<u>\$ 491,500</u>

WATER STREET TAX INCREMENT FUND:

Means of financing:			
Taxes	\$ 343,500		
Sale of land	70,000		
Other revenue	<u>90,000</u>		<u>\$ 503,500</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 403,500		
Capital outlay	<u>100,000</u>		<u>\$ 503,500</u>

MAINSTREET TAX INCREMENT FUND:

Means of financing:			
Estimated designated fund balance	\$ 65,000		
Taxes	43,500		
Transfer from Land purchase fund	<u>66,500</u>		<u>\$ 175,000</u>
Estimated requirements:			
Capital outlay			<u>\$ 175,000</u>

INDUSTRIAL PARK EXPANSION TAX INCREMENT FUND:

Means of financing:			
Taxes			<u>\$ 185,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 160,000		
Capital outlay	<u>25,000</u>		<u>\$ 185,000</u>

BROWNFIELD REDEVELOPMENT TAX INCREMENT FUND:

Means of financing:			
Taxes			<u>\$ 136,000</u>
Estimated requirements:			
Ordinary recurring expenses			<u>\$ 136,000</u>

BEAUTIFICATION COMMISSION:

Means of financing:			
Estimated designated fund balance	\$ 3,000		
Miscellaneous	1,000		
Transfer from General fund	<u>3,300</u>		<u>\$ 7,300</u>
Estimated requirements:			
Ordinary recurring expenses			<u>\$ 7,300</u>

MARINA FUND:

Means of financing:			
Estimated designated fund balance	\$ 35,770		
Charges for services	600,000		
Transfer from Land purchase fund	<u>100,000</u>		<u>\$ 735,770</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 635,770		
Capital outlay	<u>100,000</u>		<u>\$ 735,770</u>

SENIOR CITIZENS HOUSING FUND:

Means of financing:			
Grants	\$ 470,290		
Rent	301,190		
Charges for services	<u>26,913</u>		<u>\$ 798,393</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 573,824		
Capital outlay and/or other adjustments	<u>224,569</u>		<u>\$ 798,393</u>

LAND PURCHASE FUND:

Means of financing:			
Estimated designated fund balance	\$ 905,000		
Investment income	75,000		
Rents	210,000		
Other income	50,000		
Transfer from tax increment funds	<u>1,055,233</u>		<u>\$ 2,295,233</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 2,166,500		
Capital outlay	<u>128,733</u>		<u>\$ 2,295,233</u>

PARKING FUND:

Means of financing:			
Street meters	\$ 62,300		
Parking lots	59,200		
Annual permits	54,600		
Charges for services	<u>5,700</u>		<u>\$ 181,800</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 176,340		
Capital outlay	<u>5,460</u>		<u>\$ 181,800</u>

WATER FUND:

Means of financing:			
Estimated designated fund balance	\$ 530,000		
Sale of water	4,514,453		
Charges for services	143,600		
Investment income	50,000		
Proceeds from long-term revenue bonds	5,820,000		
Pro rata share of water administration and meter reading budget reimbursed from Wastewater fund	365,527		
Transfer from Community development block grant	250,000		
Transfer from Land purchase fund	<u>600,000</u>		<u>\$12,273,580</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 3,906,080		
Debt service	2,150,000		
Capital outlay	<u>6,217,500</u>		<u>\$12,273,580</u>

WASTEWATER FUND:

Means of financing:			
Estimated designated fund balance	\$ 2,200,000		
Charges for services	6,608,145		
Investment income	150,000		
Reimbursement from other units of government	1,564,000		
Proceeds from long-term revenue bonds	10,180,000		
Transfer from Community development block grant	250,000		
Transfer from Land purchase fund	<u>1,300,000</u>		<u>\$22,252,145</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 6,773,909		
Debt service	4,872,600		
Capital outlay	<u>10,605,636</u>		<u>\$22,252,145</u>

CENTRAL STORES FUND:

Means of financing:			
Estimated designated fund balance	\$ 14,000		
Charges for services	<u>162,461</u>		<u>\$ 176,461</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 162,461		
Capital outlay	<u>14,000</u>		<u>\$ 176,461</u>

DATA PROCESSING FUND:

Means of financing:		
Estimated designated fund balance	\$ 50,000	
Charges for services	<u>952,301</u>	<u>\$ 1,002,301</u>
Estimated requirements:		
Ordinary recurring expenses	\$ 922,301	
Capital outlay	<u>80,000</u>	<u>\$ 1,002,301</u>

MOTOR VEHICLE FUND:

Means of financing:		
Estimated designated fund balance	\$ 620,000	
Charges for services	<u>1,985,901</u>	<u>\$ 2,605,901</u>

Estimated requirements:		
Ordinary recurring expenses	\$ 1,908,966	
Capital outlay	<u>696,935</u>	<u>\$ 2,605,901</u>

INSURANCE AND FRINGE BENEFIT FUND:

Means of financing:		
Charges for services		<u>\$10,644,435</u>
Estimated requirements:		
Ordinary recurring expenses	\$ 9,579,935	
Contractual services	<u>1,064,500</u>	<u>\$10,644,435</u>

BE IT FURTHER RESOLVED, that the following Summary of Estimated Requirements by Budget Classes and Schedule of Estimated Expenditures, being for informational purposes only, is intended to substantiate the computation of budget appropriations included above, and

(See next page for budget charts)

SUMMARY OF ESTIMATED REQUIREMENTS BY BUDGET CLASSES
2004-2005

	Personal Services	Supplies and Materials	Contractual Services	Total Recurring Expenses	Capital Outlay	Total
GENERAL FUND						
General Government:						
City council	\$ 9,552	\$ 2,230	\$ 84,864	\$ 96,646	\$	\$ 96,646
City manager	317,884	3,040	19,570	340,494		340,494
Elections	55,557	6,500	16,720	78,777		78,777
Finance and accounting	496,871	6,700	88,565	592,136		592,136
Income tax	190,161	25,860	56,250	272,271		272,271
Assessor	302,383	8,650	69,395	380,428		380,428
Legal	174,903	1,450	100,465	276,818		276,818
Clerk	204,761	2,050	12,402	219,213		219,213
Personnel	220,182	3,100	67,285	290,567		290,567
Purchasing	26,714	100	7,230	34,044		34,044
Board of review	1,800		650	2,450		2,450
Treasurer	115,719	8,453	53,856	178,028		178,028
Municipal office center	173,902	37,960	296,197	508,059	6,000	514,059
Promotional			22,000	22,000		22,000
	<u>2,290,389</u>	<u>106,093</u>	<u>895,449</u>	<u>3,291,931</u>	<u>6,000</u>	<u>3,297,931</u>
Public Safety:						
Police administration	770,031	24,500	175,538	970,069		970,069
Detectives	849,113	19,275	105,455	973,843		973,843
Patrol	4,200,942	80,250	429,915	4,711,107	14,400	4,725,507
Communications	618,801	7,331	70,261	696,393		696,393
Fire	4,561,549	164,045	307,919	5,033,513	21,200	5,054,713
	<u>11,000,436</u>	<u>295,401</u>	<u>1,089,088</u>	<u>12,384,925</u>	<u>35,600</u>	<u>12,420,525</u>
Public Works:						
Inspection	300,188	4,407	31,904	336,499		336,499
Emergency Management	4,286	2,250	3,291	9,827		9,827
Public works administration	176,178	450	9,730	186,358		186,358
Engineering	312,412	8,500	56,091	377,003		377,003
Street lighting	7,650	3,500	616,805	627,955		627,955
Blight	73,455	1,000	7,338	81,793		81,793
	<u>874,169</u>	<u>20,107</u>	<u>725,159</u>	<u>1,619,435</u>		<u>1,619,435</u>
Senior Citizens:						
Wastewater and water discounts			8,400	8,400		8,400
Senior citizens transportation			9,588	9,588		9,588
			<u>17,988</u>	<u>17,988</u>		<u>17,988</u>
Recreation, Parks and Culture:						
Parks - Maintenance and Grounds	469,010	86,166	198,974	754,150		754,150
Recreation	413,460	77,950	114,965	606,375		606,375
Leonard Center			10,000	10,000		10,000
20th and Court pool	59,825	16,950	27,370	104,145		104,145
Sanborn pool	70,953	16,850	33,870	121,673		121,673
Lighthouse park	54,944	6,510	4,785	66,239		66,239
Lakeside park	56,260	7,210	12,136	75,606		75,606
Palmer park recreation center	82,324	7,550	29,332	119,206		119,206
Lightship	763	1,665	6,744	9,172		9,172
McMorran complex			335,000	335,000		335,000
Library			8,000	8,000		8,000
Museum	765	3,500	84,932	89,197		89,197
Fine arts			1,500	1,500		1,500
Forestry	294,155	17,718	138,922	450,795		450,795
	<u>1,502,459</u>	<u>242,069</u>	<u>1,006,530</u>	<u>2,751,058</u>		<u>2,751,058</u>
Other Functions:						
Planning	177,417	4,700	20,107	202,224		202,224
Telephone service		6,100	40,930	47,030		47,030
Contingencies			50,000	50,000		50,000
Insurance, health and safety	83,668	210	259,382	343,260		343,260
Taxes written off			30,000	30,000		30,000
Demolitions			15,000	15,000		15,000
	<u>261,085</u>	<u>11,010</u>	<u>415,419</u>	<u>687,514</u>		<u>687,514</u>

SUMMARY OF ESTIMATED REQUIREMENTS BY BUDGET CLASSES
2004-2005

	Personal Services	Supplies and Materials	Contractual Services	Total Recurring Expenses	Capital Outlay	Total
Public Improvements: Available for public improvements and/or salary adjustments	\$	\$	\$	\$	\$ 45,314	\$ 45,314
Transfer to other funds: Beautification commission fund			3,300	3,300		3,300
			3,300	3,300		3,300
TOTAL GENERAL FUND	15,928,538	674,680	4,152,933	20,756,151	86,914	20,843,065
SPECIAL REVENUE FUNDS						
Street funds:						
Major streets	999,459	211,363	940,370	2,151,192	5,715,410	7,866,602
Local streets	652,005	85,816	218,481	956,302	805,390	1,761,692
Municipal streets	60,677	16,361	4,531,982	4,609,020		4,609,020
	1,712,141	313,540	5,690,833	7,716,514	6,520,800	14,237,314
Cemetery fund	317,778	20,888	105,251	443,917	16,000	459,917
Garbage and rubbish collection fund	95,613	2,325	1,640,328	1,738,266	91,734	1,830,000
Rental certification fund	169,564	5,950	31,606	207,120		207,120
OUIL		500	500	1,000		1,000
Drug law enforcement fund		5,000	1,000	6,000	40,000	46,000
Law enforcement fund		1,000		1,000		1,000
Enhanced 911 fund		2,184	75,853	78,037	64,148	142,185
Community development block grant	168,436	7,500	24,064	200,000	823,000	1,023,000
Rental rehabilitation	1,500			1,500	13,500	15,000
Home program fund	30,083			30,083	270,752	300,835
Streetscape maintenance	230	810	38,960	40,000		40,000
Downtown development fund	500	1,000	76,200	77,700		77,700
Industrial park tax increment fund			1,376,000	1,376,000	800,000	2,176,000
Paper Company tax increment fund			634,000	634,000		634,000
Krafft-Holland tax increment fund			551,900	551,900		551,900
Peerless site tax increment fund			171,500	171,500	25,000	196,500
Harrington Hotel tax increment fund					51,200	51,200
Bank tax increment fund					70,000	70,000
Edison redevelopment tax increment fund			466,500	466,500	25,000	491,500
Water Street tax increment fund			403,500	403,500	100,000	503,500
Mainstreet tax increment fund					175,000	175,000
Industrial park expansion tax increment fund			160,000	160,000	25,000	185,000
Brownfield redevelopment tax increment fund			68,000	68,000	68,000	136,000
Beautification commission fund		6,570	730	7,300		7,300
TOTAL SPECIAL REVENUE FUNDS	2,495,845	367,267	11,516,725	14,379,837	9,179,134	23,558,971
ENTERPRISE FUNDS						
Marina fund	155,186	233,742	246,842	635,770	100,000	735,770
Senior citizens housing fund	159,394	19,200	395,230	573,824	224,569	798,393
Land purchase fund			2,166,500	2,166,500	128,733	2,295,233
Parking fund	88,909	7,360	80,071	176,340	5,460	181,800
Water fund:						
Treatment plant	945,176	112,486	809,371	1,867,033	118,500	1,985,533
Distribution	759,334	100,368	448,291	1,307,993	6,070,000	7,377,993
Customer accounting	126,070	26,751	83,899	236,720		236,720
Meter reading	273,714	84,818	135,802	494,334	29,000	523,334
Debt service			1,029,000	1,029,000	1,121,000	2,150,000
	2,104,294	324,423	2,506,363	4,935,080	7,338,500	12,273,580

SUMMARY OF ESTIMATED REQUIREMENTS BY BUDGET CLASSES
2004-2005

	Personal Services	Supplies and Materials	Contractual Services	Total Recurring Expenses	Capital Outlay	Total
Wastewater fund:						
Treatment plant	\$ 2,018,934	\$ 395,763	\$ 1,975,153	\$ 4,389,850	\$ 175,636	\$ 4,565,486
Collection, general	819,831	109,727	1,411,367	2,340,925	10,430,000	12,770,925
Collection system no. 1			211	211		211
Collection system no. 2	2,523	2,500	13,323	18,346		18,346
Collection system no. 3	4,298		20,279	24,577		24,577
Debt service			2,144,500	2,144,500	2,728,100	4,872,600
	<u>2,845,586</u>	<u>507,990</u>	<u>5,564,833</u>	<u>8,918,409</u>	<u>13,333,736</u>	<u>22,252,145</u>
TOTAL ENTERPRISE FUNDS	5,353,369	1,092,715	10,959,839	17,405,923	21,130,998	38,536,921
INTERNAL SERVICE FUNDS						
Central stores fund	10,011	48,900	103,550	162,461	14,000	176,461
Data Processing fund	589,847	111,525	220,929	922,301	80,000	1,002,301
Motor vehicle fund	819,569	249,032	840,365	1,908,966	696,935	2,605,901
Insurance and fringe benefit fund	9,579,935	500	1,064,000	10,644,435		10,644,435
TOTAL INTERNAL SERVICE FUNDS	<u>10,999,362</u>	<u>409,957</u>	<u>2,228,844</u>	<u>13,638,163</u>	<u>790,935</u>	<u>14,429,098</u>
TOTAL ALL FUNDS	<u>\$ 34,777,114</u>	<u>\$ 2,544,619</u>	<u>\$ 28,858,341</u>	<u>\$ 66,180,074</u>	<u>\$ 31,187,981</u>	<u>\$ 97,368,055</u>

(See next page for continuation of budget charts)

SCHEDULE OF ESTIMATED EXPENDITURES
2004-2005

GENERAL FUND	Actual		Budget			
	2001-2002	2002-2003	2003-2004	2004-2005	Increase	Decrease
General Government:						
City council	\$ 96,282	\$ 83,357	\$ 99,236	\$ 96,646	\$	\$ 2,590
City manager	237,164	253,387	324,454	340,494	16,040	
Elections	64,470	67,885	82,619	78,777		3,842
Finance and accounting	482,880	543,169	564,411	592,136	27,725	
Income tax	232,429	251,560	261,856	272,271	10,415	
Assessor	289,254	324,959	351,684	380,428	28,744	
Legal	274,811	249,756	257,168	276,818	19,650	
Clerk	200,444	194,891	211,840	219,213	7,373	
Personnel	267,637	283,050	284,964	290,567	5,603	
Purchasing	29,286	31,051	32,441	34,044	1,603	
Board of review	2,377	2,395	2,400	2,450	50	
Treasurer	171,730	179,979	192,302	178,028		14,274
Municipal office center	587,693	538,822	532,238	514,059		18,179
Promotional	24,296	29,605	21,500	22,000	500	
	<u>2,960,753</u>	<u>3,033,866</u>	<u>3,219,113</u>	<u>3,297,931</u>	<u>117,703</u>	<u>38,885</u>
Public Safety:						
Police administration	843,312	889,967	950,273	970,069	19,796	
Detectives	916,449	888,131	933,696	973,843	40,147	
Patrol	4,463,466	4,510,591	4,476,941	4,725,507	248,566	
Communications	574,348	595,260	654,542	696,393	41,851	
Fire	4,663,592	5,021,227	4,831,600	5,054,713	223,113	
	<u>11,461,167</u>	<u>11,905,176</u>	<u>11,847,052</u>	<u>12,420,525</u>	<u>573,473</u>	
Public Works:						
Inspection	296,360	339,318	330,271	336,499	6,228	
Emergency Management	1,660	6,685	2,836	9,827	6,991	
Public works administration	167,209	172,631	177,608	186,358	8,750	
Engineering	358,018	198,636	361,508	377,003	15,495	
Street lighting	581,798	590,471	627,495	627,955	460	
Blight	62,658	64,123	63,424	81,793	18,369	
	<u>1,467,703</u>	<u>1,371,864</u>	<u>1,563,142</u>	<u>1,619,435</u>	<u>56,293</u>	
Senior Citizens:						
Wastewater and water discounts	7,290	6,501	8,400	8,400		
Senior citizens transportation	45,749	55,624	12,494	9,588		2,906
	<u>53,039</u>	<u>62,125</u>	<u>20,894</u>	<u>17,988</u>		<u>2,906</u>
Recreation, Parks and Culture:						
Parks - Maintenance and Grounds	835,413	784,475	734,917	754,150	19,233	
Recreation	662,194	642,337	578,479	606,375	27,896	
Leonard center	20,000	15,000	10,000	10,000		
20th and Court pool	92,967	92,372	99,556	104,145	4,589	
Sanborn pool	108,715	108,030	116,583	121,673	5,090	
Lighthouse park	43,516	41,212	65,839	66,239	400	
Lakeside park	61,264	55,788	75,189	75,606	417	
Palmer park recreation center	109,539	125,029	112,034	119,206	7,172	
Lightship	8,912	7,507	10,057	9,172		885
McMorran complex	330,000	335,000	335,000	335,000		
Library	8,000	8,000	8,000	8,000		
Museum	114,402	73,770	82,570	89,197	6,627	
Fine arts	3,000	3,000	1,500	1,500		
Forestry	312,609	369,244	420,678	450,795	30,117	
	<u>2,710,531</u>	<u>2,660,764</u>	<u>2,650,402</u>	<u>2,751,058</u>	<u>101,541</u>	<u>885</u>
Other Functions:						
Planning	237,309	162,918	193,558	202,224	8,666	
Telephone service	37,321	35,659	46,940	47,030	90	
Contingencies			50,000	50,000		
Insurance, health and safety	220,770	352,730	334,718	343,260	8,542	
Taxes written off	93,267	7,317	30,000	30,000		
Demolitions	206	742	15,000	15,000		
	<u>588,873</u>	<u>559,366</u>	<u>670,216</u>	<u>687,514</u>	<u>17,298</u>	

SCHEDULE OF ESTIMATED EXPENDITURES
2004-2005

	Actual		2003-2004	Budget		
	2001-2002	2002-2003		2004-2005	Increase	Decrease
Public Improvements:						
Available for public improvement and/or salary adjustments	\$ 563,594	\$ 23,873	\$ 69,460	\$ 45,314	\$	\$ 24,146
Transfer to other funds:						
Cemetery fund	56,322					
Wastewater fund	1,012,212					
Beautification commission fund	6,600	6,600	3,300	3,300		
Motor vehicle		300,000				
	1,075,134	306,600	3,300	3,300		
TOTAL GENERAL FUND	20,880,794	19,923,634	20,043,579	20,843,065	866,308	66,822
SPECIAL REVENUE FUNDS						
Street funds:						
Major streets	2,628,310	3,694,927	4,335,364	7,866,602	3,531,238	
Local streets	1,469,645	1,417,938	2,291,216	1,761,692		529,524
Municipal streets	1,738,916	1,645,020	3,370,830	4,609,020	1,238,190	
	5,836,871	6,757,885	9,997,410	14,237,314	4,769,428	529,524
Cemetery fund	462,578	434,574	457,786	459,917	2,131	
Garbage and rubbish collection fund	1,572,801	1,609,051	1,809,000	1,830,000	21,000	
Rental certification fund	172,480	168,077	194,528	207,120	12,592	
OUIL				1,000	1,000	
Drug law enforcement fund	4,897	13,363	46,000	46,000		
Law enforcement	3,275	3,692	1,000	1,000		
Enhanced 911 fund	90,557	62,703	135,000	142,185	7,185	
Community development block grant fund	1,485,348	1,165,000	1,037,000	1,023,000		14,000
Rental rehabilitation	175,561		15,000	15,000		
Home program fund	632,437	465,240	301,874	300,835		1,039
Streetscape maintenance	26,608	35,148	40,000	40,000		
Downtown development fund	63,254	60,500	68,253	77,700	9,447	
Industrial park tax increment fund	2,032,981	1,470,694	3,143,778	2,176,000		967,778
Paper Company tax increment fund	793,629	608,790	635,905	634,000		1,905
Kraft-Holland tax increment fund	500,751	521,120	530,735	551,900	21,165	
Peerless site tax increment fund	190,284	196,331	192,692	196,500	3,808	
Harrington Hotel tax increment fund	236,038	16,122	23,903	51,200	27,297	
Bank tax increment fund	31,179	39,531	39,743	70,000	30,257	
Edison redevelopment tax increment fund	427,220	473,148	456,752	491,500	34,748	
Water Street tax increment fund	608,712	630,455	827,861	503,500		324,361
Mainstreet tax increment fund	15,196	6,042	181,558	175,000		6,558
Industrial park expansion tax increment fund	204,541	211,436	228,513	185,000		43,513
Brownfield redevelopment tax increment fund				136,000	136,000	
Beautification commission fund	6,333	4,984	7,300	7,300		
TOTAL SPECIAL REVENUE FUNDS	15,573,531	14,953,886	20,371,591	23,558,971	5,076,058	1,888,678
ENTERPRISE FUNDS						
Marina Fund	590,287	669,492	600,406	735,770	135,364	
Senior citizens housing fund:						
Administration	611,251	646,312	803,233	798,393		4,840
Debt service	216,314	206,313				
	827,565	852,625	803,233	798,393		4,840
Land purchase fund	2,126,963	3,171,676	2,538,051	2,295,233		242,818
Parking fund	191,404	156,138	170,070	181,800	11,730	
Water fund:						
Treatment plant	1,502,301	1,636,501	1,816,333	1,867,033	50,700	
Distribution	1,185,563	1,317,578	1,276,580	1,307,993	31,413	
Customer accounting	190,115	205,880	215,265	236,720	21,455	
Meter reading	439,602	461,518	444,294	494,334	50,040	
Debt service	821,523	1,364,923	1,787,000	2,150,000	363,000	
Capital outlay	6,653,854	6,475,120	6,406,242	6,217,500		188,742
	10,792,958	11,461,520	11,945,714	12,273,580	516,608	188,742

SCHEDULE OF ESTIMATED EXPENDITURES
2004-2005

	Actual		2003-2004	Budget		
	2001-2002	2002-2003		2004-2005	Increase	Decrease
Wastewater fund:						
Treatment plant	\$ 3,866,981	\$ 4,328,856	\$ 4,394,681	\$ 4,389,850	\$ 4,831	
Collection, general	1,875,469	1,799,527	2,001,177	2,340,925	339,748	
Collection system no. 1	1,913	15	211	211		
Collection system no. 2	14,703	10,365	17,246	18,346	1,100	
Collection system no. 3	16,895	30,281	26,846	24,577	2,269	
Debt service	2,014,473	2,984,689	4,365,100	4,872,600	507,500	
Capital outlay	15,341,295	14,725,460	10,470,116	10,605,636	135,520	
	<u>23,131,729</u>	<u>23,879,193</u>	<u>21,275,377</u>	<u>22,252,145</u>	<u>983,868</u>	<u>7,100</u>
TOTAL ENTERPRISE FUNDS	37,660,906	40,190,644	37,332,851	38,536,921	1,647,570	443,500
INTERNAL SERVICE FUNDS						
Central stores fund	117,630	113,934	126,697	176,461	49,764	
Data Processing fund	880,052	851,547	946,279	1,002,301	56,022	
Motor vehicle fund	1,935,225	2,108,806	2,165,110	2,605,901	440,791	
Insurance and fringe benefit fund	6,855,474	8,121,090	8,691,339	10,644,435	1,953,096	
TOTAL INTERNAL SERVICE FUNDS	<u>9,788,381</u>	<u>11,195,377</u>	<u>11,929,425</u>	<u>14,429,098</u>	<u>2,499,673</u>	
TOTAL ALL FUNDS	\$ 83,903,612	\$ 86,263,541	\$ 89,677,446	\$ 97,368,055	\$ 10,089,609	\$ 2,399,000

(See next page for continuation of resolution)

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to make budgetary transfers within and between the activity centers of each fund established through this budget, and that all budgetary transfers between funds may be made only by further action of the Council pursuant to the provisions of the Michigan Uniform Accounting and Budgeting Act, and

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized and directed to transfer 25% of the fiscal year 2004-05 Motor Vehicle Highway Distribution revenue from the Major Street Fund to the Local Street Fund as provided for in Section 13d of Act 51 of P.A. 1951, and

BE IT FURTHER RESOLVED, that the following schedule of parking fees, rates and charges established by the City Manager during the previous twelve month period and for any prior periods are hereby confirmed by the City Council, in accordance with Ordinance No. 835:

- Permit Parking
 - Various locations - adjusted monthly permit fees
- Street Meters
 - Various locations - converted to take quarters and tokens, adjusted time limits
 - Various locations - from \$.50 for ten hours to \$.75 for ten hours
- Metered Off Street Lots
 - Various locations - from \$.50 for ten hours to \$.75 for ten hours

(A schedule of parking fees, rates and charges is attached as City Clerk File #04-50)

BE IT FURTHER RESOLVED, that there is hereby levied on each dollar of taxable value, against all real and personal taxable property in the City of Port Huron, 16.0869 mills for operating purposes, being 11.2696 mills for general operations, 2.8173 mills for the collection of refuse and 2.0000 mills for street improvements, and

BE IT FURTHER RESOLVED, that in accordance with the recommendation of the Downtown Development Authority, there is hereby levied on each dollar of taxable value, against all real and personal taxable property in the Downtown Development District, 1.9874 mills for operating purposes, and

BE IT FURTHER RESOLVED, that said 1.9874 mills for various operating purposes and mills for operations of the Downtown Development Authority be levied on July 1, 2004, and

BE IT FURTHER RESOLVED, that the City Clerk be and is hereby authorized and directed to certify said tax for levy and collection to the City Treasurer by delivering a certified copy of this resolution, and

BE IT FURTHER RESOLVED, that the City Treasurer is hereby authorized and directed to accept payment on taxes due July 1, 2004, for a period not extending beyond March 1, 2005 with penalty as follows:

1. Taxes shall be collected without additional charge for a period of one (1) month from the date the tax bills are mailed or July 1, 2004, whichever is later.

2. An addition of one percent (1%) of every unpaid tax shall be made on the first day of the second, third, fourth and fifth, thirty (30) day period [four percent (4%) maximum] next following the mailing of the tax bills or July 1, 2004, whichever is later, and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to grant non-union employees a salary adjustment of up to 3.0 percent and/or to require additional merit consideration to be effective June 26, 2004, and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized and directed to execute the necessary employment agreements with key personnel, and

BE IT FURTHER RESOLVED, that the Capital Improvement Program for the 2004-2005 through 2008-2009 fiscal years, as amended, be adopted as a guide for capital expenditures during this period.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.
 No: None.
 Absent: Councilmember Haynes.

*R-6. WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 14-13, 34-3, and 24-19; and

WHEREAS, the attached special assessment report has been certified by the City Engineer and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$88.94 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk file #04-43).

Adopted.

R-7. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, the Code of Ordinances of the City of Port Huron has been recodified and it is necessary to set fees for various sections throughout the Code by resolution of the City Council; and

WHEREAS, fees previously adopted by resolution of the City Council and not requiring adjustments are attached as Appendix "A" for information purposes (See City Clerk File #04-44);

NOW, THEREFORE, BE IT RESOLVED that the following fees are hereby adopted and become effective June 1, 2004:

Chapter Section	Description	Current Fee	New Fee
4-2	Special outdoor consumption license		
	Application fee	75.00	0.00*
	(*Any party who has made application within 60 days of June 1, 2004, and had paid the application fee shall have their fee refunded.)		
6-3	Bowling alley license		
	Annual fee - First alley	20.00	50.00
	- Each additional alley	5.00	5.00
6-4	Roller skating rink license		
	Annual fee	15.00	50.00
6-5	Theater license		
	Annual fee per screening room	75.00	50.00
6-37	Pool room license		
	Annual fee - First pool/billiard table	20.00	50.00
	- Each additional table	4.00	5.00
6-72	Dancehall license		
	Annual fee	50.00	Same
6-108	Arcade license		
	Annual fee	75.00	50.00
10-156	Rental registration fee		
	One-time fee, each building	10.00	Same
10-164	Final notice of violation		
	Reinspection fee	100.00	Same
12-84	Auto-wash establishment license		
	Current: Annual fee - Manual or coin operated car wash per stall . . .	10.00	
	Automatic car wash	50.00	
	New: Annual fee		50.00
12-346	Pawnbrokers license		
	Annual fee	100.00	Same
12-406 and 12-408	Peddlers license		
	Processing fee - single	25.00	Same
	Processing fee - group	50.00	Same
	Per month	25.00	30.00
	Three-month fee (new)		75.00
	Per year	150.00	200.00
	Additional persons from group for the original term of license or renewal period	10.00	15.00

Chapter Section	Description	Current Fee	New Fee
12-438 and 12-439	Solicitors license		
	Processing fee - single	25.00	Same
	Processing fee - group	50.00	Same
	Per month	25.00	30.00
	Three-month fee (new)		75.00
	Per year	150.00	200.00
	Additional persons for group for the original term of license or renewal period	10.00	15.00
12-467	Transient merchants license		
	Processing fee	25.00	Same
	30-day consecutive day sale period (no more than 4 shall be issued issued per year, per applicant)	35.00	40.00
	Additional locations, same applicant and sale period	20.00	25.00
12-502	Secondhand dealers		
	Annual fee	20.00	50.00
12-541	Precious metal and gem dealers		
	Certificate of registration	50.00	Same
12-636	Taxicab license		
	Annual fee per vehicle	25.00	Same
12-660	Taxicab driver's license		
	Annual fee	10.00	20.00
12-???	Special events vendor permit (recently adopted, section number yet to be assigned)		
	Annual fee		100.00
12-???	Busking permit (recently adopted, section number yet to be assigned)		
	Per act, semi-annually		10.00
38-47	Garbage and trash collector's permit		
	Annual fee per vehicle	25.00	Same
38-47	Permit to operate a disposal area		
	Annual fee	25.00	Same
42-4	Streets, sidewalks and other public places		
	Street pavement breaking	50.00	100.00
	Boring, jacking or tunneling	50.00	100.00
	Street closure	50.00	Same
	Maintenance & repair of existing utilities	10.00	20.00
	Utility lines, new construction or replacement (\$50/min. or \$500/max)	.025/ft	.25/ft.
	Residential driveway approach	10.00	Same
	Non-residential driveway approach	25.00	50.00
	Sidewalk construction or replacement	10.00	Same
	Excavation in boulevard (commercial)	10.00	25.00
	Temporary closure	10.00	20.00
	Miscellaneous permits	10.00	20.00

<u>Chapter Section</u>	<u>Description</u>	<u>Current Fee</u>	<u>New Fee</u>
Construction deposits:			
In addition to the non-refundable fees above, deposits to assure proper replacement and repair of the street surfaces shall be required as follows:			
	Pavement break or open cut (\$500/min.)	12.00/sq.ft.	Same
	Boring, jacking and tunneling (\$500/min.)	25.00/lin ft.	Same
Billable inspection charges:			
	Inspector's wages, fringe benefits, vehicle and misc. equipment (1 hour minimum)	Actual cost	Same
Penalty charge:			
	The fee shall be double the above scheduled amounts if work is started prior to obtaining the required permit	Double	Same
42-59	Replacement of engineer's stakes		
	Per stake	1.00	2.00
46-328	Bicycle tag registration fee		
	Annual fee	1.00	Same
46-330	Bicycle registration duplicate tags		
	Replacement fee25	Same
48-34	Connections and meters, generally		
	Water connections charged actual cost with deposit, deposit amount	400.00	800.00
48-154	Water Department service charges		
	Annual hydrant charge		
	Inside city	40.00	Same
	Outside city	60.00	Same
	Meter reading charges		
	Turn on	20.00	Same
	Turn off	20.00	Same
	Initial reading (without turn off or on)	15.00	Same
	Final reading (without turn off or on)	15.00	Same
	Turn on with initial read	30.00	Same
	Shut off with final read	30.00	Same
	Turn off, turn on, same day	30.00	Same
	Private use of hydrants - Connection	25.00	Same
	- Weekly use	25.00	Same
48-159	Testing water meters		
	Meter found to be accurate	50.00	Same

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.
- No: None.
- Absent: Councilmember Haynes.

APPENDIX "A"
For Information Purposes

Fees previously adopted by resolution of the City Council

Table with 3 columns: Chapter Section, Description, Fee. Includes sections for Building, mechanical, electrical, plumbing fees; Building Permit Fees (based on cost -- time and material); Demolition Permit (based on cost); and Other Inspections and Fees.

**Chapter
Section**

Section	Description	Fee
ELECTRICAL:		
1.	Application Fee (Non-refundable)	30.00
2.	Service:	
	Through 200 amp	25.00
	Over 200 amp through 600 amp	30.00
	Over 600 amp through 800 amp	35.00
	Over 800 amp through 1200 amp	40.00
	Over 1200 amp (GFP)	55.00
3.	Circuits (*include <u>all</u> branch circuits, regardless of load-end termination point)	8.00
4.	Lighting fixtures (per 25)	15.00
5.	Stationary appliances-dishwasher, disposal, etc.*	7.00
6.	Furnace, space heater, boiler, etc.*	7.00
7.	Electrical heating units - baseboard*	7.00
8.	Power outlets - ranges, dryers, welders, etc.*	10.00
9.	Signs:	
	Unit*	25.00
	Letter*	15.00
	Neon/each 25 feet	25.00
10.	Feeders - bus ducts, all underground conducts/circuits, etc. - per 50 feet	10.00
11.	Additional sub-panel, distribution centers, etc.*	15.00
12.	Motors, air conditioners, transformers:	
	Up to 20 HP or KVA*	25.00
	21 to 50 HP or KVA*	30.00
	51 HP/KVA and over*	35.00
13.	Fire Alarms:	
	Up to 10 devices	50.00
	11 to 20 devices	100.00
	Over 20 devices (each)	7.00
14.	Energy retrofit - temp controls	50.00
15.	Conduit only or grounding only	50.00
16.	Special/safety inspection (per hour)	45.00
17.	Additional inspection	30.00
18.	Final inspection	30.00
19.	Certification fee	15.00
20.	Plan review (per hour)	50.00
21.	License registration	20.00

*If a new circuit, it must be included in #3

**Sub-panel fee is in addition to feeder in #10

PLUMBING:

	Application fee (non-refundable)	30.00
	Mobile Home Park Site	5.00
	Fixtures, floor drains, special drains, water connected appliances	5.00
	Stacks (soil, waste, vent and conductor)	3.00
	Sewage ejectors, sumps	5.00
	Sub-soil drains	5.00
	Water Service:	
	Less than two inches (2")	5.00
	Two (2") to six (6") inches	25.00
	Over six (6") inches	50.00

**Chapter
Section**

Description	Fee
Connection building drain - building sewer	5.00
Sewers (sanitary, storm, or combined):	
Less than six inches (6")	5.00
Six inches (6") and over	25.00
Manholes, catch basins	5.00
Water distributing pipe (system):	
Three-quarter inch (3/4") water distribution pipe	5.00
One inch (1") water distribution pipe	10.00
One and one-quarter inch (1-1/4") water distribution pipe	15.00
One and one-half inch (1-1/2") water distribution pipe	20.00
Two inch (2") water distribution pipe	25.00
Over two inch (2") water distribution pipe	30.00
Reduced pressure zone back-flow preventer	5.00
Special/safety inspection (includes certification fee)	45.00
Additional inspection underground plumbing	30.00
Final inspection	30.00
Certification fee	15.00
Plan review (per hour)	50.00
License registration fee	15.00

MECHANICAL:

Application fee (non-refundable)	30.00
Residential heating system (includes duct and pipe)	50.00
Gas/oil burning equipment - new and/or conversion units	30.00
Residential boiler (state boiler license required)	30.00
Water heater	5.00
Flue/vent damper	5.00
Solid fuel equipment (includes chimney)	30.00
Gas burning fireplace	30.00
Chimney, factory built - installed separately	25.00
Solar - set of three panels (includes piping)	20.00
Gas piping; each opening - new installation	5.00
Air conditioning (includes split systems)	30.00
Heat pumps; complete residential	30.00
Bath, kitchen and dryer exhaust	5.00
Tanks:	
Aboveground	20.00
Underground	25.00
Humidifiers	10.00
Piping (minimum \$25.00)	0.05/ft.
Duct (minimum \$25.00)	0.10/ft.
Heat pumps; commercial (pipe not included)	20.00
Air handlers/heat wheels:	
Under 10,000 CFM	20.00
Over 10,000 CFM	60.00
Commercial hoods	15.00
Heat recovery units	10.00
V.A.V. boxes	10.00
Unit ventilators	10.00
Unit heaters (terminal units)	15.00
Fire suppression/protection (minimum \$20.00)	1.00/head
Evaporator coils	30.00
Refrigeration (spilt system)	30.00

Chapter Section	Description	Fee
	Chiller	30.00
	Cooling towers	30.00
	Compressor	30.00
	Special/safety inspection (includes certification fee)	45.00
	Additional inspection	30.00
	Final inspection	30.00
	Certification fee	15.00
	Plan review (per hour)	50.00
	License registration fee	15.00
10-162	Rental - Annual operating fees	
	Per unit fee for the first unit up to 20 units and at the same site	35.00
	Inspection of every unit thereafter	28.00
12-289 and 12-290	Massage establishment and massagist license:	
	Processing fee (establishment)	25.00
	Processing fee for additional employees	25.00
	Annual establishment license fee	25.00
	Annual massagist permit fee	10.00
12-701	Taxi service schedule of fares	
	1. For the first 1/6 mile or fraction thereof	1.65
	2. For each additional 1/6 mile or fraction thereof25
	3. Waiting time - each minute or fraction thereof30
	4. Extra passengers	No charge
	5. All rates authorized in this section may, in the discretion of the taxicab licensee be discounted ten (10%) percent for senior citizens.	
30-33	Lot Splits	
	Lot splits	100.00
30-34	Subdivision regulations	
	Fees and development charges	Actual cost
42-94	Telecommunications permit	
	One-time, non-refundable application fee	500.00
46-104	Parking violations bureau	
	Overtime parking:	
	1) The first, second and third parking ticket issued within a calender year be \$5.00 per ticket.	
	2) Four or more parking tickets issued within a calendar year will be \$20.00 per ticket.	
	Handicapped parking:	
	\$50.00 per violation in accordance with Act No. 51 of the Public Acts of Michigan of 1982 (MSL 257.907, MSA49.2607)	
	Overdue ticket fines:	
	1) The base parking fine will double for any violator who receives a parking ticket and fails to pay the initial fine within the first ten (1)) calendar days following date of issuance; and if the person fails to pay the fine within 30 days after that, a \$25.00 administrative fine will be levied on all violations except the handicap parking violations which have a maximum fine set by state law at \$100.00.	
	2) The City of Port Huron will maintain the responsibility for penalties and administrative fees being assessed for overdue ticket fines.	
52-105 and 52-128	Board of Zoning Appeals Fees	
	Variance request	100.00
	Rezoning request	200.00

R-8. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron has been informed that their application to the 2004 DTE Energy Tree Planting Grant Program administered through the Department of Natural Resources (DNR), Urban Forestry Program, has been approved; and

WHEREAS, the principal objective of this grant agreement is to replace hazardous and dead trees in the right-of-ways; and

WHEREAS, the amount awarded is Three Thousand Dollars (\$3,000), which will be matched by the City, toward the total project cost to replace these trees;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the terms of the 2004 DTE Energy Tree Planting Grant Program Agreement administered by the Department of Natural Resources (DNR), Urban Forestry Program for the City of Port Huron and does hereby specifically agree, but not by way of limitation, to the following:

1. To maintain satisfactory financial accounts, documents and records in order to file reports with the State of Michigan;
2. To comply with any and all terms of said agreement including all terms not specifically set forth in the foregoing portion of this resolution; and

BE IT FURTHER RESOLVED that Robert W. Eick, Director of Parks/Forestry be appointed as project coordinator and authorized representative for all aspects of the grant agreement; and

BE IT FURTHER RESOLVED that the appropriate City Officials are hereby authorized to execute the grant agreement on behalf of the City. (See City Clerk File #04-45)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.
No: None.
Absent: Councilmember Haynes.

***R-9.** WHEREAS, it is stated in the Code of Ordinances of the City of Port Huron, Chapter 32, Zoning, Article XXX, Historic District, Section 32-733(b):

"Membership of commission. The historic district commission shall consist of nine members whose residence is located in the city. They shall be appointed by the city council for terms of office of three years on a staggered term basis.

At least two members of the commission shall be appointed from a list of citizens submitted by a duly organized and existing preservation society or societies. The commission shall include, if available, a graduate of an accredited school of architecture who has two years of architectural experience or who is an architect registered in this state. A majority of the members of the commission shall have a clearly demonstrated interest in and knowledge of historic preservation.....";

NOW, THEREFORE, BE IT RESOLVED that the following people are reappointed to the Historic District Commission:

Kevin Banker - term to expire 03/10/07
Beverly Roberts - term to expire 03/10/07
William Vogan - term to expire 03/10/07

Adopted.

***R-10.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #04-008, for the garage located at 2401 and 2403 10th Street (see City Clerk file # 04-46) from the City's Chief Inspector relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

2401 10th Street (Garage) also known as: the north 39.6 feet of the east 100 feet of a piece of land bounded on the north by Beard Street, the east by 10th Street, the south by Osius Plat, and the west by Osius Plat, Township 6 North, Range 17 East, Section 15 and

2403 10th Street (Garage) also known as: and the west 35 feet of the east 135 feet except the north 52.25 feet also the south 38. 4 feet of the east 100 feet of a piece of land bounded on the north by Beard Street, the east by 10th Street, and the south and west by Osius Plat, Township 6 North, Range 17 East, Section 15; and

WHEREAS, it appears to the City Council that the condition of the property described above may constitute a nuisance as defined by Chapter 6, Section 6-46, and Chapter 20, Section 20-3, of the Code of Ordinances of the City of Port Huron, justifying abatement by the City pursuant to the powers granted in Chapter II, Section 2, and Chapter VIII of the City Charter and procedures set forth in Chapter 6, Article III, Section 6-46, and Chapter 24, Sections 24-19 and 24-20, of the Code of Ordinances of the City of Port Huron; and

WHEREAS, the City Council believes it is warranted in conducting a public hearing and investigation pursuant to such provisions of Chapter 6 and Chapter 24 of said Code for the purpose of ascertaining and determining for itself whether such condition or conditions exist;

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Port Huron shall conduct a public hearing on June 14, 2004, at 7:30 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

- (a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's records, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 6, Section 6-46, and Chapter 20, Section 20-3, Code of Ordinance of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted.

R-11. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron owns certain real property known as White Park and maintains it as a public park; and

WHEREAS, White Park is immediately adjacent to Woodrow Wilson Elementary School and is routinely used by students at the school as a play area; and

WHEREAS, White Park is in the area of a revitalization project known as the Community Renaissance Program, a joint public-private partnership; and

WHEREAS, it is in the best interest of both the City and the Port Huron Area School District that the maintenance, upkeep and repair to the park be the responsibility of the School District in exchange for exclusive use of the park during school hours and maintaining its use by the public at all other times; and

WHEREAS, an agreement between the City of Port Huron and the Port Huron Area School District for the lease of White Park to the School District has been negotiated;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached lease with the Port Huron Area School District for White Park and authorizes and the appropriate City officials to execute said agreement. (See City Clerk File #04-47)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Haynes.

***R-12.** WHEREAS, GMA Cover Corporation, 2440 20th Street, has applied for the transfer of existing Industrial Facilities Exemption Certificate #94-454 (Waltec American Forging) to them; and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby schedules a public hearing for June 14, 2004, in order to hear comments on the application of GMA Cover Corporation, for the transfer of Industrial Facilities Exemption Certificate #94-454; and

BE IT FURTHER RESOLVED, that the City Clerk shall send notices of said public hearing to the following legislative bodies:

City Assessor - Port Huron
County Board of Commissioners - St. Clair County
Port Huron Area School District Board
St. Clair County Community College
Intermediate School District - St. Clair County
Downtown Development Authority

Adopted.

***R-13.** WHEREAS, on February 23, 2004, the City Council, after due notice and proper hearing, adopted a resolution objecting to renewal of the following on-premise Class C/SDM license in escrow:

Pilot House, 3136 Military Street, Class C/SDM (Donald Schultz/Denise Gordon)

for non-payment of personal property taxes and non-compliance of income tax payments and/or reporting; and

WHEREAS, payment of personal property taxes and income taxes and/or reporting has been made by the Pilot House;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby recommends approval of the above-named Class C/SDM license for the 2004-05 licensing year; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to forward a certified copy of this resolution to the Licensing and Enforcement Division of the Michigan Liquor Control Commission.

Adopted.

***R-14.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #03-003, 2843 Electric Avenue (see City Clerk file # 04-48) from the City's Chief Inspector relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

2843 Electric Avenue, also known as: Lot 37, Block 1, Richland Subdivision of a part of Outlot C Avery Farm Plat; and

WHEREAS, it appears to the City Council that the condition of the property described above may constitute a nuisance as defined by Chapter 6, Section 6-46, and Chapter 20, Section 20-3, of the Code of Ordinances of the City of Port Huron, justifying abatement by the City pursuant to the powers granted in Chapter II, Section 2, and Chapter VIII of the City Charter and procedures set forth in Chapter 6, Article III, Section 6-46, and Chapter 24, Sections 24-19 and 24-20, of the Code of Ordinances of the City of Port Huron; and

WHEREAS, the City Council believes it is warranted in conducting a public hearing and investigation pursuant to such provisions of Chapter 6 and Chapter 24 of said Code for the purpose of ascertaining and determining for itself whether such condition or conditions exist;

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Port Huron shall conduct a public hearing on June 14, 2004, at 7:30 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's records, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 6, Section 6-46, and Chapter 20, Section 20-3, Code of Ordinance of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted.

***R-15.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #04-004, 1713 Howard Street (see City Clerk file # 04-49) from the City's Chief Inspector relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

1713 Howard Street, also known as: the south 65 feet of Lots 18, 19 and 20, Block 4, Martin Brother's Lapeer Avenue Subdivision; and

WHEREAS, it appears to the City Council that the condition of the property described above may constitute a nuisance as defined by Chapter 6, Section 6-46, and Chapter 20, Section 20-3, of the Code of Ordinances of the City of Port Huron, justifying abatement by the City pursuant to the powers granted in Chapter II, Section 2, and Chapter VIII of the City Charter and procedures set forth in Chapter 6, Article III, Section 6-46, and Chapter 24, Sections 24-19 and 24-20, of the Code of Ordinances of the City of Port Huron; and

WHEREAS, the City Council believes it is warranted in conducting a public hearing and investigation pursuant to such provisions of Chapter 6 and Chapter 24 of said Code for the purpose of ascertaining and determining for itself whether such condition or conditions exist;

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Port Huron shall conduct a public hearing on June 14, 2004, at 7:30 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's records, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 6, Section 6-46, and Chapter 20, Section 20-3, Code of Ordinance of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted.

ORDINANCES

O-1. Councilmember Prax moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 29, TRAFFIC AND MOTOR VEHICLES, ARTICLE I, IN GENERAL, SECTION 29-3, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF PROHIBITING SKATEBOARDING IN CERTAIN AREAS OF THE CITY.

Motion adopted by the following vote and ordinance given its first and second reading:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.
No: None.
Absent: Councilmember Haynes.

NOTE: Mayor Neal requested that administration look into further prohibitions on bikes with pegs on the hubs before ordinance given its final reading.

MOTIONS & MISCELLANEOUS BUSINESS

1. Tom Hutka, City Manager, announced that he had met in the lobby with the citizens who addressed the City Council about flooding in their basements and that he told them the City will work on getting assistance for them. The Department of Public Works has been out at the site working most of the day fixing problems and a representative from the American Red Cross is here to assist. He asked people to not set things out on the curb until notified to do so and assured them that the City will work with everyone.

AT THIS POINT, Dick Reynolds from the American Red Cross, stated that the Salvation Army, 2000 Court Street, will have emergency shelter for the next three days where people in need can be housed and fed.

2. **Councilmember Prax** stated that she did not expect Mayor Neal to pay his own expenses for the recent trip to Washington, D.C., to meet with federal legislators relative to the casino issue. She stated Mayor Neal was representing the City and requested that he bring to the next meeting any expenses he incurred personally for a vote of the City Council to reimburse.

3. **Mayor Pro-tem Cutcher** stated that the Town North cleanup held on May 22 was successful and that at a recent meeting it was decided that the group will be looking for blighted conditions and bringing them to the City's attention. He also stated that the Hobby Fest planned for June 20 has been moved to September 19.

On motion (9:20 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, June 14, 2004, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Reverend Franklin Spotts, Youth for Christ International, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs, and Steinborn.

Absent: Councilmember Prax.

The minutes of the regular meeting of May 24, 2004, were approved.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the application of GMA Cover Corporation, 2440 - 20th Street, for the transfer of an existing Industrial Facilities Exemption Certificate from Waltec American Forging. (See Resolution #7)

Doug Alexander, Executive Director, EDA, and Mike Garvey, Vice-President of Operations, GMA Cover Corporation, appeared to be heard requesting Council's support of this request.

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on Code Case #04-008, for the garage located at 2401 and 2403 Tenth Street, to ascertain and determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code. (See Resolution #22)

Kim Harmer, Planning Director, appeared to state the facts.

The Mayor declared the hearing closed.

3. **The Mayor** announced that this was the time to hear comments Code Case #03-003, 2843 Electric Avenue, to ascertain and determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code. (See Resolution #23)

Kim Harmer, Planning Director, appeared to state the facts. Ray Jawor, 6700 Wildcat Rd., Jeddo, appeared stating he has purchased the property and would like the opportunity to bring it up to code. Mrs. Harmer stated that Mr. Jawor has signed a work agreement.

The Mayor declared the hearing closed.

4. **The Mayor** announced that this was the time to hear comments on Code Case #04-004, 1713 Howard Street, to ascertain and determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code. (See Resolution #24)

Joyce Farnsworth, 821 17th Street, owner of the property stated she will pull a permit this week and have the property demolished. Kim Harmer, Planning Director, stated the facts.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Pursuant to City Council authorization from the May 24, 2004, Council meeting, Patrick Hunt, Communications Workers of America, presented an informational report concerning Comcast.

2. David Dandron, 317 Botsford Street, addressed the City Council relative to excessive speeding on his street.

3. Joseph Herber, 1319 - 15th Street, addressed the City Council relative to the American Legion's request for an entertainment permit and thanked the Council for its support of this request.

4. The following persons addressed the City Council in opposition to banning skateboarding in Pine Grove Park:

- Katie Byrne, 825 Prospect Place
- Greg Benner, 4184 Harris Road, Jeddo
- Shawn Whitcomb, 1217 Court Street
- Corey Wuhlman, 121 Taylor Street
- Chris Martin, 722 15th Street
- Sam ?, 825 Tunnel Street

5. Anthony America, Port Huron, addressed the City Council in opposition to prayer in City Hall, gasoline prices, police department and other miscellaneous items.

NOTE: A brief recess was held at this time, 8:25 p.m.

6. Ken Harris, 1521 Wells Street, addressed the City Council relative to Resolution No. 20 and his support of the request to rezone.

7. Paul Wilson, Michigan Road, addressed the City Council requesting their support of Resolution No. 16.

8. Gary Goulette, City Cab, 1418 Pine Grove Avenue, addressed City Council requesting that the recommendation (Resolution No. 8) for increased taxi cab fares be adjusted to \$2.00 for the meter throw but that the rest of the rate structure was okay.

CONSENT AGENDA

Councilmember Fisher offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.
- No: None.
- Absent: Councilmember Prax.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- Southside Summer Festival will be held June 25-27 at the Memorial Stadium, with fireworks to be held on June 27 on the Acheson Desmond Landing property.
- Spirit of Port Huron nominations are being accepted through Friday, July 30, and should be sent to the Mayor's office for consideration by the selection committee.

- McDonagh’s Amusements, McMorran parking lot, July 2 through July 10.
- Art in the Park, 10th Street Bridge area, Thursday nights.

COMMUNICATIONS & PETITIONS

*C-1. Notification from the Michigan Municipal League that the Annual Convention will be held September 29 - October 2, 2004, at the Grand Hotel, Mackinac Island.

Received and filed and Council authorized to attend.

*C-2. From Gary Goulette, President, Peoples City Cab, Inc., requesting the taxi meter rates be increased to \$2.25 for initial meter throw and \$2.00 per mile.

Received and filed.

FROM THE CITY MANAGER

CM-1. Councilmember Steinborn offered and moved the adoption of the following City Manager’s recommendation:

Both the Michigan Uniform Accounting and Budget Act and the City Charter provides that the City Council may make supplemental appropriations and may transfer an unencumbered balance, or portion thereof, from one activity center, department or fund to another.

It is recommended that the budget for the 2003-2004 fiscal year be amended by adjusting the means of financing and adjusting the estimated requirements for the following governmental funds:

	<u>As originally Adopted</u>	<u>Per Proposed Amendment</u>	<u>Increase (Decrease)</u>
STREET FUNDS - COMBINED:			
Means of financing:			
Fund balance	\$ 1,714,048	\$ 1,714,048	\$
Taxes 1,624,491	1,624,491		
State shared revenues	2,255,000	2,255,000	
Trunkline maintenance	193,871	193,871	
State grants	800,000	800,000	
Investment income	50,000	50,000	
Transfer from Major streets to			
Local streets	430,000	430,000	
Transfer from Municipal streets to			
Major streets		1,600,000	1,600,000
Transfer from Municipal streets to			
Local streets		<u>1,330,000</u>	<u>1,330,000</u>
	<u>\$ 7,067,410</u>	<u>\$ 9,997,410</u>	<u>\$ 2,930,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 3,418,321	\$ 6,348,321	\$ 2,930,000
Capital outlay and/or salary			
adjustments	<u>3,649,089</u>	<u>3,649,089</u>	
	<u>\$ 7,067,410</u>	<u>\$ 9,997,410</u>	<u>\$ 2,930,000</u>
STREET FUNDS - MAJOR STREETS:			
Means of financing:			
Fund balance	\$	\$ 11,493	\$ 11,493
State shared revenues		1,730,000	1,730,000
Trunkline maintenance		193,871	193,871
State grants		800,000	800,000
Transfer from Municipal streets			
to Major streets		<u>1,600,000</u>	<u>1,600,000</u>
Total	<u>\$</u>	<u>\$ 4,335,364</u>	<u>\$ 4,335,364</u>
Estimated requirements:			
Ordinary recurring expenses	\$	\$ 1,955,819	\$ 1,955,819
Capital outlay and street improvements		<u>2,379,545</u>	<u>2,379,545</u>
	<u>\$</u>	<u>\$ 4,335,364</u>	<u>\$ 4,335,364</u>

STREET FUNDS - LOCAL STREETS:

Means of financing:

Fund balance	\$	\$ 6,216	\$ 6,216
State shared revenues		525,000	525,000
State grants			
Transfer from Major streets to Local streets		430,000	430,000
Transfer from Municipal streets to Local streets		<u>1,330,000</u>	<u>1,330,000</u>
	\$	<u>\$ 2,291,216</u>	<u>\$ 2,291,216</u>

Estimated requirements:

Ordinary recurring expenses	\$	\$ 1,021,672	\$ 1,021,672
Capital outlay, street improvements and/or salary adjustments		<u>1,269,544</u>	<u>1,269,544</u>
	\$	<u>\$ 2,291,216</u>	<u>\$ 2,291,216</u>

STREET FUNDS - MUNICIPAL STREETS:

Means of financing:

Fund balance	\$	\$ 1,696,339	\$ 1,696,339
Taxes	1,624,491	1,624,491	
Investment income		<u>50,000</u>	<u>50,000</u>
	\$	<u>\$ 3,370,830</u>	<u>\$ 3,370,830</u>

Estimated requirements:

Ordinary recurring expenses	\$	<u>\$ 3,370,830</u>	<u>\$ 3,370,830</u>
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CEMETERY FUND:

Means of financing:

Estimated designated fund balance	\$	\$ 20,286	\$
Foundations	22,600	30,600	8,000
Graveside interments	33,700	44,700	11,000
Chapel interments	60,700	60,700	
Other services	15,500	16,500	1,000
Transfer from General fund	60,000	60,000	
Transfer from Cemetery Perpetual Care fund	<u>245,000</u>	<u>245,000</u>	<u></u>
	\$	<u>\$ 457,786</u>	<u>\$ 20,000</u>

Estimated requirements:

Ordinary recurring expenses	\$	\$ 424,686	\$ 20,000
Capital outlay		<u>33,100</u>	<u>33,100</u>
	\$	<u>\$ 457,786</u>	<u>\$ 20,000</u>

DOMESTIC PREPAREDNESS FUND:

Means of financing:

Grants	\$	<u>\$ 300,000</u>	<u>\$ 300,000</u>
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Estimated requirements:

Ordinary recurring expenses	\$	\$ 150,000	\$ 150,000
Capital outlay		<u>150,000</u>	<u>150,000</u>
	\$	<u>\$ 300,000</u>	<u>\$ 300,000</u>

COMMUNITY DEVELOPMENT BLOCK GRANT FUND:

Means of financing:

Grants	\$	\$ 1,037,000	\$ 753,000
Charges for services		<u>47,000</u>	<u>47,000</u>
	\$	<u>\$ 1,037,000</u>	<u>\$ 800,000</u>

Estimated requirements:

Ordinary recurring expense:	\$	\$ 184,000	\$
Capital outlay		<u>853,000</u>	<u>800,000</u>
	\$	<u>\$ 1,037,000</u>	<u>\$ 800,000</u>

HOME PROGRAM FUND:

Means of financing:

Grants	\$ 301,874	\$ 796,874	\$ 495,000
Charges for services		5,000	5,000
	<u>\$ 301,874</u>	<u>\$ 801,874</u>	<u>\$ 500,000</u>

Estimated requirements:

Ordinary recurring expenses:	\$ 30,187	\$ 30,187	\$
Capital outlay	271,687	771,687	500,000
	<u>\$ 301,874</u>	<u>\$ 801,874</u>	<u>\$ 500,000</u>

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.
 No: None.
 Absent: Councilmember Prax.

CM-2. Councilmember Fisher offered and moved the adoption of the following City Manager’s recommendation:

On April 15, 2004, the City received five (5) proposals to provide two (2) fire engines for use by the Fire Department.

It is recommended that the proposal from Zahnen Truck Service & Equipment (Crimson Fire, a Spartan Company) for an estimated unit price of Two Hundred Seventy-Three Thousand, Three Hundred Thirty-nine and 00/100 Dollars (\$273,339.00) each be accepted as the best proposal and that one of the two units be funded from the Community Development Block Grant allocation and that the appropriate City Officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.
 No: None.
 Absent: Councilmember Prax.

CM-3. Councilmember Steinborn offered and moved the adoption of the following City Manager’s recommendation:

On June 3, 2004, the City of Port Huron received two (2) proposals to install one tower at each of the following locations: Palmer Park Recreation Center, Fire Station #3, and Fire Station #4 to hold computer communication equipment:

Thumb Radio, Inc.	\$47,147.00
Great Lakes Tower	\$77,148.55

It is recommended that the proposal of Thumb Radio, Inc., 1020 N. VanDyke, Bad Axe, Michigan, 48413, in the amount of Forty-Seven Thousand One Hundred Forty-Seven and 00/100 Dollars (\$47,147.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.
 No: None.
 Absent: Councilmember Prax.

CM-4. Councilmember Steinborn offered and moved the adoption of the following City Manager’s recommendation:

On June 1, 2004, the City of Port Huron received six (6) bids for the 24th Street Sewer Separation, Watermain Replacement and Street Paving Project:

Pamar Enterprises, Inc.	\$1,553,126.42
Boddy Construction Co.	\$1,808,790.85*
Ron Bretz Excavating, Inc.	\$2,045,029.86*
Dan’s Excavating, Inc.	\$2,255,378.51*
Raymond Excavating Co.	\$2,479,229.60*
Triangle Excavating, Inc.	\$2,851,695.00

* Indicates corrected bid

It is recommended that the bid of Pamar Enterprises, Inc., 58021 Gratiot, New Haven, Michigan, 48048, in the amount of One Million Five Hundred Fifty-Three Thousand One Hundred Twenty-Six and 42/100 Dollars (\$1,553,126.42) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.
 No: None.
 Absent: Councilmember Prax.

CM-5. Councilmember Fisher offered and moved the adoption of the following City Manager’s recommendation:

On June 1, 2004, the City of Port Huron received seven (7) bids for the Belmar Place Street Paving Project:

Murray Underground Systems, Inc.	\$141,234.03
Pamar Enterprises, Inc.	\$141,988.29
Carrigan Development, Inc.	\$144,220.30*
Boddy Construction Co.	\$147,430.82
L&J Construction, Inc.	\$166,610.44
Raymond Excavating Co.	\$178,997.98
Teltow Contracting, Inc.	\$187,604.61

* Indicates corrected bid

It is recommended that the bid of Murray Underground Systems, Inc., 5282 Lakeshore, Fort Gratiot, Michigan, 48059, in the amount of One Hundred Forty-One Thousand Two Hundred Thirty-Four and 03/100 Dollars (\$141,234.03) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.
No: None.
Absent: Councilmember Prax.

CM-6. Councilmember Haynes offered and moved the adoption of the following City Manager's recommendation:

On June 1, 2004, the City of Port Huron received three (3) bids for the South Elevated Tank and North Service Center Pipe Painting Project:

M. K. Painting, Inc.	\$254,000.00
L. C. United Painting Co., Inc.	\$287,000.00
George Kountoupes Painting Co.	\$331,815.00

It is recommended that the bid of M. K. Painting, Inc., 1282 Grant, Lincoln Park, Michigan 48146, in the amount of Two Hundred Fifty-Four Thousand and 00/100 Dollars (\$254,000.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.
No: None.
Absent: Councilmember Prax.

CM-7. Councilmember Steinborn offered and moved the adoption of the following City Manager's recommendation:

On June 1, 2004, the City of Port Huron received five (5) qualified bids for removal of an estimated quantity of 5,900 cubic yards of excavated material removed during utilities repairs and stock piled at 1808 Bancroft Street.

It is recommended that the bid of Burgess Contracting, 800 Gratiot, Marysville, Michigan, in the amount of \$2.95 per cubic yard, be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.
No: None.
Absent: Councilmember Prax.

CM-8. Councilmember Fisher offered and moved to receive and file the transmittal of federal and state legislative priorities for 2004 (See City Clerk File #04-51).

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.
No: None.
Absent: Councilmember Prax.

RESOLUTIONS

R-1. Councilmember Jacobs offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #04-01)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.
No: None.
Absent: Councilmember Prax.

***R-2.** WHEREAS, it is stated in the City Ordinance Code, Section 8-68, Division 1 Generally, Downtown Development Authority, Article III, Chapter 8, Community Development:

"(a) The downtown development authority shall be under the supervision and control of a board consisting of the city manager and eight members appointed by the city manager subject to approval by the city council. At least five of the members shall be persons having an interest in property located in the downtown district. At least one of the members shall be a resident of the downtown district, if the downtown district has 100 or more persons residing within it...A member shall hold office until the member's successor is appointed. Thereafter, a member shall serve for a term of four years."

NOW, THEREFORE, BE IT RESOLVED that the City Manager's Downtown Development Authority appointment of Brian Connolly to fill a vacancy created by the resignation of Helen David for a term to expire February 9, 2006, is hereby approved and confirmed.

Adopted.

R-3. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the Port Huron Police Department Records and Identification Clerks have formed a union to be represented by the Police Officers Association of Michigan (POAM); and

WHEREAS, a collective bargaining agreement between the City and the Port Huron Police Clerical Association has been negotiated and ratified;

NOW, THEREFORE, BE IT RESOLVED that the attached collective bargaining agreement with the Port Huron Police Clerical Association for the period June 26, 2004, through June 30, 2007, is hereby approved and authorizing the appropriate City officials to execute said agreement. (See City Clerk File #04-52)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.

No: None.

Absent: Councilmember Prax.

R-4. Councilmember Haynes offered and moved the adoption of the following resolution:

WHEREAS, the State of Michigan received a Federal Department of Homeland Security award of \$62,032,000 for fiscal year 2004 to continue funding for emergency prevention, preparedness and response personnel to prevent, deter, respond to and recover from threats and incidents of terrorism; and

WHEREAS, the City of Port Huron has been identified as a sub-grantee eligible for pass-through funds in the amount of \$583,974 for specified homeland security activities; and

WHEREAS, the Office of Emergency Management for the City of Port Huron recognizes the importance for continued local interdisciplinary collaboration and coordination and to that end has established a Local Planning Team, who will participate in the determination of Port Huron's homeland security strategies and activities that these monies will fund;

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the submission of this grant application along with any necessary documents to the Department of State Police Emergency Management Division and that the City of Port Huron does hereby specifically agree, but not by way of limitation, to the following:

1. To maintain satisfactory financial accounts, documents and records in order to file reports with the State of Michigan; and
2. To comply with any and all terms of said agreement including all terms not specifically set forth in the foregoing portion of this resolution; and

BE IT FURTHER RESOLVED that Robert W. Eick, Fire Chief/Emergency Management Coordinator, be appointed as project coordinator and authorized representative for all aspects of the grant application and any subsequent agreement that is awarded, including determining the appropriate planning, equipment, training and exercises; and

BE IT FURTHER RESOLVED that the City Council approves acceptance of the grant agreement for homeland security funding through the Department of State Police Emergency Management Division upon being awarded to the City of Port Huron and hereby authorizes the appropriate City officials to execute said agreement (see City Clerk File #04-53).

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.

No: None.

Absent: Councilmember Prax.

***R-5.** WHEREAS, the American Legion, Charles A. Hammond-8, has requested to add a new entertainment permit in conjunction with their 2004 Club C license, with dance permit, located at 1026 Sixth Street, Port Huron;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the City Council that the application be recommended for issuance by the Michigan Liquor Control Commission.

Adopted.

***R-6.** WHEREAS, the Blue Water Area Transportation Commission operates a transit system within the Blue Water Area; and

WHEREAS, it was agreed to place the question of additional funding for the transportation system before the voters of each local unit of government in the form of a millage; and

WHEREAS, on May 4, 2004 the voters in the City of Port Huron and the Charter Township of Fort Gratiot approved the Blue Water Area Transportation System operation millage proposal which provided that the limitation on the total amount of all taxes which may be assessed against all property in said two (2) local units of government be increased by up to 0.6294 mills of taxable valuation, as finally equalized, of all real and personal taxable property within said two (2) local units of government for the period of four (4) years for the purpose of providing funds for the operation of the Blue Water Area Transportation System from July 1, 2004 through June 30, 2008; and

WHEREAS, the City of Port Huron has received a recommendation from the Blue Water Area Transportation Commission to levy 0.6294 mills (with no Headlee rollback required) on the taxable valuation, as finally equalized, on all real and personal property in the City of Port Huron for the period of one (1) year (the July 1, 2004 City levy) which recommendation is within the 0.6294 mills approved by the voters of the City of Port Huron; and

WHEREAS, the amount to be received from the levy of 0.6294 mills by the City of Port Huron, based on the 2004 State Equalized Value of all real and personal taxable property has been determined by the Blue Water Area Transportation Commission to be a fair and equitable basis and formula for the local financing of the said operation of the transportation system from July 1, 2004 through June 30, 2005.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Port Huron, St. Clair County, Michigan, that by the authority of said May 4, 2004 millage approval by the voters of the City of Port Huron, that the City of Port Huron does hereby levy for the period of one (1) year, 0.6294 mills on each dollar of taxable valuations, as finally equalized against all real and personal taxable property in the City of Port Huron for the purpose of the City of Port Huron contributing its share of the said financing of the operation of the Blue Water Area Transportation Commission for the operational period of July 1, 2004 through June 30, 2005; and

BE IT FURTHER RESOLVED, that said 0.6294 mills be levied on July 1, 2004; and

BE IT FURTHER RESOLVED, that the City Clerk be and is hereby authorized and directed to certify said tax for levy and collection to the City Treasurer of the City of Port Huron by delivering to said City Treasurer a certified copy of this resolution.

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

Adopted.

*R-7. WHEREAS, GMA Cover Corporation, 2440 20th Street, has applied for the transfer of existing Industrial Facilities Exemption Certificate #94-454 (Waltec American Forging) to them; and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, the Port Huron City Council held a public hearing on June 14, 2004 to hear comments on the application; and

WHEREAS, the City Assessor and legislative body of each unit which levies taxes was notified on the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED, that the City Council approves the GMA Cover Corporation application for transfer of the Industrial Facilities Exemption Certificate #94-454 and hereby authorizes the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED, that the City of Port Huron does find that the transferring of the Industrial Facilities Exemption Certificate (considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force) shall not have the effect of substantially impeding the operation of the City of Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the above facilities are located.

Adopted.

R-8. Councilmember Jacobs offered and moved the adoption of the following resolution:

WHEREAS, Section 18-401, Determining fares and charges, of Division 6, Taxicab Fares, Article X, Vehicles for Hire, Chapter 18, Code of Ordinances of the City of Port Huron states:

“All fares and charges for the use of taxicabs shall be determined by resolution of the City Council. All taxicab licensees shall be notified of any resolution. It shall be unlawful for any owner or driver to make any charge other than that determined by the Council.”; and

WHEREAS, the rates charged for the use of taxicabs has not been revised since January of 2000 and a request has been received to adjust them;

NOW, THEREFORE, BE IT RESOLVED that the following schedule of fares for taxi service in the City of Port Huron be and the same is hereby adopted to take effect immediately:

- For the first 1/6 mile or fraction thereof - One dollar and eight-five cents (\$1.85).
- For each additional 1/6 mile or fraction thereof - thirty cents (\$0.30)

- Waiting Time - each minute or fraction thereof - thirty-five cents (\$0.35).
- Extra passengers - no charge.
- All rates authorized in this section may, in the discretion of the taxicab licensee, be discounted ten (10%) percent for senior citizens.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.

No: None.

Absent: Councilmember Prax.

R-9. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, there has been a Contract #04-5156 prepared between the City of Port Huron and the Michigan Department of Transportation (MDOT) for the reconstruction work along 24th Street from Nern Street to Electric Avenue; including sidewalk ramp work; and all together with necessary related work located within the corporate limits of the City; and

WHEREAS, the City of Port Huron must separate its sewers and make necessary watermain improvements under this roadway; and

WHEREAS, the City of Port Huron has been awarded a Federal Grant under the Transportation Economic Development program; and

WHEREAS, the Federal participation ratio for eligible cost items is 57%; and

WHEREAS, the cost of sewer separation and watermain installation is ineligible; and

WHEREAS, the conditions of the contract are satisfactory to the City; and

WHEREAS, the total estimated cost of \$568,000 is to be shared as follows:

Federal Aid	\$323,800
City	<u>\$244,200</u>
	\$568,000

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the contract with the Michigan Department of Transportation for Reconstruction work along 24th Street from Nern to Electric Avenue; including sidewalk ramp work; and all necessary sewer and watermain improvements under this roadway and authorizes a local match of \$244,200 and directs the appropriate City officials to execute said agreement. (See City Clerk File #04-54)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.

No: None.

Absent: Councilmember Prax.

R-10. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, it is necessary to perform professional engineering services during construction and serve as the City's professional representative for the 24th Street Reconstruction from Nem to Electric Avenue project; and

WHEREAS, Hennessey Engineers, Inc., is the appropriate engineering firm to provide these services because they assisted the City with the design of this work; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and Hennessey Engineers, Inc., for professional engineering services for project C04-0010;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Hennessey Engineers, Inc., for professional engineering services during the 24th Street Reconstruction from Nem to Electric Avenue project and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #04-55).

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.
No: None.
Absent: Councilmember Prax.

R-11. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron in 1997 retained ATC Associates, Inc. of Novi, Michigan to remove and replace four underground fuel storage tanks located at the Municipal Office Center Site; and

WHEREAS, the MDEQ requires compliance with Part 213 of Act 45; and

WHEREAS, ATC Associates, Inc. reported a release without a followup closure report; and

WHEREAS, the City must name a consultant of record to complete the proper closure report for the alleged release; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Geo Trans, Inc., for professional services to complete the closure report for the removal and replacement of four underground fuel storage tanks at the Municipal Office Center and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #04-56).

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.
No: None.
Absent: Councilmember Prax.

R-12. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, Chapter 6 Section 63 of the City Charter, Act 2 of Public Acts of 1968 and the Single Audit Act of 1984 require the City to have an annual audit of the several funds and authorities of the City of Port Huron; and

WHEREAS, The State Treasurer has issued a Bulletin for Audits of Local Units of Government in Michigan, revised August, 2001, which required all municipalities to enter into written contract with the Certified Public Accountant who is engaged to perform the audit; and

WHEREAS, the Government Finance Officers Association of the United States and Canada (GFOA) has published recommended practices for state and local governments which includes an audit management handbook detailing guidelines for preparation of requests for audit proposals; and

WHEREAS, during 2001, such requests for audit proposals were prepared in accordance with those model guidelines and submitted to seventeen Michigan firms of certified public accountants with extensive governmental practices who have demonstrated their commitment to governmental auditing by their participation in membership on either the Michigan Committee on Governmental Accounting and Auditing (MCGAA), the governmental conference committee of the Michigan Association of Certified Public Accountants (MACPA), a policy committee of the Michigan Municipal Finance Officers Association (MMFOA) or as a reviewer for the GFOA Certificate of Achievement for Excellence in Financial Reporting; and

WHEREAS, at that time, proposals were evaluated based upon the elements of the request for proposal including the firm's expertise and experience with comparable government engagements, implementation of GASB 34, and tax increment-type authorities, the quality of personnel to be assigned to the engagement, the firm's involvement in developing government accounting and auditing policies and standards, the firm's size and structure, the firm's audit approach and the cost of performing the audit; and

WHEREAS, Plante & Moran, LLP, Certified Public Accountants, was previously selected to conduct the audit of the several funds and authorities of the City of Port Huron for three fiscal years: fiscal year 2000-01, fiscal year 2001-02 and fiscal year 2002-03; and

WHEREAS, during the last three years, Plante & Moran, LLP, Certified Public Accountants, has demonstrated their proficiency and knowledge of governmental issues, including implementation of GASB 34;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council hereby approves the agreement with Plante & Moran, LLP, Certified Public Accountants, to conduct the audit of the several funds and authorities of the City of Port Huron for three additional fiscal years: fiscal year 2003-04, fiscal year 2004-05 and fiscal year 2005-06 and authorizes and directs the proper City officials to execute the agreement. (See City Clerk File #04-57).

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.
- No: None.
- Absent: Councilmember Prax.

***R-13.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #04-002 (see City Clerk File # 04-58) from the City's Building Official relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

Lots 2 and 3, Wellman and Carson's Subdivision of Lots 2, 3, and 4, Block 76, Fort Gratiot Military Reservation, also known as: 1128 - 12th Avenue; and

WHEREAS, it appears to the City Council that the condition of the property described above may constitute a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Code of Ordinances of the City of Port Huron, justifying abatement by the City pursuant to the powers granted in Chapter II, Section 2, and Chapter VIII of the City Charter and procedures set forth in Chapter 10, Section 10-211, and Chapter 40, Sections 40-19 and 40-20, of the Code of Ordinances of the City of Port Huron; and

WHEREAS, the City Council believes it is warranted in conducting a public hearing and investigation pursuant to such provisions of Chapter 10 and Chapter 40 of said Code for the purpose of ascertaining and determining for itself whether such condition or conditions exist;

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Port Huron shall conduct a public hearing on July 12, 2004, at 7:30 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's records, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinance of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted.

***R-14.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #04-006 (see City Clerk File #04-59) from the City's Building Official relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

the east 97 feet of Lot 15, Assessor's Hill Plat being a subdivision of Lot 3, McNeil Tract, also known as: 2405 Stone Street; and

WHEREAS, it appears to the City Council that the condition of the property described above may constitute a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Code of Ordinances of the City of Port Huron, justifying abatement by the City pursuant to the powers granted in Chapter II, Section 2, and Chapter VIII of the City Charter and procedures set forth in Chapter 10, Section 10-211, and Chapter 40, Sections 40-19 and 40-20, of the Code of Ordinances of the City of Port Huron; and

WHEREAS, the City Council believes it is warranted in conducting a public hearing and investigation pursuant to such provisions of Chapter 10 and Chapter 40 of said Code for the purpose of ascertaining and determining for itself whether such condition or conditions exist;

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Port Huron shall conduct a public hearing on July 12, 2004, at 7:30 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's records, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinance of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted.

R-15. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, the City Planning Commission has received a request from Jeff and Najib Kakos, to rezone the following described property from A-1 Medium Density Multiple Family to C-1 General Business District:

Lot 10 and south one-half of Lot 11, Block 52, White Plat, also known as 1421-1423 Military Street, City of Port Huron; and

WHEREAS, on June 1, 2004, the City Planning Commission held a public hearing to hear comments on the proposed rezoning; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (vote: 6 ayes; 0 nays; 2 absent; 1 abstained) of the rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for July 12, 2004, to hear comments on the above request, or in the case of a negative vote hereby denies the request of Jeff and Najib Kakos for the rezoning of the above described property.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.

No: None.

Absent: Councilmember Prax.

R-16. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City Planning Commission has received a request from Paul Wilson to rezone the following described property from C-1 General Business District, to A-1 Medium Density Multiple Family District:

Lots 11 and 12, Assessor's Mitchell Land Plat, also known as 636 Griswold Street, City of Port Huron; and

WHEREAS, on June 1, 2004, the City Planning Commission held a public hearing to hear comments on the proposed rezoning; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (vote: 7 ayes; 0 nays; 2 absent; 0 abstained) of the rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for July 12, 2004, to hear comments on the above request, or in the case of a negative vote hereby denies the request of Paul Wilson for the rezoning of the above described property.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.

No: None.

Absent: Councilmember Prax.

R-17. Councilmember Haynes offered and moved the adoption of the following resolution:

WHEREAS, the City Planning Commission has received a request from the City Planning Department to rezone the following described property from A-2 High Rise Multiple Family to A-1 Medium Density Multiple Family District:

Lots 122, 123, 124, 125, 126, 127, 128, 134, 135, Assessor's Military Street Plat Number 3, and Lots 1, 2, 3, 4, 5, 6, 7, 8, 34, 35, 36, 37, 38, 39, 40, 41, 42, and that portion of Lots 9 and 33 lying southeasterly of the centerline of Electric Avenue, Thompson and Schoolcraft's Riverside Plat, City of Port Huron; and

WHEREAS, on June 1, 2004, the City Planning Commission held a public hearing to hear comments on the proposed rezoning; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (vote: 7 ayes; 0 nays; 2 absent; 0 abstained) of the rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for July 12, 2004, to hear comments on the above request, or in the case of a negative vote hereby denies the request of the City Planning Department for the rezoning of the above described property.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.

No: None.

Absent: Councilmember Prax.

R-18. Councilmember Jacobs offered and moved the adoption of the following resolution:

WHEREAS, the City Planning Commission has received a request from the City Planning Department to rezone the following described property from C-1 General Business District to A-1 Medium Density Multiple Family District:

The south 19 feet of Lot 121, Assessor's Military Street Plat Number 3, also known as a part of 3138 Military Street, City of Port Huron; and

WHEREAS, on June 1, 2004, the City Planning Commission held a public hearing to hear comments on the proposed rezoning; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (vote: 7 ayes; 0 nays; 2 absent; 0 abstained) of the rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for July 12, 2004, to hear comments on the above request, or in the case of a negative vote hereby denies the request of the City Planning Department for the rezoning of the above described property.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.

No: None.

Absent: Councilmember Prax.

R-19. Councilmember Haynes offered and moved the adoption of the following resolution:

WHEREAS, the City Planning Commission has received a request from the City Planning Department to rezone the following described property from A-2 High Rise Multiple Family to R-1 Single- and Two-Family Residential District:

The northeasterly two feet of Lot 118, Assessor's Military Street Plat Number 3, also known as a part of 3030 Military Street, City of Port Huron; and

WHEREAS, on June 1, 2004, the City Planning Commission held a public hearing to hear comments on the proposed rezoning; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (vote: 7 ayes; 0 nays; 2 absent; 0 abstained) of the rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for July 12, 2004, to hear comments on the above request, or in the case of a negative vote hereby denies the request of the City Planning Department for the rezoning of the above described property.

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.
- No: None.
- Absent: Councilmember Prax.

R-20. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, the City Planning Commission has received a request from Richard Rice and Norman Schattler to rezone the following described property from R-1 Single- and Two-Family Residential to C-1 General Business District:

Lots 1, 2, the east six feet of Lots 13 and all of Lot 14, Block 133, White Plat, also known as 1103 Griswold Street and 1503 - 11th Street, City of Port Huron; and

WHEREAS, on June 1, 2004, the City Planning Commission held a public hearing to hear comments on the proposed rezoning; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (vote: 7 ayes; 0 nays; 2 absent; 0 abstained) of the rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for July 12, 2004, to hear comments on the above request, or in the case of a negative vote hereby denies the request of Richard Rice and Norman Schattler for the rezoning of the above described property.

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.
- No: None.
- Absent: Councilmember Prax.

R-21. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the Community Development Division of the City of Port Huron held a public hearing on May 24, 2004, to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER) for the program year 2003 (April 1, 2004, through March 31, 2004); and;

WHEREAS, the Community Development Division of the City has provided a copy of the CAPER for public viewing at the City Clerk's office and the St. Clair County Public Library for a period of at least 15 days; and

WHEREAS, any comments heard and/or received will be incorporated into the CAPER for review by the U.S. Department of Housing and Urban Development (HUD);

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Port Huron hereby authorizes the Community Development Division to submit the Consolidated Annual Performance Evaluation Report (CAPER) for the fiscal year (April 1, 2003, through March 31, 2004), regarding the use of Community Development Block Grant and HOME funds, to the U.S. Department of Housing and Urban Development for their review and approval.

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.
- No: None.
- Absent: Councilmember Prax.

R-22. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as:

2401 10th Street (Garage) also known as: the north 39.6 feet of the east 100 feet of a piece of land bounded on the north by Beard Street, the east by 10th Street, the south by Osius Plat, and the west by Osius Plat, Township 6 North, Range 17 East, Section 15 and

2403 10th Street (Garage) also known as: and the west 35 feet of the east 135 feet except the north 52.25 feet also the south 38.4 feet of the east 100 feet of a piece of land bounded on the north by Beard Street, the east by 10th Street, and the south and west by Osius Plat, Township 6 North, Range 17 East, Section 15; and

has been brought to the attention of the City Council by the Building Official as Code Case #04-008 (see City Clerk File #04-46) claiming such condition constitutes a nuisance, and

WHEREAS, such property has received repeated inspections by appropriate City Inspection Officials; and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property, violations regarding the Code of Ordinances of the City of Port Huron, and requesting abatement of these conditions; and

WHEREAS, to date there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted May 24, 2004, with respect to said property, it is the judgement of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the above-described property is of such condition as to constitute a nuisance within the meaning and definition of Chapter 10, Section 10-211 and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron, and contains the following code violations:

Building

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by **immediate demolition**.

3. That any costs incurred in abatement of such conditions and nuisances are to be assessed against the property in accordance with Chapter 40, Sections 40-19 and 40-20 of the Port Huron City Code of Ordinances.

4. That the City Manager is hereby authorized to solicit and receive bids in order that the City be in position to move promptly to carry out the direction of the City Council as provided for herein.

5. That the City Clerk shall send, by certified mail, return receipt requested, a certified copy of this resolution to the last known address of the property owner, according to the most recent records maintained by the Office of the City Assessor and shall have this resolution also posted on the property.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.

No: None.

Absent: Councilmember Prax.

R-23. Councilmember Steinborn offered and moved the postponement of the following resolution until the July 12, regular City Council meeting:

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as:

2843 Electric Avenue, also known as: Lot 37, Block 1, Richland Subdivision of a part of Outlot C Avery Farm Plat; and

has been brought to the attention of the City Council by the Building Official as Code Case #03-003 (see City Clerk File #04-48) claiming such condition constitutes a nuisance, and

WHEREAS, such property has received repeated inspections by appropriate City Inspection Officials; and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property, violations regarding the Code of Ordinances of the City of Port Huron, and requesting abatement of these conditions; and

WHEREAS, to date there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted May 24, 2004, with respect to said property, it is the judgement of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the above-described property is of such condition as to constitute a nuisance within the meaning and definition of Chapter 10, Section 10-211 and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron, and contains the following code violations:

Building Electrical Plumbing Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by **immediate demolition**.

3. That any costs incurred in abatement of such conditions and nuisances are to be assessed against the property in accordance with Chapter 40, Sections 40-19 and 40-20 of the Port Huron City Code of Ordinances.

4. That the City Manager is hereby authorized to solicit and receive bids in order that the City be in position to move promptly to carry out the direction of the City Council as provided for herein.

5. That the City Clerk shall send, by certified mail, return receipt requested, a certified copy of this resolution to the last known address of the property owner, according to the most recent records maintained by the Office of the City Assessor and shall have this resolution also posted on the property.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.

No: None.

Absent: Councilmember Prax.

R-24. Councilmember Jacobs offered and moved the adoption of the following resolution:

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as:

1713 Howard Street, also known as: the south 65 feet of Lots 18, 19 and 20, Block 4, Martin Brother's Lapeer Avenue Subdivision; and

has been brought to the attention of the City Council by the Building Official as Code Case #04-004 (see City Clerk File #04-49) claiming such condition constitutes a nuisance, and

WHEREAS, such property has received repeated inspections by appropriate City Inspection Officials; and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property, violations regarding the Code of Ordinances of the City of Port Huron, and requesting abatement of these conditions; and

WHEREAS, to date there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted May 24, 2004, with respect to said property, it is the judgement of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the above-described property is of such condition as to constitute a nuisance within the meaning and definition of Chapter 10, Section 10-211 and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron, and contains the following code violations:

[X] Building [X] Electrical [X] Plumbing [X] Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by **immediate demolition**.

3. That any costs incurred in abatement of such conditions and nuisances are to be assessed against the property in accordance with Chapter 40, Sections 40-19 and 40-20 of the Port Huron City Code of Ordinances.

4. That the City Manager is hereby authorized to solicit and receive bids in order that the City be in position to move promptly to carry out the direction of the City Council as provided for herein.

5. That the City Clerk shall send, by certified mail, return receipt requested, a certified copy of this resolution to the last known address of the property owner, according to the most recent records maintained by the Office of the City Assessor and shall have this resolution also posted on the property.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.
No: None.
Absent: Councilmember Prax.

*R-25. WHEREAS, it is stated in the Ordinance Code of the City of Port Huron, Chapter 32, Zoning, Article XXI, Sections 32-506 and 32-507(a) concerning the Board of Zoning Appeals:

"Sec. 32-506. **Appointment.** The city council shall appoint a board of zoning appeals, hereinafter sometimes referred to as the board, which board shall have the powers and duties prescribed by law and by this Code."

"Sec. 32-507. **Membership and organization.** (a) The board shall consist of six members, each to be appointed

for a term of three years; provided, that the first appointment shall be two members for one year, two members for two years, and two members for three years, and that subsequent appointments shall be for the full three-year term.";

NOW, THEREFORE, BE IT RESOLVED that the following people are hereby appointed to three-year terms on the Zoning Board of Appeals:

Michael P. Cogley - term to expire 07/01/07
James Dykstra - term to expire 07/01/07
James B. McDonald - term to expire 07/01/07

Adopted.

*R-26. WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-5; and

WHEREAS, the attached special assessment report has been certified by the City Engineer and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$312.70 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk file #04-60).

Adopted.

ORDINANCES

O-1. Councilmember Fisher moved that an ordinance introduced May 24, 2004, entitled and reading as follows be given its third and final reading and enacted, as amended:

ORDINANCE NO. 1229

AN ORDINANCE TO AMEND CHAPTER 46, TRAFFIC AND VEHICLES, ARTICLE I, IN GENERAL, SECTION 46-7, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF PROHIBITING SKATEBOARDING IN CERTAIN AREAS OF THE CITY.

THE CITY OF PORT HURON ORDAINS:

That Chapter 46, Traffic and Vehicles, Article I, In General, Section 46-7, of the Code of Ordinances of the City of Port Huron, for the purpose of prohibiting skateboarding in certain areas of the City is hereby amended as follows:

**CHAPTER 46. TRAFFIC AND VEHICLES
ARTICLE I. IN GENERAL**

Sec. 46-1 through Sec. 46-6.

No changes.

Sec. 46-7. Use of skates, skateboard and toy vehicles on roadway.

(a) No person upon roller skates or a skateboard, or riding in or by means of any wagon, toy vehicle or similar device, shall go upon any roadway, except while crossing a street on a crosswalk, and when so crossing, such person shall be granted all the rights of pedestrians. This section shall not apply upon any street while set aside as a play street, as provided for in this chapter.

(b) Any person upon a public sidewalk or crosswalk using roller skates or a skateboard, or riding in or by means of any wagon, toy vehicle or similar device, shall yield the right-of-way to any pedestrian who is walking.

(c) No skateboard shall be operated within the central business district of the city which is bounded by Glenwood Avenue on the north, Seventh Street on the west, Court Street on the south, and the St. Clair River on the east. No skateboard shall be operated upon any city boat launching ramp facilities or city marina facilities.

(d) Except in areas designated for such purposes, including the Optimist Park Skate Park, no inline skates, roller skates, skateboard, free style bicycle or similar device shall be used for grinding or in any other manner that may cause damage to city streets, sidewalks, or other city property.

Sec. 46-8 through Sec. 46-13.

No changes.

PAULINE M. REPP, CMC
CITY CLERK

ADOPTED: 06/14/04
PUBLISHED: 06/19/04
EFFECTIVE: 06/19/04

Motion to adopt the ordinance adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, and Steinborn.

No: Councilmember Jacobs.

Absent: Councilmember Prax.

MOTIONS & MISCELLANEOUS BUSINESS

1. **Mayor Pro-tem Cutcher** announced the following recent ribbon cuttings: Desmond Marine, Ready.Set.Mail and Serfz Up.

2. **Tom Hutka, City Manager**, announced the recent purchase of the Sperry's building by House of Denmark.

3. **Mayor Neal** reminded everyone of the special meeting Tuesday, June 15, 2004 at 6:00 p.m. in Conference Room 408 to discuss blight.

On motion (9:50 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

Special meeting of the City Council of the City of Port Huron, Michigan, held Tuesday, June 15, 2004, at 6:00 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs, Prax and Steinborn.

Kim Harmer, Planning Director, explained what is being done currently to combat blight in the City and went over the "work behind the scenes." She specifically presented three different cases, one on Military Street, one on Electric Avenue and one on Huron Avenue (commercial property) and went over the case history of each. She also explained about due process, letters of notification and days allowed to abate the situation as well as what happens when they go to court.

Councilmembers Haynes and Steinborn went over their "Name and Shame Proposal and other program proposals (see City Clerk File #04-61). Discussion followed including suggestions that the City get tougher on violators and that a campaign be initiated to educate the community.

During the discussion, two residents addressed Council - Ken Harris and Sandra Reid - talking about repeat offenders and how blight is a year round problem.

Kim Harmer, Planning Director, introduced a new campaign entitled "Fight Blight - Mow It, Tow It, or Throw It."

On motion (8:10 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, July 12, 2004, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Pastor Mark Seppo, Life of Faith Fellowship, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.

Absent: Councilmember Jacobs.

The minutes of the regular meeting of June 14, 2004, and the special meeting of June 15, 2004, were approved.

PRESENTATIONS

1. Holly Quaine, President, Greater Port Huron Chamber of Commerce, and Marty Doorn, WGRT, members of the Sesquicentennial Committee, presented the winning Sesquicentennial Celebration logo and awarded a check to Gene Renaker (presented to his father, Tiny Renaker) for the design.

2. Recognition was given to the Youth Works Project by Kim Harmer, Planning Director, and Certificates of Appreciation presented by Mayor Neal.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments Code Case #04-002, 1128 - 12th Avenue, to ascertain and determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code. (See Resolution #15)

Kim Harmer, Planning Director, gave a report stating that this structure along with the one next to it have been demolished and there is no need for further action. Additionally, she showed slides of other properties that have been taken care of.

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments Code Case #04-006, 2405 Stone Street, to ascertain and determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code. (Resolution # 16)

Kim Harmer, Planning Director, gave a report stating that this property has reverted back to the original property owner, Thomas Raymond, and that he has requested time to renovate the house.

Thomas Raymond, 6827 S. River Road, Cottrellville Twp., addressed City Council stating that he is a licensed building contractor and he intends to make the necessary repairs to the property and he is willing to sign a work agreement by the end of this month. Additionally, he requested that any escrow amount be waived.

The Mayor declared the hearing closed.

3. **The Mayor** announced that this was the time to hear comments the request to rezone property located at 1423 Military Street from A-1 Medium Density Multiple Family to C-1 General Business District. (See Ordinance #1)

No one appeared to be heard.

The Mayor declared the hearing closed.

4. **The Mayor** announced that this was the time to hear comments the request to rezone property located at 636 Griswold Street from C-1 General Business District to A-1 Medium Density Multiple Family District. (See Ordinance #2)

No one appeared to be heard.

The Mayor declared the hearing closed.

5. **The Mayor** announced that this was the time to hear comments the request to rezone various lots adjacent to St. Clair Landings, Electric Avenue, Grant Place and Military Street from A-2 High Rise Multiple Family to A-1 Medium Density Multiple Family District. (See Ordinance #3)

No one appeared to be heard.

The Mayor declared the hearing closed.

6. **The Mayor** announced that this was the time to hear comments the request to rezone property located at 3138 Military Street from C-1 General Business District to A-1 Medium Density Multiple Family District. (See Ordinance #4)

No one appeared to be heard.

The Mayor declared the hearing closed.

7. **The Mayor** announced that this was the time to hear comments the request to rezone property located at 3030 Military Street from A-2 High Rise Multiple Family to R-1 Single- and Two Family Residential District. (See Ordinance #5)

No one appeared to be heard.

The Mayor declared the hearing closed.

8. **The Mayor** announced that this was the time to hear comments on the request to rezone property located at 1103 Griswold Street and 1503 - 11th Street from R-1 Single- and Two-Family Residential to C-1 General Business District. (See Ordinance #6)

No one appeared to be heard.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Bill McMasters, State Chairman for Taxpayers United, Sterling Heights, addressed the City Council stating that he was told that Anthony America was forbidden to speak at Council meetings, citing the Open Meetings Act which mandates that the public be given an opportunity to speak. Additionally, he stated that his group is opposed to a casino in Port Huron and any collection of taxes for a casino unless authorized levy by the taxpayers, opposed to cigarette tax and opposed to the pending state law to eliminate intermediate school districts.
2. Mike Wendling, candidate for Prosecuting Attorney for St. Clair County (Republican), addressed City Council introducing himself and asking for their support.
3. Tiny Renaker, 1307 - 21st Street, addressed City Council citing the events listed on the agenda as proof that there are things for young people to do in Port Huron, stating that the Mayor and City Council are doing a good job and congratulating the group of young people from Mexico who recently visited the area volunteering.

CONSENT AGENDA

Councilmember Prax offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.

No: None.

Absent: Councilmember Jacobs.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- Spirit of Port Huron nominations are being accepted through Friday, July 30, and should be sent to the Mayor's office for consideration by the selection committee.
- Nominations for the Yard of the Year will be accepted through Thursday, July 15, in the City Clerk's office.

Upcoming Events in the City:

- July 14, Youth Parade, starting at 1:00 p.m. and Rotary International Day Parade, starting at 6:30 p.m.
- Mackinac Race Festivities begin Thursday, July 15 (race Saturday, July 17)
- Art in the Park, 10th Street Bridge area, July 22, 29 and August 5
- July 25, Sand Sculpture Contest, Lighthouse Beach
- July 30, Battle of the Bands, McMorran front plaza
- Aug. 3, Big Screen Movie, 10th Street Bridge area
- Aug. 3, "National Night Out" activities by neighborhood watch blocks

COMMUNICATIONS & PETITIONS

***C-1.** Notification from National League of Cities that the 81st Congress of Cities and Exposition will be held November 30 through December 4, 2004 in Indianapolis, Indiana.

Received and filed and Council authorized to attend.

***C-2.** Tara Russel, VP and Treasurer of Creative Coalition, Inc., requesting to have permit and vendor fees waived for various special events they are sponsoring this summer to enhance and promote cultural awareness of local artists and musicians.

Received and filed and request granted.

UNFINISHED BUSINESS

1. Councilmember Prax offered and moved that the following resolution be removed from the agenda with no action to be taken as the property has been renovated and all building code violations have been taken care of:

WHEREAS, on September 9, 2002, the property owner of 1218-1220 Lapeer Avenue entered into a work agreement with the City to correct numerous building code violations; and

WHEREAS, on September 13, 2002, the City Council adopted Resolution #13, declaring the property a nuisance (Code Case #02-007) defined by Chapter 6, Section 6-46, and Chapter 20, Section 20-3, of the Code of Ordinances for the City of Port Huron; and

WHEREAS, the City has extended the established deadlines of the September 9, 2002, Work Agreement to allow the property owner the opportunity to finish the work started on the property and the property owner has still failed to complete the required repairs, constituting a breach of contract; and

WHEREAS, the City notified the property owner of the Non-Compliance with the work agreement on January 6, 2004, and has not received a written appeal or response to such notice;

NOW, THEREFORE, BE IT RESOLVED that the City Manager is directed and authorized to cause the immediate demolition of the structure(s) at 1218-1220 Lapeer Avenue.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.

No: None.

Absent: Councilmember Jacobs

2. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as:

2843 Electric Avenue, also known as: Lot 37, Block 1, Richland Subdivision of a part of Outlot C Avery Farm Plat; and

has been brought to the attention of the City Council by the Building Official as Code Case #03-003 (see City Clerk File #04-48) claiming such condition constitutes a nuisance, and

WHEREAS, such property has received repeated inspections by appropriate City Inspection Officials; and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property, violations regarding the Code of Ordinances of the City of Port Huron, and requesting abatement of these conditions; and

WHEREAS, to date there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted May 24, 2004, with respect to said property, it is the judgement of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the above-described property is of such condition as to constitute a nuisance within the meaning and definition of Chapter 10, Section 10-211 and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron, and contains the following code violations:

[X] Building [X] Electrical [X] Plumbing [X] Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by **immediate demolition**.

3. That any costs incurred in abatement of such conditions and nuisances are to be assessed against the property in accordance with Chapter 40, Sections 40-19 and 40-20 of the Port Huron City Code of Ordinances.

4. That the City Manager is hereby authorized to solicit and receive bids in order that the City be in position to move promptly to carry out the direction of the City Council as provided for herein.

5. That the City Clerk shall send, by certified mail, return receipt requested, a certified copy of this resolution to the last known address of the property owner, according to the most recent records maintained by the Office of the City Assessor and shall have this resolution also posted on the property.

Councilmember Prax moved to *postpone* action until the regular meeting of September 27, 2004.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
No: None.
Absent: Councilmember Jacobs.

RESOLUTIONS

R-1. Councilmember Fisher offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #04-01)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
No: None.
Absent: Councilmember Jacobs.

R-2. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron owns certain unimproved land located at the corner of Dove Street and 28th Street in the Port Huron Industrial Park Expansion Area; and

WHEREAS, Shawmut Corporation intends to expand their manufacturing facility into an area that includes their employee parking area and therefore needs additional land to create an employee parking area;

WHEREAS, an agreement between the City of Port Huron and Shawmut Corporation for the sale of unimproved land suitable for an employee parking area for Shawmut Corporation has been negotiated;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves the attached agreement with Shawmut Corporation for the sale of unimproved land in the Port Huron Industrial Park Expansion Area and authorizes and directs the appropriate City Officials to execute said agreement. (See City Clerk File #04-62)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
No: None.
Absent: Councilmember Jacobs.

R-3. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron owns an industrial speculative building at 3150 Dove Road in the Port Huron Industrial Park Expansion Area; and

WHEREAS, an agreement between the City of Port Huron and a proposed Purchaser of said building has been negotiated;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves the attached agreement with the proposed Purchaser of Speculative Building Number 11 at 3150 Dove Road in the Port Huron Industrial Park Expansion Area and authorizes and directs the proper City Officials to execute said agreement. (See City Clerk File #04-63)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
No: None.
Absent: Councilmember Jacobs.

***R-4.** WHEREAS, Section 125.33(2) of the Municipal Planning Act (PA 285 of 1931) states in part that: "...the planning commission may consist of 9 members, 1 of whom shall be a member of the legislative body to be selected by resolution of the legislative body to serve as a member ex officio, and 8 of whom shall be appointed by the mayor as provided in this section. An appointment by the mayor shall be subject to approval of the legislative body by majority vote."; and

WHEREAS, the Code of Ordinances for the City of Port Huron, Section 2-234 states in part that: "The term of each member of the Planning Commission shall be three years or until his successor takes office."; and

WHEREAS, the Mayor has made the following appointments and reappointment:

Mike Rossow, appointed with a term to expire August 6, 2007

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves the Mayor's appointments and reappointment as listed above.

Adopted.

***R-5.** WHEREAS, costs totaling Seven Thousand Four Hundred Eleven and 76/100 Dollars (\$7,411.76) have been incurred by the City of Port Huron for demolition work on the following described property: LOTS 28 & 29 BLK 11 P.H. & N.W. RY. PLAT OF A PORTION OF THE FORT GRATIOT MILITARY RESERVATION, ALSO W 40 FT OF N 57.4 FT OF S 382.4 FT OF LAND BOUNDED N BY STATE ST, W OF BLK 11 P.H. & N.W. RY. PLAT OF A PORTION OF THE FORT GRATIOT MILITARY RESERVATION, S BY N LINE OF SCOTT AVE EXTENDED E, PART OF MILITARY RESERVE, SUBDIVISION OF THE FORT GRATIOT MILITARY RESERVATION OWNED & OCCUPIED AS ONE PARCEL, further described as 2034 St. Clair Street, property no. 74-06-571-0138-000.

WHEREAS, said costs have been reviewed by the City Council.

NOW, THEREFORE, BE IT RESOLVED THAT the amount of Seven Thousand Four Hundred Eleven and 76/100 Dollars (\$7,411.76) for demolition of the structure at 2034 St. Clair Street is hereby confirmed and declared a single lot special assessment.

Adopted.

***R-6.** WHEREAS, costs totaling Seven Thousand Six Hundred Forty-nine and 55/100 Dollars (\$7,649.55) have been incurred by the City of Port Huron for demolition work on the following described property: LOT 10 BLK 11 P.H. & N.W. RY. PLAT OF A PORTION OF THE FORT GRATIOT MILITARY RESERVATION, ALSO THE W 40' OF THE N 25' OF THE S 855.8' OF LAND BOUNDED ON THE N BY STATE ST, W BY SAID BLK 11, & S BY THE N LINE OF SCOTT AVE, EXTENDING E AND BEING A PART OF THE FORT GRATIOT MILITARY RESERVATION, further described as 2202 St. Clair Street, property no. 74-06-571-0126-000.

WHEREAS, said costs have been reviewed by the City Council.

NOW, THEREFORE, BE IT RESOLVED THAT the amount of Seven Thousand Six Hundred Forty-nine and 55/100 Dollars (\$7,649.55) for demolition of the structure at 2202 St. Clair Street is hereby confirmed and declared a single lot special assessment.

Adopted.

***R-7.** WHEREAS, costs totaling Four Thousand Four Hundred Fourteen and 50/100 Dollars (\$4,414.50) have been incurred by the City of Port Huron for demolition work on the following described property: LOT 25 & N ½ LOT 26 BLK 11 P.H. & N.W. RY. PLAT OF A PORTION OF THE FORT GRATIOT MILITARY RESERVATION, ALSO W 40 FT OF N 37.5 FT OF S 465.4 FT OF LAND BOUNDED N BY STATE ST, W BY SAID BLK 11, S BY N LINE OF SCOTT AVE EXTENDED E, PART OF MILITARY RESERVE, SUBDIVISION OF THE FORT GRATIOT MILITARY RESERVATION OWNED & OCCUPIED AS ONE PARCEL, further described as 2104 St. Clair Street, property no. 74-06-571-0136-000.

WHEREAS, said costs have been reviewed by the City Council.

NOW, THEREFORE, BE IT RESOLVED THAT the amount of Four Thousand Four Hundred Fourteen and 50/100 Dollars (\$4,414.50) for demolition of the structure at 2104 St. Clair Street is hereby confirmed and declared a single lot special assessment.

Adopted.

***R-8.** WHEREAS, costs totaling Seven Thousand Two and 53/100 Dollars (\$7,002.53) have been incurred by the City of Port Huron for demolition work on the following described property: LOTS 1, THROUGH 9 INCLUSIVE BLOCK 11, PORT HURON AND NW RAILWAY PLAT, TOGETHER WITH A 40' WIDE PARCEL OF LAND ADJ TO THE EAST. SAID PARCEL PARTICULARLY DESC AS: BEG AT THE SW COR OF SAID LOT 9, TH N. 00 DEGREES 15' 14" W. 228.30 FEET; TH N. 85 DEGREES 26' 46" E. 102.73 FEET; TH S. 00 DEGREES 02' 24 W. 236.00 FEET; TH S. 89 DEGREES 44' 23" W. 101.23 FEET TO THE BEG SUBDIVISION OF FORT GRATIOT MILITARY RESERVATION OWNED & OCCUPIED AS ONE PARCEL, further described as 2206 St. Clair Street, property no. 74-06-571-0121-000.

WHEREAS, said costs have been reviewed by the City Council.

NOW, THEREFORE, BE IT RESOLVED THAT the amount of Seven Thousand Two and 53/100 Dollars (\$7,002.53) for demolition of the structure at 2206 St. Clair Street is hereby confirmed and declared a single lot special assessment.

Adopted.

R-9. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron is exposed to various risks of loss and has purchased commercial insurance for property damage, including buildings, contents and other assets, boiler and machinery, computers and other equipment, employee dishonesty and other potential losses; and

WHEREAS, such coverage is necessary for the fiscal year beginning July 1, 2004 and ending June 30, 2005; and thereafter and

WHEREAS, from time to time this benefit is reviewed and analyzed for its appropriateness of coverages, cost effectiveness and other factors; and

WHEREAS, competitive proposals have been solicited from a number of insurance firms which have demonstrated the qualifications, competence and capacity to provide this coverage; and

WHEREAS, the Travelers Insurance Company was selected for property loss coverage, with an estimated annual cost of \$214,034.00, based upon its comprehensiveness of coverage, superior service, exceptional insurance rating and experience with municipalities, and the Hanover Insurance Company was selected for public employee crime and fraud coverage, with an estimated annual cost of \$7,485.00, based upon its superior service, experience and annual cost savings;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves insurance contracts with the Travelers Insurance Company for property loss coverage and the Hanover Insurance Company for public employee crime and fraud coverage in accordance with the insurance requirements of the City and authorizes and directs the proper City officials to execute such agreements.

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
- No: None.
- Absent: Councilmember Jacobs.

R-10. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, there has been a Contract #04-5285 prepared between the City of Port Huron and the Michigan Department of Transportation (MDOT) for the hot mix asphalt resurfacing work along 10th Avenue from Holland Avenue to Garfield Street; including cold-in-place recycling and curb and gutter work; and all together with necessary related work; and

WHEREAS, the City of Port Huron has been awarded a Federal Grant under the Surface Transportation Program; and

WHEREAS, the Federal participation ratio for eligible cost items is 81.85%; and

WHEREAS, the total estimated eligible cost of \$701,200 is to be shared as follows:

Federal Aid	\$ 573,900
City	\$ 127,300
	<u> </u>
	\$ 701,200

WHEREAS, the estimated ineligible cost items for the project is \$24,800; and

WHEREAS, the conditions of the contract are satisfactory to the City;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the contract with the Michigan Department of Transportation for the hot mix asphalt resurfacing work along 10th Avenue from Holland Avenue to Garfield Street; including cold-in-place recycling and curb and gutter work; and all together with necessary related work; and authorizes a local match of \$152,100.00 and directs the appropriate City officials to execute said agreement. (See City Clerk File #04-64)

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
- No: None.
- Absent: Councilmember Jacobs.

R-11. Councilmember Haynes offered and moved the adoption of the following resolution:

WHEREAS, it is necessary to perform professional engineering services for the 10th Avenue from Holland Avenue to Garfield Street Reconstruction Project; and

WHEREAS, BMJ Engineers & Surveyors, Inc., is the appropriate engineering firm to provide these services based upon an evaluation of competitive proposals submitted; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and BMJ Engineers & Surveyors, Inc., for professional engineering services for Project No. C04-0060;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with BMJ Engineers & Surveyors, Inc., for professional engineering services during the 10th Avenue from Holland Avenue to Garfield Street Reconstruction Project and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #04-65).

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
- No: None.
- Absent: Councilmember Jacobs.

***R-12.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-5; and

WHEREAS, the attached special assessment report has been certified by the City Engineer and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$649.70 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk file #04-66).

Adopted.

*R-13. WHEREAS, RAE Manufacturing Co., 1327 - 1331 Cedar Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for August 9, 2004, in order to hear comments on the application of RAE Manufacturing Co., for an Industrial Facilities Exemption Certificate; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following Legislative Bodies:

- City Assessor - Port Huron
- County Board of Commissioners - St. Clair County
- Port Huron Area School Board
- St. Clair County Community College
- Intermediate School District
- Downtown Development Authority

Adopted.

*R-14. WHEREAS, BioPro, Inc., 17 - 17th Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for August 9, 2004, in order to hear comments on the application of BioPro, Inc., for an Industrial Facilities Exemption Certificate; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following Legislative Bodies:

- City Assessor - Port Huron
- County Board of Commissioners - St. Clair County
- Port Huron Area School Board
- St. Clair County Community College
- Intermediate School District
- Downtown Development Authority

Adopted.

R-15. Councilmember Steinborn offered and moved that the following resolution be removed from the agenda with no action to be taken as the property has been demolished by the property owner:

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as:

Lots 2 and 3, Wellman and Carson's Subdivision of Lots 2, 3, and 4, Block 76, Fort Gratiot Military Reservation, also known as: 1128 - 12th Avenue; and

has been brought to the attention of the City Council by the Building Official as Code Case #04-002 (see City Clerk File #04-58) claiming such condition constitutes a nuisance, and

WHEREAS, such property has received repeated inspections by appropriate City Inspection Officials; and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property, violations regarding the Code of Ordinances of the City of Port Huron, and requesting abatement of these conditions; and

WHEREAS, to date there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted June 14, 2004, with respect to said property, it is the judgement of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the above-described property is of such condition as to constitute a nuisance within the meaning and definition of Chapter 10, Section 10-211 and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron, and contains the following code violations:

Building Electrical Plumbing Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by **immediate demolition**.

3. That any costs incurred in abatement of such conditions and nuisances are to be assessed against the property in accordance with Chapter 40, Sections 40-19 and 40-20 of the Port Huron City Code of Ordinances.

4. That the City Manager is hereby authorized to solicit and receive bids in order that the City be in position to move promptly to carry out the direction of the City Council as provided for herein.

5. That the City Clerk shall send, by certified mail, return receipt requested, a certified copy of this resolution to the last known address of the property owner, according to the most recent records maintained by the Office of the City Assessor and shall have this resolution also posted on the property.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.

No: None.

Absent: Councilmember Jacobs.

R-16. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as:

the east 97 feet of Lot 15, Assessor's Hill Plat being a subdivision of Lot 3, McNeil Tract, also known as: 2405 Stone Street; and

has been brought to the attention of the City Council by the Building Official as Code Case #04-006 (see City Clerk File #04-59) claiming such condition constitutes a nuisance, and

WHEREAS, such property has received repeated inspections by appropriate City Inspection Officials; and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property, violations regarding the Code of Ordinances of the City of Port Huron, and requesting abatement of these conditions; and

WHEREAS, to date there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted June 14, 2004, with respect to said property, it is the judgement of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the above-described property is of such condition as to constitute a nuisance within the meaning and definition of Chapter 10, Section 10-211 and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron, and contains the following code violations:

Building Electrical Plumbing Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by **immediate demolition**.

3. That any costs incurred in abatement of such conditions and nuisances are to be assessed against the property in accordance with Chapter 40, Sections 40-19 and 40-20 of the Port Huron City Code of Ordinances.

4. That the City Manager is hereby authorized to solicit and receive bids in order that the City be in position to move promptly to carry out the direction of the City Council as provided for herein.

5. That the City Clerk shall send, by certified mail, return receipt requested, a certified copy of this resolution to the last known address of the property owner, according to the most recent records maintained by the Office of the City Assessor and shall have this resolution also posted on the property.

Councilmember Prax moved to *postpone* action until the regular meeting of August 9, 2004, and administration to prepare work agreement.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.

No: None.

Absent: Councilmember Jacobs.

R-17. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City Council approved an agreement with World Waste Services, Inc. to provide solid waste/recycling services for a five-year period on April 23, 2001; and

WHEREAS, World Waste Services, Inc. provided those services until filing bankruptcy in the winter of 2003; and

WHEREAS, Richfield Management, L.L.C. and Richfield Equities, L.L.C., purchased the business interest and capital of World Waste Services, Inc. through bankruptcy court; and

WHEREAS, the bankruptcy court assigned Richfield Management, L.L.C. and Richfield Equities, L.L.C. the City of Port Huron's solid waste/recycling services contract; and

WHEREAS, Richfield Management, L.L.C. and Richfield Equities, L.L.C. has agreed to honor the contract through June 30, 2006 at the original bid unit price;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Richfield Management, L.L.C. and Richfield Equities, L.L.C. to provide solid waste/recycling services through June 30, 2006 and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #04-67).

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.

No: None.

Absent: Councilmember Jacobs.

R-18. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, under authority delegated by the City Manager, the Chief of Police has issued Temporary Traffic Control Order No. 1159, effective May 21, 2004, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

QUAY STREET -

A) There shall be "no parking" on the south side of Quay Street from the apex of Huron Avenue going easterly for 75 feet.

B) There shall be a "no parking-loading zone" on the south side of Quay Street starting at a point 75 feet east of the apex of Huron Avenue, continuing for 223 feet.

C) There shall be "one hour meter parking" on the south side of Quay Street starting at a distance of 298 feet from the apex of Huron Avenue, continuing for 1038 feet.

NOW, THEREFORE, BE IT RESOLVED that said Traffic Control Order be and hereby is made permanent until such time as it is modified or repealed;

BE IT FURTHER RESOLVED that said Traffic Control Order be filed and enforced in keeping with the appropriate laws as contained in the Statues of this State, as well as the Charter, Ordinances, and Resolutions of the City of Port Huron.

Mayor Pro-tem Cutcher moved to amend the resolution by eliminating paragraph "C" that specifies a parking meter zone and refer to administration for appropriate action (concerns about parking meters in front of docks).

Amendment adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
No: None.
Absent: Councilmember Jacobs.

Motion to adopt the resolution, as amended, adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
No: None.
Absent: Councilmember Jacobs.

***R-19.** WHEREAS, under authority delegated by the City Manager, the Chief of Police has issued Temporary Traffic Control Order No. 1160, effective May 21, 2004, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

COURT STREET -

- A) There shall be "no parking" on the north side of Court Street starting at the apex of Military Street and continuing for 150.8 feet easterly.
- B) There shall be a "no parking" on the south side of Court Street starting at the apex of 4th Street and continuing 51.9 feet westerly.

NOW, THEREFORE, BE IT RESOLVED that said Traffic Control Order be and hereby is made permanent until such time as it is modified or repealed;

BE IT FURTHER RESOLVED that said Traffic Control Order be filed and enforced in keeping with the appropriate laws as contained in the Statues of this State, as well as the Charter, Ordinances, and Resolutions of the City of Port Huron.

Adopted.

***R-20.** WHEREAS, under authority delegated by the City Manager, the Chief of Police has issued Temporary Traffic Control Order No. 1161, effective May 21, 2004, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

4TH STREET - There shall be "no parking" on the east side of 4th Street starting at a point 242.9 feet from the apex of Chestnut Street and continuing 69.8 feet northerly.

NOW, THEREFORE, BE IT RESOLVED that said Traffic Control Order be and hereby is made permanent until such time as it is modified or repealed;

BE IT FURTHER RESOLVED that said Traffic Control Order be filed and enforced in keeping with the appropriate laws as contained in the Statues of this State, as well as the Charter, Ordinances, and Resolutions of the City of Port Huron.

Adopted.

ORDINANCES

O-1. Councilmember Prax moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 54, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAP, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 1423 MILITARY STREET FROM A-1 MEDIUM DENSITY MULTIPLE FAMILY TO C-1 GENERAL BUSINESS DISTRICT.

Motion adopted by the following vote and ordinance given its first and second reading:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
No: None.
Absent: Councilmember Jacobs.

O-2. Councilmember Fisher moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 54, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAP, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 636 GRISWOLD STREET FROM C-1 GENERAL BUSINESS DISTRICT TO A-1 MEDIUM DENSITY MULTIPLE FAMILY DISTRICT.

Motion adopted by the following vote and ordinance given its first and second reading:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
No: None.
Absent: Councilmember Jacobs.

O-3. Councilmember Steinborn moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 54, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAP, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF REZONING VARIOUS LOTS ADJACENT TO ST. CLAIR LANDINGS, ELECTRIC AVENUE, GRANT PLACE AND MILITARY STREET FROM A-2 HIGH RISE MULTIPLE FAMILY TO A-1 MEDIUM DENSITY MULTIPLE FAMILY DISTRICT.

Motion adopted by the following vote and ordinance given its first and second reading:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
 No: None.
 Absent: Councilmember Jacobs

O-4. Councilmember Fisher moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 54, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAP, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 3138 MILITARY STREET FROM C-1 GENERAL BUSINESS DISTRICT TO A-1 MEDIUM DENSITY MULTIPLE FAMILY DISTRICT.

Motion adopted by the following vote and ordinance given its first and second reading:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
 No: None.
 Absent: Councilmember Jacobs.

O-5. Councilmember Steinborn moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 54, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAP, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 3030 MILITARY STREET FROM A-2 HIGH RISE MULTIPLE FAMILY TO R-1 SINGLE- AND TWO FAMILY RESIDENTIAL DISTRICT.

Motion adopted by the following vote and ordinance given its first and second reading:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
 No: None.
 Absent: Councilmember Jacobs.

O-6. Councilmember Haynes moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 54, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAP, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 1103 GRISWOLD STREET AND 1503 - 11TH STREET FROM R-1 SINGLE- AND TWO-FAMILY RESIDENTIAL TO C-1 GENERAL BUSINESS DISTRICT.

Motion adopted by the following vote and ordinance given its first and second reading:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
 No: None.
 Absent: Councilmember Jacobs.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Prax questioned why Bancroft Street was torn up again. City Engineer Robert Clegg responded.

On motion (9:15 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
 City Clerk

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Special joint meeting of the City Council of the City of Port Huron, Michigan, held Monday, August 9, 2004, at 5:00 p.m. in Conference Room 408, Municipal Office Center, with the Downtown Development Authority.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs (arrived at 6:00 p.m.), Prax and Steinborn.

Members of the Downtown Development Authority and the City Council, as well as staff, gave introductions.

Randall Fernandez, DDA Executive Director, gave an update on the Downtown Port Huron Commercial Development Action Plan, citing the accomplishments made to date. He also cited the recent market study done.

Scott Pickelhaupt, Assistant to the City Manager, gave an update on the development Request for Proposals stating that there has been interest in Port Huron.

Randy Maiers, St. Clair County Community Foundation, gave a presentation on the Cool Cities Grant for an Art Incubator building stating that a purchase agreement had been signed for a building at 1219 Military Street but that their first choice would have been in the warehouse district and they are stilling looking at other options. The DDA in conjunction with the Community Foundation would facilitate the purchase and the City Council is being asked to advance funds to the DDA to assist with this purchase.

Tom Hutka, City Manager, thanked Randall Fernandez and the DDA for their work on the Downtown Port Huron Commercial Development Action Plan.

On motion (6:45 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, August 9, 2004, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Reverend Robert Trash, Grace Episcopal Church, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs, Prax and Steinborn.

The minutes of the regular meeting of July 12, 2004, were approved.

PRESENTATIONS

1. Certificate of Recognition was presented to Kevin and Amy Banker, Olde Town Historic District, for their contribution to historic preservation in Michigan, as recognized by the Michigan Historic Preservation Network.
2. Robert W. Eick, Fire Chief/Emergency Management Coordinator, gave a brief overview of his meeting with the Department of Homeland Security in Washington, D.C.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the application of RAE Manufacturing Company for an Industrial Facilities Exemption Certificate.

Vickie Ledsworth, Economic Development Alliance, appeared on behalf of RAE Manufacturing Company and requesting City Council to support their application.

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the application of BioPro, Inc., for an Industrial Facilities Exemption Certificate.

Vickie Ledsworth, Economic Development Alliance, appeared on behalf of BioPro, Inc., and requesting City Council to support their application.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Charles Simmons, Port Huron Township, addressed the City Council relative to speeding cars on Wadhams Road. (He was told that the City of Port Huron had no jurisdiction over the township.)

CONSENT AGENDA

Councilmember Fisher offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

Upcoming events in the City:

- Sidewalk sales, downtown, August 14
- Downtown River Groove, behind Harrington Inn, August 14
- BWIC Pow Wow, Pine Grove Park, August 14-15
- Art on the Avenue, downtown, August 28-29
- Antique and Classic Boat Show, River Street Marina, Sept. 11
- Olde Town Historic Home Tour, September 18
- Hobbyfest, Pine Grove Park, September 19
- Spirit of Port Huron Awards, McMorran Memorial Room, September 22

COMMUNICATIONS & PETITIONS

C-1. Councilmember Prax moved to receive and file the following communication:

From R. L. Sample, South Park Heritage Group, expressing thanks to the Parks and Recreation Department workers, members of the Port Huron Police Department, and specifically Recreation Director Betty Dunn and Police Chief William Corbett, for their helpful and cooperative assistance with the event they held on July 18 at the site of the old Lincoln Elementary School in South Park.

Adopted unanimously.

(Per the request of Mr. Sample, the City Clerk read the entire letter into the record.)

C-2. Councilmember Prax moved to receive and file the following communication and nominated Councilmember Haynes to be the voting delegate and Councilmember Steinborn to be the alternate:

Notification from the Michigan Municipal League requesting designation of one voting and one alternate delegate for the Annual Convention to be held September 30 - October 2, 2004, at the Grand Hotel, on Mackinac Island.

Adopted unanimously.

UNFINISHED BUSINESS

1. **Councilmember Cutcher** offered and moved the following resolution (postponed from July 12, 2004, meeting) be postponed until the September 13, 2004 regular City Council meeting to see if the conditions of the work agreement are being met:

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as:

the east 97 feet of Lot 15, Assessor's Hill Plat being a subdivision of Lot 3, McNeil Tract, also known as: 2405 Stone Street; and

has been brought to the attention of the City Council by the Building Official as Code Case #04-006 (see City Clerk File #04-59) claiming such condition constitutes a nuisance, and

WHEREAS, such property has received repeated inspections by appropriate City Inspection Officials; and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property, violations regarding the Code of Ordinances of the City of Port Huron, and requesting abatement of these conditions; and

WHEREAS, to date there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted June 14, 2004, with respect to said property, it is the judgement of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the above-described property is of such condition as to constitute a nuisance within the meaning and definition of Chapter 10, Section 10-211 and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron, and contains the following code violations:

Building Electrical Plumbing Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by **immediate demolition**.

3. That any costs incurred in abatement of such conditions and nuisances are to be assessed against the property in accordance with Chapter 40, Sections 40-19 and 40-20 of the Port Huron City Code of Ordinances.

4. That the City Manager is hereby authorized to solicit and receive bids in order that the City be in position to move promptly to carry out the direction of the City Council as provided for herein.

5. That the City Clerk shall send, by certified mail, return receipt requested, a certified copy of this resolution to the last known address of the property owner, according to the most recent records maintained by the Office of the City Assessor and shall have this resolution also posted on the property.

Adopted unanimously.

FROM THE CITY MANAGER

CM-1. Councilmember Steinborn offered and moved the adoption of the following City Manager's recommendation:

On July 23, 2004, the City of Port Huron received the following proposals from four (4) vendors, as follows:

Alternate #1 **City purchase of new firearms.** Sale to the City of twenty-six (26) .223 calibre law enforcement commando rifles and associated equipment.

Alternate #2 **City sale of used City firearms.** Purchase from the City of twenty-five (25) used firearms and associated equipment.

Alternate #3 **City purchase of new firearms with trade-in of used City firearms.** Sale to the City of twenty-six (26) .223 calibre law enforcement commando rifles and associated equipment with trade-in of twenty-five (25) used City firearms and associated equipment.

The proposals are summarized in the table below:

	<u>Alternate #1</u>	<u>Alternate #2</u>	<u>Alternate #3</u>
Phoenix Distributors	\$18,174.00	(\$26,503.00)	(\$8,329.00)
CMP Distributors, Inc.	\$20,150.00	(\$26,675.00)	(\$6,525.00)
Michigan Police			
Equipment	\$20,280.00	(\$25,379.00)	(\$5,099.00)
Vance Law			
Enforcement	\$19,420.70	No response	\$1,837.00

(Amounts in parentheses represent payments to the City)

It is recommended that the proposal of Phoenix Distributors, 308 Bustleton Pike, Feasterville, Pennsylvania 19053, to Alternate #3 in the amount of Eight Thousand Three Hundred Twenty Nine and 00/100 Dollars (\$8,329.00) payable to the City of Port Huron, be accepted as the lowest cost responsive and responsible proposal and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

FROM THE DIRECTOR OF FINANCE

*1. The City of Port Huron Administrative Regulation No. 2.1, "Conflict of Interest Policy", adopted by the City Council on June 14, 1993, provides procedures for reporting of situations where a conflict of interest might exist by certain City officials.

The annual conflict of interest statements were transmitted to each City Council member, the City Manager, department heads, division heads and other individuals required by the City Manager on July 1, 2004. Section 3.D of said administrative regulation states, "At the first City Council meeting in August, the City Council shall be notified of the results of the evaluation of the conflict of interest statements by the Director of Finance. The City Council shall take such action as is appropriate concerning any council member who fails to complete the form."

Please be advised that all conflict of interest statements have been returned and no discrepancies have been noted.

Received and filed.

RESOLUTIONS

R-1. Councilmember Prax offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #04-01)

Adopted unanimously.

***R-2.** WHEREAS, RAE Manufacturing Co., 1327 - 1331 Cedar Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, the Port Huron City Council held a public hearing on August 9, 2004, to hear comments on the application; and

WHEREAS, the City Assessor and Legislative Body of each unit which levies taxes was notified of the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the Rae Manufacturing Co. application for an Industrial Facilities Exemption Certificate for six (6) years on personal property, and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that the above certificate will be issued for the following dates:

All personal property: 12/31/04 to 12/31/10 6 years

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the Industrial Facilities Exemption Certificate (considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force) shall not have the effect of substantially impeding the operation of the City of Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as Rae Manufacturing Co. is located.

Adopted.

***R-3.** WHEREAS, BioPro, Inc., 17 - 17th Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, the Port Huron City Council held a public hearing on August 9, 2004, to hear comments on the application; and

WHEREAS, the City Assessor and Legislative Body of each unit which levies taxes was notified of the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the BioPro, Inc., application for an Industrial Facilities Exemption Certificate for six (6) years on personal property, and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that the above certificate will be issued for the following dates:

All personal property: 12/31/04 to 12/31/10 6 years

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the Industrial Facilities Exemption Certificate (considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force) shall not have the effect of substantially impeding the operation of the City of Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as BioPro, Inc., is located.

Adopted.

***R-4.** WHEREAS, in 2004, the U.S. Department of Justice mandated the use of law enforcement block grants for the purpose of acquiring equipment and monies for overtime for use by local law enforcement agencies; and

WHEREAS, the Port Huron Police Department submitted a grant application to the U.S. Department of Justice to upgrade the Department's in-car computer systems and the replacement of some of the original in-car video cameras; and

WHEREAS, the Police Department recently received notification that a grant in the amount of Fourteen Thousand Two Hundred Eighty Two and 00/100 Dollars (\$14,282.00) has been approved; and

WHEREAS, the grant award provides that the governmental agency appropriate a local match of One Thousand Five Hundred Eighty Seven and 00/100 Dollars (\$1,587.00); and

WHEREAS, prior to implementing the purchase of any equipment, a public hearing must be conducted to fulfill the block grant requirements and to hear additional views of citizens from the community with regard to this equipment;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron will hold a public hearing on Monday, September 13, 2004, at 7:30 p.m., in the Municipal Office Center, Public Meeting Room, in order to obtain the views of citizens regarding the upgrade and purchase of equipment for the Port Huron Police Department.

Adopted.

***R-5.** WHEREAS, the Municipal Employees Retirement Act provides that an annual meeting of the participating municipalities shall be held each year "for the purpose of selecting nominees for membership on the Retirement Board and to transact such other business as may be required for the proper operation of the Retirement System;" and

WHEREAS, it also provides that the governing body of each participating municipality shall certify to the Board the names of the delegates, one of whom shall be an officer and one an employee to represent said municipality at this meeting; and

WHEREAS, the annual meeting for 2004 has been called for on Tuesday, September 21 through Thursday, September 23, 2004, at the Amway Grand Hotel, Grand Rapids, Michigan; and

WHEREAS, the City Clerk has certified the name of John Zielke as employee delegate and the name of Cheryl Laeder as employee alternate selected by secret ballot, as prescribed by the Act;

NOW, THEREFORE, BE IT RESOLVED that John H. Ogden be certified as the Officer Delegate and John P. Berry as Officer Alternate, in accordance with the recommendation of the City Manager.

Adopted.

R-6. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the State of Michigan has initiated a “Cool Cities” program intended to develop vibrant, attractive downtowns and urban areas by attracting new businesses and jobs and retaining highly educated, talented young people; and

WHEREAS, a local Cool Cities Committee has been formed in the City of Port Huron as part of the continuing effort to create multiple member public private partnerships to further this goal; and

WHEREAS, the State of Michigan has officially recognized the City of Port Huron as a “Cool City”; and

WHEREAS, the local Cool Cities Committee has submitted a grant application to the State of Michigan to renovate a building to create an “Art Incubator” that will feature art galleries, studio space, performing art space and commercial space; and

WHEREAS, the State of Michigan has favorably recognized the Art Incubator grant application and awarded full funding for the proposed Cool Cities project; and

WHEREAS, the Community Foundation of St. Clair County and the Downtown Development Authority have had ongoing discussions centered around the possibility of forming a broad community partnership intended to further this economic development project by investing in the related real property and continuing other related activities which will further this goal; and

WHEREAS, the Downtown Development Authority has requested that the City Council of the City of Port Huron approve advancing funds to the Downtown Development Authority in an amount not to exceed \$100,000 to provide a portion of the funding necessary to invest in the Art Incubator real property which will create a permanent beacon for arts and culture directly in the midst of Port Huron’s waterfront redevelopment.

WHEREAS, both the Michigan Uniform Accounting and Budget Act and the City Charter provide that the City Council may make supplemental appropriations and may transfer an unencumbered balance, or portion thereof, from one activity center, department or fund to another.

NOW, THEREFORE, BE IT RESOLVED that the budget for the 2004-2005 fiscal year be amended by adjusting the estimated requirements for the Land Purchase Fund as follows:

	<u>As originally Adopted</u>	<u>Per Proposed Amendment</u>	<u>Increase (Decrease)</u>
Total Means of Financing	<u>\$ 2,295,233</u>	<u>\$ 2,295,233</u>	<u>\$ None</u>
Estimated Requirements:			
Ordinary recurring expenses:			
Contractual services:			
Engineering and other professional services	\$ 50,000	\$ 50,000	\$
Transfers	<u>2,116,500</u>	<u>2,116,500</u>	<u> </u>
	<u>2,166,500</u>	<u>2,166,500</u>	<u> </u>
Capital outlay:			
Land acquisition building construction and redevelopment:			
Renaissance South - Phase 3	50,000	20,000	(30,000)
Art Incubator Building		100,000	100,000
Other projects	<u>78,733</u>	<u>8,733</u>	<u>(70,000)</u>
	<u>128,733</u>	<u>128,733</u>	<u> </u>
Total Estimated Requirements	<u>\$ 2,295,233</u>	<u>\$ 2,295,233</u>	<u>\$ None</u>

BE IT FURTHER RESOLVED that the City Council hereby approves the concept of creating a community partnership whose members will include the Community Foundation of St. Clair County, the Downtown Development Authority and other interested organizations and authorizes and directs the proper City officials to

continue working toward more formal partnership and rental arrangements, as appropriate, and to continue working toward the broader Cool Cities’ goals.

Adopted unanimously.

***R-7.** WHEREAS, the City of Port Huron created a Local Development Finance Authority (LDFA) May 14, 1990; and

WHEREAS, the LDFA Act stipulates that the City Manager shall appoint seven members from the City of Port Huron subject to approval by the City Council, two members from the Port Huron Area School District, one member from St. Clair County Community College, and one member appointed by the St. Clair County Board of Commissioners;

NOW, THEREFORE, BE IT RESOLVED that the following re-appointments to the Local Development Finance Authority are hereby confirmed:

John H. Ogden, term to expire June 11, 2005,
Troy Feltman (St. Clair County Board of Commissioners), term to expire June 11, 2007
Kirk A. Kramer (St. Clair County Community College), term to expire June 11, 2007
Douglas R. Alexander, term to expire June 11, 2007
Robert Beedon (Port Huron Area School District), term to expire June 11, 2008
Stephanie Wilkinson (Port Huron Area School District), term to expire June 11, 2008;

BE IT FURTHER RESOLVED that the appointment of the following individuals with terms to expire as indicated are hereby confirmed:

Troy Clark, term to expire June 11, 2005
Tim McCullough, term to expire June 11, 2005
Joseph A. Vito, term to expire June 11, 2006
Darlene D. Jacolik, term to expire June 11, 2006
Marshall Campbell, term to expire June 11, 2008

Adopted.

***R-8.** WHEREAS, the City Council of the City of Port Huron has created a Tax Increment Finance Authority consistent with the provisions of Act 450, Public Acts of 1980; and,

WHEREAS, in accordance with the provisions of Act 450, the Authority is under the supervision and control of a board consisting of the City Manager and six (6) members appointed by the City Manager for four-year terms, subject to the confirmation and approval of the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Manager's re-appointment of the following individuals are hereby confirmed:

John H. Ogden, term to expire September 14, 2005
Donna Klune, term to expire September 14, 2005;

BE IT FURTHER RESOLVED that the City Manager's appointments of the following individuals are hereby confirmed:

Joseph A. Vito, term to expire September 14, 2005
Darlene D. Jacolik, term to expire September 14, 2006
Troy Clark, term to expire September 14, 2007
Tim McCullough, term to expire September 14, 2007
Douglas R. Alexander, term to expire September 14, 2008

Adopted.

***R-9.** WHEREAS, under authority delegated by the City Manager, the Chief of Police has issued Temporary Traffic Control Order No. 1162, effective June 11, 2004, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

RURAL STREET - Rural Street shall "stop" for Lapeer Avenue.

NOW, THEREFORE, BE IT RESOLVED that said Traffic Control Order be and hereby is made permanent until such time as it is modified or repealed;

BE IT FURTHER RESOLVED that said Traffic Control Order be filed and enforced in keeping with the appropriate laws as contained in the Statutes of this State, as well as the Charter, Ordinances, and Resolutions of the City of Port Huron.

Adopted.

***R-10.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-5; and

WHEREAS, the attached special assessment report has been certified by the City Engineer and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$210.77 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk file #04-68).

Adopted.

R-11. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, currently there is a collective bargaining agreement between the City of Port Huron and the Police Officers Association of Michigan (Communication Service Operators) through June 30, 2004; and

WHEREAS, there was a wage re-opener (only) negotiated in order to bring them in line with the City's other unions;

NOW, THEREFORE, BE IT RESOLVED that the attached Memorandum of Understanding between the City of Port Huron and the Police Officers Association of Michigan (Communication Service Operators) for the period July 1, 2004 through June 30, 2007 is hereby approved and the appropriate City officials are authorized to execute said agreement (see City Clerk File #04-69).

Adopted unanimously.

***R-12.** WHEREAS, H. P. Pelzer Automotive Systems, Inc., 2630 Dove Road, has applied for the transfer of existing Industrial Facilities Exemption Certificate #97-729 (Donaldson Company) to them; and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby schedules a public hearing for September 13, 2004, in order to hear comments on the application of H. P. Pelzer Automotive Systems, Inc., for the transfer of Industrial Facilities Exemption Certificate #97-729; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following legislative bodies:

City Assessor - Port Huron
County Board of Commissioners - St. Clair County
Port Huron Area School District Board
St. Clair County Community College Board
Intermediate School District - St. Clair County
Downtown Development Authority

Adopted.

ORDINANCES

O-1. Councilmember Prax moved that an ordinance introduced July 12, 2004, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1230

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED 1421 - 1423 MILITARY STREET FROM A-1 MEDIUM DENSITY MULTIPLE FAMILY TO C-1 GENERAL BUSINESS DISTRICT

THE CITY OF PORT HURON ORDAINS:

That Chapter 52, Zoning, Article III, District Regulations, Division 1, Generally, Section 52-162 Maps of the Code of Ordinances of the City of Port Huron is hereby amended by changing the following area from A-1 Medium Density Multiple Family to C-1 General Business District:

Lot 10 and south one-half of Lot 11, Block 52, White Plat, also known as 1421-1423 Military Street, City of Port Huron.

Pauline M. Repp, CMC
City Clerk

ADOPTED: August 9, 2004
PUBLISHED: August 14, 2004
EFFECTIVE: August 14, 2004

Adopted unanimously.

O-2. Councilmember Fisher moved that an ordinance introduced July 12, 2004, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1231

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED 636 GRISWOLD STREET FROM C-1 GENERAL BUSINESS DISTRICT, TO A-1 MEDIUM DENSITY MULTIPLE FAMILY DISTRICT.

THE CITY OF PORT HURON ORDAINS:

That Chapter 52, Zoning, Article III, District Regulations, Division 1, Generally, Section 52-162 Maps of the Code of Ordinances of the City of Port Huron is hereby amended by changing the following area from C-1 General Business District, to A-1 Medium Density Multiple Family District:

Lots 11 and 12, Assessor's Mitchell Land Plat, also known as 636 Griswold Street, City of Port Huron.

Pauline M. Repp, CMC
City Clerk

ADOPTED: August 9, 2004
PUBLISHED: August 14, 2004
EFFECTIVE: August 14, 2004

Adopted unanimously.

O-3. Councilmember Prax moved that an ordinance introduced July 12, 2004, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1232

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY GENERALLY BOUNDED BY ELECTRIC AVENUE ON THE WEST, 16TH STREET ON THE NORTH, THE ST. CLAIR RIVER ON THE EAST, AND OUTLOT J ASSESSOR'S MILITARY STREET PLAT NO. 3 ON THE SOUTH FROM A-2 HIGH RISE MULTIPLE FAMILY TO A-1 MEDIUM DENSITY MULTIPLE FAMILY DISTRICT

THE CITY OF PORT HURON ORDAINS:

That Chapter 52, Zoning, Article III, District Regulations, Division 1, Generally, Section 52-162 Maps of the Code of Ordinances of the City of Port Huron is hereby amended by changing the following area from A-2 High Rise Multiple Family to A-1 Medium Density Multiple Family District:

Lots 122, 123, 124, 125, 126, 127, 128, 134, 135, Assessor's Military Street Plat Number 3, and Lots 1, 2, 3, 4, 5, 6, 7, 8, 34, 35, 36, 37, 38, 39, 40, 41, 42, and that portion of Lots 9 and 33 lying southeasterly of the centerline of Electric Avenue, Thompson and Schoolcraft's Riverside Plat, City of Port Huron

Pauline M. Repp, CMC
City Clerk

ADOPTED: August 9, 2004
PUBLISHED: August 14, 2004
EFFECTIVE: August 14, 2004

Adopted unanimously.

O-4. Councilmember Fisher moved that an ordinance introduced July 12, 2004, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1233

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING A PORTION OF THE PROPERTY LOCATED AT 3138 MILITARY STREET FROM C-1 GENERAL BUSINESS DISTRICT TO A-1 MEDIUM DENSITY MULTIPLE FAMILY DISTRICT

THE CITY OF PORT HURON ORDAINS:

That Chapter 52, Zoning, Article III, District Regulations, Division 1, Generally, Section 52-162 Maps of the Code of Ordinances of the City of Port Huron is hereby amended by changing the following area from C-1 General Business District to A-1 Medium Density Multiple Family District:

The south 19 feet of Lot 121, Assessor's Military Street Plat Number 3, also known as a part of 3138 Military Street, City of Port Huron.

Pauline M. Repp, CMC
City Clerk

ADOPTED: August 9, 2004
PUBLISHED: August 14, 2004
EFFECTIVE: August 14, 2004

Adopted unanimously.

O-5. Councilmember Prax moved that an ordinance introduced July 12, 2004, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1234

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING A PORTION OF THE PROPERTY LOCATED 3030 MILITARY STREET FROM A-2 HIGH RISE MULTIPLE FAMILY TO R-1 SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT

THE CITY OF PORT HURON ORDAINS:

That Chapter 52, Zoning, Article III, District Regulations, Division 1, Generally, Section 52-162 Maps of the Code of Ordinances of the City of Port Huron is hereby amended by changing the following area from A-2 High Rise Multiple Family to R-1 Single- and Two-Family Residential District:

The northeasterly two feet of Lot 118, Assessor's Military Street Plat Number 3, also known as a part of 3030 Military Street, City of Port Huron.

Pauline M. Repp, CMC
City Clerk

ADOPTED: August 9, 2004
PUBLISHED: August 14, 2004
EFFECTIVE: August 14, 2004

Adopted unanimously.

O-6. Councilmember Fisher moved that an ordinance introduced July 12, 2004, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1235

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 1103 GRISWOLD STREET AND 1503 - 11TH STREET FROM R-1 SINGLE- AND TWO-FAMILY RESIDENTIAL TO C-1 GENERAL BUSINESS DISTRICT

THE CITY OF PORT HURON ORDAINS:

That Chapter 52, Zoning, Article III, District Regulations, Division 1, Generally, Section 52-162 Maps of the Code of Ordinances of the City of Port Huron is hereby amended by changing the following area from R-1 Single- and Two-Family Residential to C-1 General Business District:

Lots 1, 2, the east six feet of Lots 13 and all of Lot 14, Block 133, White Plat, also known as 1103 Griswold Street and 1503 - 11th Street, City of Port Huron.

Pauline M. Repp, CMC
City Clerk

ADOPTED: August 9, 2004
PUBLISHED: August 14, 2004
EFFECTIVE: August 14, 2004

Adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. **Mayor Pro-tem Cutcher** announced the recent success of National Night Out held on August 3, 2004, citing two neighborhoods who each had 300 plus participants (Nern & 23rd Street area and Town North by Port Huron Hospital).

2. **Councilmember Prax** asked how the policy recently adopted by the County that prohibits smoking within 25 feet of any County building affects us as far as on City sidewalks in front of County facilities. (Tom Hutka, City Manager, said it will be researched.)

3. **Councilmember Fisher** announced the Yard Sale Trail that is being held August 14-15, starting in Algonac and continuing north through Port Huron.

On motion (8:25 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, September 13, 2004, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Pastor Phil Whetstone, Colonial Woods Missionary Church, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs, Prax and Steinborn.

The minutes of the regular and special meeting of August 9, 2004, were approved.

PRESENTATIONS

1. Yard of the Year awards were presented by the Beautification Commission (see City Clerk File #04-70 for list of winners).
2. Proclamation designating the month of September 2004 as "National Preparedness Month" was presented to Fire Chief/Emergency Management Coordinator Robert W. Eick.
3. Kimberly Harmer, Planning Director, gave an update on the status of various code cases.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the views of citizens regarding the upgrade and purchase of equipment for the Port Huron Police Department as part of a U. S. Department of Justice law enforcement block grant. (See Resolution #2)

No one appeared to be heard.

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the application of H.P. Pelzer Automotive Systems, Inc., for the transfer of an existing Industrial Facilities Exemption Certificate from the Donaldson Company. (See Resolution #3)

Douglas Alexander, Executive Director, Economic Development Alliance, and Janet Golsby, Plant Manager, H. P. Pelzer Automotive Systems, Inc., appeared to be heard requesting support for the application.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Fred Elliot, 1016 - 7th Street, addressed the City Council in opposition to moving the Fort Gratiot Hospital Buildings to Lighthouse Park stating he thinks the park should remain as is.
2. Jim Clary, Cap'n Jim's Gallery, 211 Huron Avenue, commended Mayor Pro-tem Cutcher and City Attorney John Livesay and other Councilmembers for their assistance in getting the State of Michigan to recognize Port Huron by approving the trademark "Maritime Capital of the Great Lakes."

3. Juanita Gittings, 3550 Armour Street, on behalf of the Women's Initiative of Community Foundation of St. Clair County, thanked everyone connected with the City who assisted in the successful "backpack giveaway."

4. George Sullivan, 903 Pine Street, addressed City Council about problems in his neighborhood with drug dealers, fights, etc., stating he would like to have his neighborhood cleaned up from these influences.

CONSENT AGENDA

Councilmember Steinborn offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

Announcements:

- The Michigan Department of Transportation and the City will have a joint public meeting at the Municipal Office Center, Public Meeting Room, on Tuesday, September 21, at 3 p.m. and 6 p.m., to discuss the 2005 construction project along Military Street from Water Street to Reid Street.

Upcoming events:

- Fall recreation registration for residents, Palmer Park Recreation Center, September 14
- Non-resident registration, September 15.
- Port Huron Historic Home Tour, September 18
- Hobbyfest, Pine Grove Park, September 19
- Festival of International Cultures, Port Huron Museum, September 19
- Spirit of Port Huron Awards, McMorran Memorial Room, September 22
- Miss Michigan/Miss USA Pageant, McMorran Place, September 24-25

COMMUNICATIONS & PETITIONS

C-1. Councilmember Fisher moved to receive and file the following petition:

Petition #04-01: Requesting traffic lanes on 10th Street/Avenue be reduced to two lanes between Electric Avenue and Garfield Street, installation of an additional traffic light at Tenth Avenue and Washington Street and remove the designation of Tenth Street/Avenue as a "truck route" by state authorities.

Adopted unanimously.

C-2. Councilmember Prax moved to receive and file the following communication (Note: There was a negative response when asked if anyone on Council was planning on attending.):

From the National League of Cities requesting designation of one voting delegate and one alternate for the Annual Congress of Cities being held November 30 - December 4, 2004, in Indianapolis, Indiana.

Adopted unanimously.

*C-3. Notification from the Michigan Liquor Control Commission that an application from PS Food, Inc., requesting transfer of ownership of 2004 SDM license, located at 3425 Electric Avenue, from Atonus, Inc. has been received.

Received and filed.

C-4. Councilmember Prax moved to receive and file the following communication:

Notification from the Commission on Accreditation for Law Enforcement Agencies, Incorporated, that the Port Huron Police Department has been awarded Reaccredited status and extending their congratulations.

Adopted unanimously.

UNFINISHED BUSINESS

1. Councilmember Fisher offered and moved the postponement of the following resolution (postponed from August 9, 2004) until the regular meeting of October 11, 2004:

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as:

the east 97 feet of Lot 15, Assessor's Hill Plat being a subdivision of Lot 3, McNeil Tract, also known as: 2405 Stone Street; and

has been brought to the attention of the City Council by the Building Official as Code Case #04-006 (see City Clerk File #04-59) claiming such condition constitutes a nuisance, and

WHEREAS, such property has received repeated inspections by appropriate City Inspection Officials; and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property, violations regarding the Code of Ordinances of the City of Port Huron, and requesting abatement of these conditions; and

WHEREAS, to date there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted June 14, 2004, with respect to said property, it is the judgement of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the above-described property is of such condition as to constitute a nuisance within the meaning and definition of Chapter 10, Section 10-211 and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron, and contains the following code violations:

Building Electrical Plumbing Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by **immediate demolition**.

3. That any costs incurred in abatement of such conditions and nuisances are to be assessed against the property in accordance with Chapter 40, Sections 40-19 and 40-20 of the Port Huron City Code of Ordinances.

4. That the City Manager is hereby authorized to solicit and receive bids in order that the City be in position to move promptly to carry out the direction of the City Council as provided for herein.

5. That the City Clerk shall send, by certified mail, return receipt requested, a certified copy of this resolution to the last known address of the property owner, according to the most recent records maintained by the Office of the City Assessor and shall have this resolution also posted on the property.

Adopted unanimously.

FROM THE CITY MANAGER

CM-1. Councilmember Prax offered and moved the adoption of the following City Manager's recommendation:

On August 9, 2004, the City of Port Huron received the results of the State of Michigan Extended Purchasing Program bids for Mailing Systems:

Pitney Bowes, Inc.	\$15,295.00
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It is recommended that the bid of Pitney Bowes, Inc., 1346 Rankin Drive, Troy, Michigan 48083, in the amount of Fifteen Thousand Two Hundred Ninety-Five and 00/100 Dollars (\$15,295.00) be accepted in accordance with the State of Michigan Extended Purchasing Program and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-2. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On August 23, 2004, the City of Port Huron received one (1) bid for eighteen (18) Taser X26 with holsters, belt attachments and air cartridges for the Police Department:

Michigan Taser Distributing	\$16,414.14
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Taser International is the sole source manufacturer of the Taser X26 and Michigan Taser Distributing is the only authorized dealer of Tasers in the state of Michigan.

It is recommended that the bid of Michigan Taser Distributing, 32938 Scone Street, Livonia, Michigan 48154-4140, in the amount of Sixteen Thousand Four Hundred Fourteen and 14/100 Dollars (\$16,414.14) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-3. Councilmember Steinborn offered and moved the adoption of the following City Manager’s recommendation:

Both the Michigan Uniform Accounting and Budget Act and the City Charter provides that the City Council may make supplemental appropriations and may transfer an unencumbered balance, or portion thereof, from one activity center, department or fund to another.

It is recommended that the budget for the 2004-2005 fiscal year be amended by adjusting the means of financing and adjusting the estimated requirements for the Motor Vehicle Fund as a result of the awarding of a 2004 Assistance to Firefighters Grant.

	<u>As originally Adopted</u>	<u>Per Proposed Amendment</u>	<u>Increase (Decrease)</u>
Means of financing:			
Fund balance	\$ 620,000	\$ 670,000	\$ 50,000
Charges for services	1,985,901	1,985,901	
Federal grant		<u>250,000</u>	<u>250,000</u>
Total	<u>\$ 2,605,901</u>	<u>\$ 2,905,901</u>	<u>\$ 300,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 1,908,966	\$ 1,908,966	\$
Capital outlay:			
Ordinary replacement of capital items	396,935	396,935	
Standard fire pumper trucks	<u>300,000</u>	<u>600,000</u>	<u>300,000</u>
	<u>\$ 2,605,901</u>	<u>\$ 2,905,901</u>	<u>\$ 300,000</u>

Adopted unanimously.

CM-4. Councilmember Prax offered and moved the adoption of the following City Manager’s recommendation:

On August 31, 2004, the City of Port Huron received, through a special GM Factory offering, one (1) quote for a 2005 Tahoe with Special Police Package:

Vanover Chevrolet	\$29,997.32
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It is recommended that the quote of Vanover Chevrolet, 4281 24th Avenue, Fort Gratiot, Michigan 48059, in the amount of Twenty Nine Thousand Nine Hundred Ninety-Seven and 32/100 Dollars (\$29,997.32) be accepted as the lowest cost responsive and responsible quote and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

NOTE: **Councilmember Prax** would like to know the distance this vehicle is driven back and forth to work.

5-6. Councilmember Fisher offered and moved the adoption of the following City Manager’s recommendations:

CM-5. On August 26, 2004, the City of Port Huron received five (5) quotes for a Biosolids Transport Tractor for the Water Reclamation Facility:

Wolverine Truck Sales	\$72,123.00
D&K Truck Co.	\$75,896.00
Wolverine Freightliner	\$78,841.00
Freightliner of Grand Rapids	\$78,697.00
D&H Mack Sales, Inc.	\$84,996.00

It is recommended that the quote of Wolverine Truck Sales, 3550 Wyoming Avenue, Dearborn, Michigan 48120, in the amount of Seventy Two Thousand One Hundred Twenty Three and 00/100 Dollars (\$72,123.00) be accepted as the lowest cost responsive and responsible quote and that the appropriate City officials be authorized to execute the necessary documents.

CM-6. On August 26, 2004, the City of Port Huron received two (2) quotes for a Biosolids Transport Trailer for the Water Reclamation Facility:

Tank Truck Manufacturing, Inc.	\$76,701.00
Northwest Trailer Corp.	\$79,200.00

It is recommended that the quote of Tank Truck Manufacturing, Inc., 25150 Dequindre Road, Warren, Michigan 48091, in the amount of Seventy Six Thousand Seven Hundred One and 00/100 Dollars (\$76,701.00) be accepted as the lowest cost responsive and responsible quote and that the appropriate City officials be authorized to execute the necessary documents.

Motion to adopt the City Manager’s recommendations 5 and 6 adopted unanimously.

CM-7. Councilmember Steinborn offered and moved the adoption of the following City Manager’s recommendation:

On August 26, 2004, the City of Port Huron received four (4) quotes for a Service Body Truck for the Utilities Division:

Jorgensen Ford	\$31,272.00
Red Hollman GMC	\$34,981.00
Signature Ford	\$35,294.00
Northgate Ford	\$35,309.00

It is recommended that the quote of Jorgensen Ford, 8333 Michigan Avenue, Detroit, Michigan 48210, in the amount of Thirty One Thousand Two Hundred Seventy Two and 00/100 Dollars (\$31,272.00) be accepted as the lowest cost responsive and responsible quote and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-8. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

The Port Huron Museum has proposed to move the two halves of the Historic Fort Gratiot Hospital. The City is assisting the Museum by administering the contract to construct the foundation, and move the buildings to Lighthouse Park.

On August 31, 2004, the City of Port Huron received two (2) bids for the Historic Fort Gratiot Hospital Restoration Project:

Boddy Construction Co., Inc.	\$120,304.00
Barry D. Boucher	*

*Proposal not in conformance with specifications.

It is recommended that the bid of Boddy Construction Co., Inc., 2600 Wills, Marysville, Michigan, 48040, in the amount of One Hundred Twenty Thousand Three Hundred Four and 00/100 Dollars (\$120,304.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-9. Councilmember Prax offered and moved the adoption of the following City Manager's recommendation:

On August 12, 2004, the City of Port Huron received one (1) bid for 42,000 lbs of sodium silicofluoride for the Water Treatment Plant:

LCI, LTD.	\$13,020.00
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It is recommended that the bid of LCI, LTD, P. O. Box 49000, Jacksonville Beach, Florida 32240-9000, in the amount of Thirteen Thousand Twenty and 00/100 Dollars (\$13,020.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

RESOLUTIONS

R-1. Councilmember Prax offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #04-01)

Adopted unanimously.

R-2. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the Port Huron Police Department has made successful application to the U.S. Department of Justice for a 90% Local Law Enforcement Block Grant (LLEBG) for 2004 to update the Department's in-car computer systems and the replacement of some of the original in-car video cameras; and

WHEREAS, the Port Huron Police Department submitted a grant application to the U.S. Department of Justice and received notification that a grant in the amount of Fourteen Thousand Two Hundred Eighty Two and 00/100 Dollars (\$14,282.00) has been approved for FY 2004 to update the Department's in-car computer systems and replace some of the original in-car video cameras; and

WHEREAS, the grant award provides that the governmental agency approves the terms of the agreement and appropriate a local match of One Thousand Five Hundred Eighty Seven and 00/100 Dollars (\$1,587.00); and

WHEREAS, a public hearing was held on September 13, 2004, in order to obtain the views of citizens regarding the purchase of the above equipment;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the terms of the U.S. Department of Justice agreement and that the City of Port Huron does specifically agree, but not by way of limitation, as follows:

1. To maintain satisfactory financial accounts, documents and records to file reports quarterly with the U.S. Department of Justice;
2. To administer the project and provide such funds, services and materials as may be necessary to satisfy the terms of said agreement; and
3. To comply with any and all terms of said agreement including all terms not specifically set forth in the foregoing portion of this resolution.

BE IT FURTHER RESOLVED that the appropriate City Council are hereby authorized to execute the grant agreement on behalf of the City of Port Huron and approve the local match and appoint James E. Carmody, Police Major, as the Project Coordinator.

Adopted unanimously.

***R-3.** WHEREAS, H. P. Pelzer Automotive Systems, Inc., 2630 Dove Road, has applied for the transfer of existing Industrial Facilities Exemption Certificate #97-729 (Donaldson Company) to them; and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, the Port Huron City Council held a public hearing on September 13, 2004 to hear comments on the application; and

WHEREAS, the City Assessor and legislative body of each unit which levies taxes was notified on the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED, that the City Council approves the H. P. Pelzer Automotive Systems, Inc., application for transfer of the Industrial Facilities Exemption Certificate #97-729 and hereby authorizes the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that the City of Port Huron does find that the transferring of the Industrial Facilities Exemption Certificate (considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force) shall not have the effect of substantially impeding the operation of the City of Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the above facilities are located.

Adopted.

***R-4.** BE IT RESOLVED THAT, the following taxi cab licenses for 2004-05 (November 1, 2004 through October 31, 2005) are hereby approved subject to the condition that the licenses are issued only upon receipt of proper application in accordance with Chapter 12 of the Port Huron City Code:

Acme Cab Company - 10 Licenses
(Star Taxi & Transfer, Inc.)

Peoples City Cab, Inc. - 10 Licenses
(Gary Goulette)

Ruby's (Port Huron Taxi Company) - 4 Licenses
(Brian Duenaz)

Adopted.

***R-5.** WHEREAS, Respect, Inc.(Ronald A. Shreeve) has requested to transfer ownership of a 2004 Class C licensed business with dance-entertainment permit, located at 210 Huron Avenue, Port Huron, from J.D.'s Key Club;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the City Council that the application be recommended for issuance by the Michigan Liquor Control Commission.

Adopted.

***R-6.** WHEREAS, GMA Cover Corporation, 2440 - 20th Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (land and building improvements and machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for September 27, 2004, in order to hear comments on the application of GMA Cover Corporation for an Industrial Facilities Exemption Certificate; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following Legislative Bodies:

- City Assessor - Port Huron
- County Board of Commissioners - St. Clair County
- Port Huron Area School Board
- St. Clair County Community College
- Intermediate School District
- Downtown Development Authority

Adopted.

R-7. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron has made successful application to the Federal Emergency Management Agency (FEMA) through the Michigan Department of State Police, Emergency Management Division to provide additional federal pass-through funds for emergency operations plans for all hazards with special emphasis on weapons of mass destruction (WMD) terrorism preparedness; and

WHEREAS, the grant funds are allocated in accordance with the Michigan three-year domestic preparedness strategy; and

WHEREAS, the City Council approved acceptance of funding on May 27, 2003, and

WHEREAS, the State of Michigan extended funding opportunities under the FEMA 2002 Terrorism Supplemental Planning grant, and

WHEREAS, the City of Port Huron's Office of Emergency Management Department requested additional funding of \$27,100 for the purpose of ongoing emergency planning

NOW, THEREFORE, BE IT RESOLVED that the appropriate City Officials are hereby authorized to execute the terms of this grant extension and hereby specifically agree, but not by way of limitation, to the following:

1. To maintain satisfactory financial accounts, documents and records in order to file reports with the State of Michigan; and
2. To comply with any and all terms of said agreement including all terms not specifically set forth in the foregoing portion of this resolution; and

BE IT FURTHER RESOLVED that Robert W. Eick, Fire Chief/Emergency Management Coordinator, be appointed as project coordinator and authorized representative for all aspects of the grant application and any subsequent agreement that is awarded; and

BE IT FURTHER RESOLVED that the City Council approves acceptance of the grant agreement for homeland security funding through the Department of State Police Emergency Management Division awarded to the City of Port Huron and hereby authorizes the appropriate City officials to execute said agreement (see City Clerk File #04-71).

Adopted unanimously.

R-8. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron has been informed that their application to the Department of Homeland Security Emergency Preparedness and Response Directorate (DHS-EP&R/FEMA) for the FY2004 Assistance to Firefighter Grant Program (AFGP) in the area of Firefighting Vehicle Program has been approved; and

WHEREAS, the project cost in the amount of Two Hundred Seventy-Nine Thousand Dollars (\$279,000), of which 90% or Two Hundred Fifty-One Thousand, One Hundred Dollars (\$251,100) is the Federal share and 10% or Twenty-Seven Thousand, Nine Hundred Dollars (\$27,900) is the local share, has been awarded to the City of Port Huron; and

WHEREAS, the principal objective of this grant agreement is for the Port Huron Fire Department to purchase a new fire pumper;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the terms of this FY2004 Assistance to Firefighter Grant Program Agreement through the DHS-EP&R/FEMA and that the City of Port Huron does hereby specifically agree, but not by way of limitation, to the following:

1. To maintain satisfactory financial accounts, documents and records in order to file reports with the U.S. Department of Homeland Security/AFGP;
2. To comply with any and all terms of said agreement including all terms not specifically set forth in the foregoing portion of this resolution; and

BE IT FURTHER RESOLVED that Robert W. Eick, Fire Chief/Emergency Management Coordinator be appointed as project coordinator and authorized representative for all aspects of the grant agreement; and

BE IT FURTHER RESOLVED that the appropriate City Officials are hereby authorized to execute the grant agreement on behalf of the City (see City Clerk File #04-72)

Adopted unanimously.

R-9. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, the City made successful application to the Michigan Department of Natural Resources under the 1988 Recreation Bond Program for public pool improvements; and

WHEREAS, on March 12, 2001, the City Council approved the Development Project Agreement with the Michigan Department of Natural Resources (MDNR Project No. BF 00-161); and

WHEREAS, the City continues to work in good faith with the contractor to complete the Court Street Pool restoration project; and

WHEREAS, it is necessary to amend and extend the Development Project Agreement to an end date of June 30, 2005, to allow for completion of the Court Street Pool; and

WHEREAS, the City has received the attached amendment from the State of Michigan, Department of Natural Resources, to extend

the project completion to June 30, 2005, and the final reimbursement date to no later than September 30, 2005;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve the attached amendment to the Michigan Department of Natural Resources Development Project Agreement for public pool improvements and authorizes the appropriate City officials to execute said agreement (see Clerk File #04-73);

BE IT FURTHER RESOLVED that Marian "Betty" Dunn, Recreation Director, is hereby appointed Project Coordinator and authorized representative for all aspects of the grant agreement.

Adopted unanimously.

***R-10.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-5; and

WHEREAS, the attached special assessment report has been certified by the City Engineer and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$1,091.72 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk file #04-74).

Adopted.

R-11. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, it is necessary to perform professional engineering services to replace the electrical substation at the Water Reclamation Facility; and

WHEREAS, Tetra Tech MPS, as the engineer of record based on their selection through competitive selection process to provide engineering services on the Water Reclamation Facility; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and Tetra Tech MPS for professional engineering services for Project No. G05-0030;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Tetra Tech MPS for professional engineering services to design the replacement of the electrical substation at the Water Reclamation Facility and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #04-75).

Adopted unanimously.

***R-12.** WHEREAS, SMW Automotive Corporation, 3150 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (land and building improvements); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for September 27, 2004, in order to hear comments on the application of SMW Automotive Corporation for an Industrial Facilities Exemption Certificate; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following Legislative Bodies:

City Assessor - Port Huron
 County Board of Commissioners - St. Clair County
 Port Huron Area School Board
 St. Clair County Community College
 Intermediate School District
 Downtown Development Authority

Adopted.

ORDINANCES

O-1. Councilmember Prax moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 4, ALCOHOLIC LIQUORS, SECTION 4-8, PURCHASE, CONSUMPTION OR POSSESSION BY MINORS; FURNISHING FRAUDULENT IDENTIFICATION TO MINOR; CHEMICAL BREATH TEST ANALYSIS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF ADOPTING BY REFERENCE THE MICHIGAN STATE STATUTES WITH RESPECT TO MINORS CONSUMING OR POSSESSING ALCOHOLIC BEVERAGES.

Motion adopted unanimously and ordinance given its first and second reading.

NOTE: **Mayor Pro-tem Cutcher** requested that a copy of the applicable state statute be given to City Council at the time of the ordinance's third and final reading.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Prax requested that an update be given to City Council on the issues mentioned during Public Audiences relative to the 900 block of Pine Street. Additionally, she showed pictures of the City's firefighters assisting in a recent fire in Port Huron Township, one of the firefighters being off-duty, and congratulated them for their efforts.

2. Councilmember Fisher announced the Historic Home Tour on September 18, 2004, and presented Councilmembers with freetickets to attend.

3. Councilmember Haynes stated that Kim Harmer and her department have done a great job on addressing blight problems.

4. Mayor Pro-tem Cutcher announced the Hobbyfest event being held on September 19 and the St. Clair County Child Abuse Neglect Council Roof Sit being held September 12-17 at Birchwood Mall with Brian Harper.

5. Tom Hutka, City Manager, congratulated the owners of the Colonial Plaza Shopping Center on Pine Grove Avenue for all their recent improvements.

On motion (9:10 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
 City Clerk

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Special meeting of the City Council of the City of Port Huron, Michigan, held Wednesday, September 15, 2004, 2004, at 8:30 a.m. in the Lobby of the Municipal Office Center.

The Mayor called the meeting to order at 8:40 a.m. and the City Council and staff boarded the bus to tour the City looking at blighted conditions.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs, Prax and Steinborn.

Prior to boarding the bus, City Manager Tom Hutka displayed a bright green-colored lawnmower and outlined plans for grass cutting with City employees if property owners do not cut it themselves and suggested that the ordinance be changed as far as the height grass grows before being cited to something lower (currently it is 12").

The Mayor stated that a major goal of the City Council was to address blight and the purpose of the meeting was to look at specific addresses to see what progress is being made.

City Manager Hutka distributed Program Revisions and Recent Revisions (see City Clerk File #04-76).

Councilmember Haynes talked about an ordinance that the City of East Lansing has that he believes should be looked into as a tool to address landlord/tenant problems with blighted properties.

The following areas were looked at for conditions ranging from high grass, general deterioration of home, unlicensed vehicles, need for paint, parking on the boulevard (properties currently scheduled either as a code case or a case ready for court were identified): Glenwood Avenue, Ontario Street, Superior Street, Stanton Street, Elk Street, 10th Street, Rawlins Street, Erie Street, 8th Street, Lapeer Avenue, 13th Street, 17th Street, Wells Street, 11th Street, Wall Street, Court Street, 9th Street, Union Street, 6th Street, Chestnut Street, Oak Street, Cedar Street, and North Boulevard.

A quarterly meeting to discuss the issue of blight is to be scheduled.

Meeting adjourned at 10:50 a.m.

PAULINE M. REPP, CMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, September 27, 2004, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

Mayor Neal acknowledged the students in the audience from Port Huron Northern High School.

The invocation was given by Rev. Tom Seppo, Operation Transformation, followed by the Pledge of Allegiance. Rev. Seppo preceded the invocation with words of thanks to everyone involved with hosting the Sister City guests from Chiquimula, Guatemala.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.

Absent: Councilmember Jacobs.

The minutes of the regular meeting of September 13, 2004, and the special meeting of September 15, 2004, were approved.

PRESENTATIONS

1. Winners of the 2004 Home Improvement Contest were presented their awards:

Honorable Mention - John and Julie Denomy, 3007 Omar Street
Third Place - Shellie K. Pickett, 923 Division Street
Second Place - Holly Schroeder, 2534 Spruce Street
First Place - Randy and Lisa Turk, 1416 Schumaker Street

2. Mary Patterson, Safe Horizons, was presented a proclamation declaring October to be Domestic Violence Awareness Month.

3. Renee Force, District PTA Vice President of Membership, was presented a proclamation declaring October to be PTA Membership Month.

4. Marcy Kuehn, Port Huron Police Department Community Services Officer, gave an update on the CAPTURE program. Mayor Neal thanked Officer Kuehn for her last three years of service as the Community Services Officer.

5. A Senate Resolution from Senator Jud Gilbert congratulating the City on its state designation as "Maritime Capital of the Great Lakes" was read by Mayor Neal.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the application of GMA Cover Corporation, 2440 - 20th Street, for an Industrial Facilities Exemption Certificate. (See Resolution #4)

Douglas Alexander, Executive Director, Economic Development Alliance, and Robert Murison, CFO, GMA Cover, appeared to be heard requesting support for the application.

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the application of SMW Automotive Corporation, 3150 Dove Street, for an Industrial Facilities Exemption Certificate. (See Resolution #5)

Douglas Alexander, Executive Director, Economic Development Alliance, and Bud Pogue, SMW Automotive, appeared to be heard requesting support for the application.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

No one appeared.

CONSENT AGENDA

Councilmember Fisher offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.

No: None.

Absent: Councilmember Jacobs.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

Upcoming events:

- Lakeside Cemetery walk, Oct. 3, 1 p.m.
- Happy Apple Days, Oct. 9, downtown
- Fire Prevention Week, Oct. 3-9/Open House-Central Fire Station, Sat., Oct. 9, 12 - 3 p.m.
- Celebration of 125th Anniversary of Thomas Edison's electric light, week long activities October 17-24, with Mickey Rooney attending

UNFINISHED BUSINESS

1. **Councilmember Prax** offered and moved the postponement of the following resolution (postponed from July 12, 2004, meeting), until the regular meeting of October 25, 2004:

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as:

*2843 Electric Avenue, also known as: Lot 37,
Block 1, Richland Subdivision of a part of
Outlot C Avery Farm Plat; and*

has been brought to the attention of the City Council by the Building Official as Code Case #03-003 (see City Clerk File #04-48) claiming such condition constitutes a nuisance, and

WHEREAS, such property has received repeated inspections by appropriate City Inspection Officials; and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property, violations regarding the Code of Ordinances of the City of Port Huron, and requesting abatement of these conditions; and

WHEREAS, to date there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted May 24, 2004, with respect to said property, it is the judgement of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the above-described property is of such condition as to constitute a nuisance within the meaning and definition of Chapter 10, Section 10-211 and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron, and contains the following code violations:

[X] Building [X] Electrical [X] Plumbing [X] Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by **immediate demolition**.

3. That any costs incurred in abatement of such conditions and nuisances are to be assessed against the property in accordance with Chapter 40, Sections 40-19 and 40-20 of the Port Huron City Code of Ordinances.

4. That the City Manager is hereby authorized to solicit and receive bids in order that the City be in position to move promptly to carry out the direction of the City Council as provided for herein.

5. That the City Clerk shall send, by certified mail, return receipt requested, a certified copy of this resolution to the last known address of the property owner, according to the most recent records maintained by the Office of the City Assessor and shall have this resolution also posted on the property.

Motion to postpone item to October 25, 2004, regular meeting adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
 No: None.
 Absent: Councilmember Jacobs.

FROM THE CITY MANAGER

CM-1. Councilmember Prax offered and moved the adoption of the following City Manager’s recommendation:

On Friday, September 10, 2004, the City of Port Huron received the results of the 2004-05 salt bid from the State of Michigan MIDEAL Program:

Early Delivery of 3,500 tons

Morton International, Inc. - \$23.17 per ton

Combined with a bid of:

Backup Delivery of 1,500 tons

Detroit Salt Company, L.L.C - \$25.41 per ton

It is recommended that the bid of Morton International, Inc., at \$23.17 per ton for early salt delivery and the bid from the Detroit Salt Company at \$25.41 per ton for backup salt delivery be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
 No: None.
 Absent: Councilmember Jacobs.

CM-2. Councilmember Steinborn offered and moved the adoption of the following City Manager’s recommendation:

On August 2, 2004, the City of Port Huron requested quotes from five (5) mechanical contractors for replacement of the Condensate Return/Feed System for the boiler at the M.O.C. One (1) quote was received as follows:

D. J. Conley Associates, Inc. \$22,460.00

It is recommended that the quote of D. J. Conley Associates, Inc., 2694 Elliott, Troy, Michigan, 48083, in the amount of Twenty Two Thousand Four Hundred Sixty and 00/100 Dollars (\$22,460.00) be accepted as the lowest cost responsive and responsible quote and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
 No: None.
 Absent: Councilmember Jacobs.

CM-3. Councilmember Fisher offered and moved the adoption of the following City Manager’s recommendation:

On August 30, 2004, the City of Port Huron received three (3) quotes for ten (10) in car video cameras for the Police Department:

Skaggs Telecommunications Service \$33,365.00
 Absolute Sales International \$40,500.00
 Mobile-Vision, Inc. \$42,900.00

It is recommended that the quote of Skaggs Telecommunications Service, 3828 South Main Street, Salt Lake City, Utah 84115, in the amount of Thirty-Three Thousand Three Hundred Sixty-Five and 00/100 Dollars (\$33,365.00) be accepted as the lowest cost responsive and responsible quote and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
No: None.
Absent: Councilmember Jacobs.

RESOLUTIONS

R-1. Councilmember Prax offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #04-01)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
No: None.
Absent: Councilmember Jacobs.

***R-2.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-5; and

WHEREAS, the attached special assessment report has been certified by the City Engineer and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$917.68 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk file #04-77).

Adopted.

***R-3.** WHEREAS, a 21-member Beautification Commission was established at the City Council meeting of December 9, 1985; and

WHEREAS, there exists expired terms;

NOW, THEREFORE, BE IT RESOLVED that Alice Mariani and Jean Webb be reappointed to the Beautification Commission for terms to expire on January 30, 2007; and

BE IT FURTHER RESOLVED that the following persons be removed from the Beautification Commission per their request: Joe Bennett, Michael Bem and Nancy Rodda.

Adopted.

***R-4.** WHEREAS, GMA Cover Corporation, 2440 - 20th Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (land and building improvements and machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, the Port Huron City Council held a public hearing on September 27, 2004, to hear comments on the application; and

WHEREAS, the City Assessor and Legislative Body of each unit which levies taxes was notified of the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the GMA Cover Corporation application for an Industrial Facilities Exemption Certificate for twelve (12) years on real property and six (6) years on personal property, and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that the above certificate will be issued for the following dates:

All real property: 12/31/04 to 12/31/16 (12 years)
All personal property: 12/31/04 to 12/31/10 (6 years)

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the Industrial Facilities Exemption Certificate (considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force) shall not have the effect of substantially impeding the operation of the City of Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as GMA Cover Corporation is located.

Adopted.

***R-5.** WHEREAS, SMW Automotive Corporation, 3150 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (land and building improvements); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, the Port Huron City Council held a public hearing on September 27, 2004, to hear comments on the application; and

WHEREAS, the City Assessor and Legislative Body of each unit which levies taxes was notified of the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the SMW Automotive Corporation application for an Industrial Facilities Exemption Certificate for twelve (12) years on real property on hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that the above certificate will be issued for the following dates:

All real property: 12/31/04 to 12/31/16 (12 years)

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the Industrial Facilities Exemption Certificate (considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force) shall not have the effect of substantially impeding the operation of the City of Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as SMW Automotive Corporation is located.

Adopted.

ORDINANCES

O-1. Councilmember Fisher moved that an ordinance introduced September 13, 2004, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1236

AN ORDINANCE TO AMEND CHAPTER 4, ALCOHOLIC LIQUORS, SECTION 4-8, PURCHASE, CONSUMPTION OR POSSESSION BY MINORS; FURNISHING FRAUDULENT IDENTIFICATION TO MINOR; CHEMICAL BREATH TEST ANALYSIS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF ADOPTING BY REFERENCE THE MICHIGAN STATE STATUTES WITH RESPECT TO MINORS CONSUMING OR POSSESSING ALCOHOLIC BEVERAGES.

THE CITY OF PORT HURON ORDAINS:

That Chapter 4, Alcoholic Liquors, Section 4-8, Purchase, Consumption or Possession by Minors; Furnishing Fraudulent Identification to Minor; Chemical Breath Test Analysis, of the Code of Ordinances of the City of Port Huron, is hereby amended for the purpose of adopting by reference the Michigan State Statutes with respect to minors consuming or possessing alcoholic beverages as follows:

CHAPTER 4. ALCOHOLIC LIQUORS

Sec. 4-1 through Sec. 4-7.

No changes.

Sec. 4-8. Purchase, consumption or possession by minors; furnishing fraudulent identification to minor; chemical breath test analysis. Adoption by reference.

Public Act 63 of the Public Acts of 2004 (MCL 436.1703) is hereby adopted by reference, as if set out fully in this chapter.

Sec. 4-9 through Sec. 4-10.

No changes.

Susan M. Child, CMC
Deputy City Clerk

ADOPTED: 09/27/04

PUBLISHED: 10/02/04

EFFECTIVE: 10/02/04

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.

No: None.

Absent: Councilmember Jacobs.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Cutcher gave an overview of events and places visited last week by the Sister City visitors from Chiquimula, Guatemala, and thanked the many individuals and groups who assisted with the visit.

2. Councilmember Prax had the opportunity to attend the Miss Teen/Miss Michigan event this past weekend and expressed thanks to Marci Fogel at the Blue Water Area Convention & Visitors Bureau and all those individuals who helped in putting together this event.

3. Councilmember Fisher attended the Port Huron Area School District Board of Education meeting last week. The Blue Water Area Transportation Commission and the City coordinated the donation of a used bus for use in transporting the school's Channel 6 media equipment. He also thanked Randy Fernandez and Jim Wilson for their help with making this donation happen.

4. Tom Hutka, City Manager, gave a follow-up to the complaint received at the last Council meeting regarding the 900 block of Pine Street stating that a review has taken place and that the police department had been responding to complaints received about this area prior to the complaint received at the Council meeting. He also stated that the area has been assigned to the special crimes unit and the county task force to further investigate and that work will continue in this area.

On motion (8:17 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
Deputy City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, October 11, 2004, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Pastor Tom Seppo, Operation Transformation, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs, Prax and Steinborn.

The minutes of the regular meeting of September 27, 2004, were approved.

PUBLIC AUDIENCES

1. Joe Mancini, 204 Botsford Street, addressed City Council relative to noise and air pollution from Mueller Brass and the lack of the City doing anything about it.
2. Mrs. Mancini, 204 Botsford Street, addressed City Council asking if anything has been done to help them with their problem.
3. Ken Harris, Wells Street, addressed City Council relative to the Cool Cities building being located at 1219 Military Street rather than downtown stating he thinks it is a mistake; expressed that relative to the recent Rochester Hills visit he thinks the Council should consider the expendable income of that area as compared to Port Huron; and he thanked the City Manger for his participation in the Heart Walk and stated he would like to see Council be a part of it.

CONSENT AGENDA

Councilmember Fisher offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- Leaf pickup begins the week of October 18 and ends the first full week of December. Brush and branch trimmings are currently being collected (through November 19). For details on either program you can refer to the City’s newsletter, visit www.porthuron.org or contact Richfield Management at (toll free) 877-609-6753 or the Dept. of Public Works at 984-9730.
- Celebration of the 125th Anniversary of Thomas Edison’s electric light (with Mickey Rooney at various events) - October 17 through 24. Visit www.phmuseum.org for more details.
- D.A.R.E. Bike-a, Walk-a, Run-a-thon Fundraiser, Wadhams to Avoca Trail - October 17, 1 - 5 p.m.
- CAPTURE’s Cops & Jocks Spaghetti Fundraiser Dinner - October 19, 4-8 p.m., Fogcutter
- Railroad Weekend, Thomas Edison Depot Museum - October 23, 11 a.m. - 5 p.m.

- Big Screen Halloween Movie, Palmer Park - October 22, 7:30 p.m.
- Halloween Stroll, Sanborn Park - October 30, 11:30 a.m. - 3 p.m.

UNFINISHED BUSINESS

1. Councilmember Prax moved to postpone the following resolution until the November 8, 2004 regular meeting (postponed from September 13, 2004, meeting):

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as:

the east 97 feet of Lot 15, Assessor's Hill Plat being a subdivision of Lot 3, McNeil Tract, also known as: 2405 Stone Street; and

has been brought to the attention of the City Council by the Building Official as Code Case #04-006 (see City Clerk File #04-59) claiming such condition constitutes a nuisance, and

WHEREAS, such property has received repeated inspections by appropriate City Inspection Officials; and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property, violations regarding the Code of Ordinances of the City of Port Huron, and requesting abatement of these conditions; and

WHEREAS, to date there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted June 14, 2004, with respect to said property, it is the judgement of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the above-described property is of such condition as to constitute a nuisance within the meaning and definition of Chapter 10, Section 10-211 and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron, and contains the following code violations:

Building Electrical Plumbing Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by **immediate demolition**.

3. That any costs incurred in abatement of such conditions and nuisances are to be assessed against the property in accordance with Chapter 40, Sections 40-19 and 40-20 of the Port Huron City Code of Ordinances.

4. That the City Manager is hereby authorized to solicit and receive bids in order that the City be in position to move promptly to carry out the direction of the City Council as provided for herein.

5. That the City Clerk shall send, by certified mail, return receipt requested, a certified copy of this resolution to the last known address of the property owner, according to the most recent records maintained by the Office of the City Assessor and shall have this resolution also posted on the property.

Adopted unanimously.

FROM THE CITY MANAGER

CM-1. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On September 22, 2004, the City received three (3) proposals for a Thermal Imaging Camera to be used by the Fire Department. Proposals received are as follows:

Apollo Fire Equipment Co.	\$ 9,500.00
Fisher Safety	\$ 9,545.45
Argus Supply Co.	\$10,391.00

It is recommended that the proposal from Apollo Fire Equipment Company, 12584 Lakeshore Drive., Romeo, MI 48065, in the amount of Nine Thousand Five Hundred and 00/100 Dollars (\$ 9,500.00) be accepted as the best proposal and that the appropriate City Officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-2. Councilmember Steinborn offered and moved the adoption of the following City Manager's recommendation:

On August 26, 2004, the City of Port Huron Water Reclamation Facility (WRF) received a single-source quote from the manufacturer of the grit channel collector mechanism for components required to allow the WRF staff to re-build the north grit channel:

U.S. Filter Envirex Products	\$8,426.40
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It is recommended that the quote of U.S. Filter Envirex Products, 100 Highpoint Drive, Suite 101, Chalfont, Pennsylvania, 18914, in the amount of Eight Thousand Four Hundred Twenty-Six and 40/100 Dollars (\$8,426.40) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-3. Councilmember Steinborn offered and moved the adoption of the following City Manager's recommendation:

On September 16, 2004, the City of Port Huron requested a single-source quote from a mechanical contractor for the replacement of the Drive Through Teller Machine at the M.O.C.:

Diebold, Inc.	\$29,330.00
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It is recommended that the quote of Diebold, Inc., 9278 General Drive, Suite 210, Plymouth, Michigan, 48170, in the amount of Twenty-Nine Thousand Three Hundred Thirty and 00/100 Dollars (\$29,330.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-4. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On September 23, 2004, the City of Port Huron requested quotes from six (6) roofing contractors for the replacement of the roof at the Tennis House. Two (2) quotes were received as follows:

Port Huron Roofing and Sheet Metal Co.	\$95,000.00
Marlette Roofing and Sheet Metal Co.	\$112,590.00

It is recommended that the quote of Port Huron Roofing and Sheet Metal Co., 6326 Lapeer, Clyde Twp., Michigan, 48049, in the amount of Ninety-Five Thousand and 00/100 Dollars (\$95,000.00) be accepted as the lowest cost responsive and responsible quote and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-5. Councilmember Steinborn offered and moved the adoption of the following City Manager's recommendation:

On September 23, 2004, the City of Port Huron requested quotes from six (6) roofing contractors for the replacement of the roof at the Department of Public Works Bancroft Street Warehouse Facility. Two (2) quotes were received as follows:

Marlette Roofing and Sheet Metal Co.	\$47,810.00
Port Huron Roofing and Sheet Metal Co.	\$65,000.00

It is recommended that the quote of Marlette Roofing and Sheet Metal Co., 2650 Van Dyke, Marlette, Michigan, 48453, in the amount of Forty-Seven Thousand Eight Hundred Ten and 00/100 Dollars (\$47,810.00) be accepted as the lowest cost responsive and responsible quote and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-6. Councilmember Steinborn offered and moved the adoption of the following City Manager's recommendation:

On September 21, 2004, the City of Port Huron received two (2) bids for the Dockside Landscaping Project:

Hank Schwehofer & Sons	\$76,968.53*
St. Clair Nursery	\$87,835.00

* As corrected

It is recommended that the bid of Hank Schwehofer & Sons, 801 Brown Street, St. Clair, Michigan, 48079, in the amount of Seventy Six Thousand Nine Hundred Sixty-Eight and 53/100 Dollars (\$76,968.53) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

RESOLUTIONS

R-1. Councilmember Prax offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #04-01)

Adopted unanimously.

R-2. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, the Michigan Department of Transportation (MDOT) has found that contracting with local municipalities for the maintenance of State trunklines and bridges within its jurisdictions is in the best public interest; and

WHEREAS, an agreement has been prepared which authorizes MDOT to contract with the City of Port Huron for the construction, improvement, and/or maintenance of State trunkline highways for the period October 1, 2004, to September 30, 2009;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreement with the Michigan Department of Transportation for maintenance of the State trunklines and bridges for the period October 1, 2004, to September 30, 2009, and authorizes the appropriate City officials to execute the agreement;

BE IT FULLY RESOLVED that Matthew R. Lewandowski, Streets Superintendent, is designated as the Maintenance Superintendent on sections of State trunkline highways (see City Clerk File #04-78).

Adopted unanimously.

***R-3.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-5; and

WHEREAS, the attached special assessment report has been certified by the City Engineer and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$404.53 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk file #04-79).

Adopted.

R-4. Councilmember Haynes offered and moved the adoption of the following resolution:

WHEREAS, certain real property owned by the United States of America, located in the City of Port Huron, County of St. Clair, State of Michigan, has been declared surplus at the discretion of the General Services Administration, and the National Historic Lighthouse Preservation Act (16 U.S.C. §470w-7) and policies promulgated pursuant thereto, more particularly described as follows:

Fort Gratiot Lighthouse and associated 5 acres
General Services Administration Control Number 1-U-MI-821-2

WHEREAS, the City of Port Huron needs and will use said property in perpetuity for the purposes as set forth in its application and in accordance with the requirements of said Act and any regulations and policies promulgated thereunder;

NOW, THEREFORE, BE IT RESOLVED that the City of Port Huron shall make application to the National Park Service acting for the Secretary of the Interior for, and secure the transfer to, the above-mentioned property for said use and subject to such exceptions, reservations, terms, covenants, agreements, conditions, and restrictions as the National Park Service and the Federal disposal agency may require in connection with the disposal of said property under said Act and the regulations and policies issued pursuant thereto; and

BE IT FURTHER RESOLVED that the City of Port Huron has legal authority, and is willing and able, to properly develop, maintain, operate, and assume liability of the property, and that the City Manager is hereby authorized, for and on behalf of the City of Port Huron to do and perform any and all acts and things which may be necessary to carry out the foregoing resolution, including the preparing, making, and filing of plans, applications, reports, and other documents, the execution, acceptance, delivery, and recordation of agreements, deeds, and other instruments pertaining to the transfer of said property, including the filing of copies of the application and the conveyance documents in the records of the governing body, and the payment of any and all sums necessary on account of the purchase price thereof or fees or costs incurred in connection with the transfer of said property for survey, title searches, recordation or instruments, or other costs identified with the acquisition of said property.

City of Port Huron
100 McMorran Blvd.
Port Huron, MI 48060

Adopted unanimously.

***R-5.** WHEREAS, Huron Inc., 2347 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery and equipment); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for October 25, 2004, date in order to hear comments on the application of Huron Inc. for an Industrial Facilities Exemption Certificate; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following Legislative Bodies:

City Assessor - Port Huron
County Board of Commissioners - St. Clair County
Port Huron Area School Board
St. Clair County Community College
Intermediate School District
Downtown Development Authority

Adopted.

***R-6.** WHEREAS, H. P. Pelzer Automotive Systems, Inc., 2630 Dove Road, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery and equipment); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for October 25, 2004, date in order to hear comments on the application of Huron Inc. for an Industrial Facilities Exemption Certificate; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following Legislative Bodies:

City Assessor - Port Huron
County Board of Commissioners - St. Clair County
Port Huron Area School Board
St. Clair County Community College
Intermediate School District
Downtown Development Authority

Adopted.

***R-7.** WHEREAS, Domtar Industries, Inc., 1700 Washington Avenue, Huron Inc., 2347 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery and equipment); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for October 25, 2004, date in order to hear comments on the application of Huron Inc. for an Industrial Facilities Exemption Certificate; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following Legislative Bodies:

City Assessor - Port Huron
County Board of Commissioners - St. Clair County
Port Huron Area School Board
St. Clair County Community College
Intermediate School District
Downtown Development Authority

Adopted.

R-8. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, under authority delegated by the City Manager, the Chief of Police has issued Temporary Traffic Control Order No. 1153, effective August 12, 2004, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

4th STREET - There shall be a "10 MINUTE LOADING AND UNLOADING ZONE" on the west side of 4th Street starting at the southern part of the curb radius located at 4th Street and Pine Street and continuing south for 90 feet.

NOW, THEREFORE, BE IT RESOLVED that said Traffic Control Order be and hereby is made permanent until such time as it is modified or repealed;

BE IT FURTHER RESOLVED that said Traffic Control Order be filed and enforced in keeping with the appropriate laws as contained in the Statutes of this State, as well as the Charter, Ordinances, and Resolutions of the City of Port Huron.

Adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Prax addressed the concerns that Mr. Harris expressed under Public Audiences about the Cool Cities Building being located at 1219 Military rather than downtown stating that by locating it there it encourages an expansion of the downtown area and blends into the Acheson project. Additionally, she later requested that Council discuss at a future special meeting the subject matter of the hiring of the outside legal counsel stating that it has been four years since they have looked at it.

2. Councilmember Fisher stated for the benefit of the public that City Manager Tom Hutka had sent the Council an update that an agreement has been reached with the contractor to do the repairs to the Court Street pool at no additional cost.

On motion (8:15 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, October 25, 2004, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Pastor Tom Seppo, Operation Transformation, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs (arrived at 7:35 p.m.), Prax and Steinborn.

Absent: Councilmember Haynes.

The minutes of the regular meeting of October 25, 2004, were approved.

PRESENTATIONS

1. Police Chief William Corbett introduced Chris Frazier, Port Huron Police Department Community Services Officer, who gave an update on the CAPTURE program.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the application of Huron, Inc., 2347 Dove Street, for an Industrial Facilities Exemption Certificate. (See Resolution #2)

Anthony America, Port Huron, addressed the City Council in objection to tax relief for Huron, Inc., and for H. P. Pelzer Automotive Systems (Public Hearing No. 2) and Domtar Industries, Inc. (Public Hearing No. 3).

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the application of H. P. Pelzer Automotive Systems, Inc., 2630 Dove Street, for an Industrial Facilities Exemption Certificate. (See Resolution #3)

Doug Alexander, Executive Director, EDA, and Janet Goolsby, Plant Manager, H. P. Pelzer Automotive Systems, Inc., addressed the City Council requesting support for this application.

The Mayor declared the hearing closed.

3. **The Mayor** announced that this was the time to hear comments on the application of Domtar Industries, Inc., 1700 Washington Avenue, for an Industrial Facilities Exemption Certificate. (See Resolution #4)

Leslie Daniel, Controller, Domtar Industries, addressed the City Council requesting support for this application.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Fred Elliot, 1016 - 7th Street, addressed the City Council in objection to moving the Fort Gratiot Hospital buildings to Lighthouse Park.

2. John Espinoza, candidate for 83rd District State Representative, addressed the City Council to introduce himself.

3. Anthony America, Port Huron, addressed the City Council regarding politics, City income tax and other miscellaneous items.

CONSENT AGENDA

Councilmember Fisher offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Haynes.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- Leaf pickup began the week of October 18 and ends the first full week of December. Brush and branch trimmings are currently being collected (through November 19). For details on either program you can refer to the City's newsletter, visit www.porthuron.org or contact Richfield Management at (toll free) 877-609-6753 or the Dept. of Public Works at 984-9730.

- Halloween Stroll, Sanborn Park - October 30, 11:30 a.m. - 3 p.m.

- Halloween Parade - October 30, downtown Port Huron

UNFINISHED BUSINESS

1. **Councilmember Fisher** offered and moved the postponement of the following resolution (postponed from September 27, 2004, meeting) until the December 13, 2004, regular City Council meeting:

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as:

2843 Electric Avenue, also known as: Lot 37, Block 1, Richland Subdivision of a part of Outlot C Avery Farm Plat; and

has been brought to the attention of the City Council by the Building Official as Code Case #03-003 (see City Clerk File #04-48) claiming such condition constitutes a nuisance, and

WHEREAS, such property has received repeated inspections by appropriate City Inspection Officials; and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property, violations regarding the Code of Ordinances of the City of Port Huron, and requesting abatement of these conditions; and

WHEREAS, to date there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted May 24, 2004, with respect to said property, it is the judgement of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the above-described property is of such condition as to constitute a nuisance within the meaning and definition of Chapter 10, Section 10-211 and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron, and contains the following code violations:

Building Electrical Plumbing Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by **immediate demolition**.

3. That any costs incurred in abatement of such conditions and nuisances are to be assessed against the property in accordance with Chapter 40, Sections 40-19 and 40-20 of the Port Huron City Code of Ordinances.

4. That the City Manager is hereby authorized to solicit and receive bids in order that the City be in position to move promptly to carry out the direction of the City Council as provided for herein.

5. That the City Clerk shall send, by certified mail, return receipt requested, a certified copy of this resolution to the last known address of the property owner, according to the most recent records maintained by the Office of the City Assessor and shall have this resolution also posted on the property.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Haynes.

RESOLUTIONS

***R-1.** BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #04-01)

Adopted.

***R-2.** WHEREAS, Huron Inc., 2347 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery and equipment); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, the Port Huron City Council held a public hearing on October 25, 2004, to hear comments on the application; and

WHEREAS, the City Assessor and Legislative Body of each unit which levies taxes was notified of the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the Huron Inc. application for an Industrial Facilities Exemption Certificate for six (6) years on personal property, and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that the above certificate will be issued for the following dates:

All personal property: 12/31/04 to 12/31/10 6 years

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the Industrial Facilities Exemption Certificate (considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force) shall not have the effect of substantially impeding the operation of the City of Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as Huron Inc. is located.

Adopted.

***R-3.** WHEREAS, H. P. Pelzer Automotive Systems, Inc., 2630 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, the Port Huron City Council held a public hearing on October 25, 2004, to hear comments on the application; and

WHEREAS, the City Assessor and Legislative Body of each unit which levies taxes was notified of the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the H. P. Pelzer Automotive Systems, Inc., application for an Industrial Facilities Exemption Certificate for six (6) years on personal property, and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that the above certificate will be issued for the following dates:

All personal property: 12/31/04 to 12/31/10 6 years

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the Industrial Facilities Exemption Certificate (considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force) shall not have the effect of substantially impeding the operation of the City of Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as H. P. Pelzer Automotive Systems, Inc., is located.

Adopted.

***R-4.** WHEREAS, Domtar Industries, Inc., 1700 Washington Avenue, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, the Port Huron City Council held a public hearing on October 25, 2004, to hear comments on the application; and

WHEREAS, the City Assessor and Legislative Body of each unit which levies taxes was notified of the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the Domtar Industries, Inc., application for an Industrial Facilities Exemption Certificate for six (6) years on personal property, and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that the above certificate will be issued for the following dates:

All personal property: 12/31/04 to 12/31/10 6 years

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the Industrial Facilities Exemption Certificate (considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force) shall not have the effect of substantially impeding the operation of the City of Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as Domtar Industries, Inc., is located.

Adopted.

***R-5.** WHEREAS, the State of Michigan enacted a provision in election law this year, Public Act 256 of 2004, which provides for local jurisdictions to utilize receiving boards; and

WHEREAS, use of receiving boards at elections where the ballots are counted at the precinct (i.e., optical scan voting systems) facilitates the processing of election results and the distribution and sorting of election materials for delivery to the County and ensures accuracy of those materials; and

WHEREAS, the law requires that the legislative body adopt a resolution providing for use of receiving boards with the election commission appointing two or more election inspectors with an equal number from each major political party;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby approves the use of receiving boards, as needed, for elections conducted by the City of Port Huron.

Adopted.

***R-6.** WHEREAS, it is anticipated that there will be no need to hold the second meeting in the month of December;

NOW, THEREFORE, BE IT RESOLVED that the City Council:

- a) Suspends its rules and procedures for the regular meeting of December 27, 2004; and
- b) Instructs the City Manager to not prepare an agenda for this regular meeting; and
- c) Instructs the City Clerk to place on the bulletin board in the main lobby of the Municipal Office Center a public notice that the regular meeting of December 27, 2004, will not be held.

Adopted.

***R-7.** WHEREAS, Margo Fox (Pilot House) has requested to transfer ownership of a 2004 Class C/SDM licensed business with dance-entertainment permit, from D and R (PH), LLC, and transfer location from 515 Wall Street, Port Huron, to 3136 Military Street, Port Huron;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the City Council that the application be recommended for issuance by the Michigan Liquor Control Commission.

Adopted.

R-8. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron received a certificate of coverage under the State of Michigan General Storm Water Phase II, National Pollutant Discharge Elimination System (NPDES) Permit; and

WHEREAS, the General Storm Water Phase II Permit stipulates that the City implement certain requirements using the watershed based approach; and

WHEREAS, the City Council at their August 11, 2003 meeting authorized the City to enter into three operating agreements with other local communities; and

WHEREAS, these operating agreements require the financial participation from the communities that have entered into the agreements; and

WHEREAS, the cost has been determined to complete the required activities for the first year of the operating agreements, and an equitable method of distribution of these costs amongst the member agencies has been developed;

NOW, THEREFORE, BE IT RESOLVED that the appropriate City officials be authorized to pay \$13,089.19 to St. Clair County for the City's share of these operating agreement costs.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Haynes.

ORDINANCES

O-1. Councilmember Prax moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 34, OFFENSES, ARTICLE II, OFFENSES AFFECTING GOVERNMENTAL FUNCTIONS, DIVISION 2, AUTOMATIC ALARM SYSTEMS, SECTIONS 34-66 THROUGH 34-68, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF PROVIDING FOR ASSESSMENT OF COSTS AND THE COLLECTION THEREOF AND PROVIDING ASSESSMENT OF COSTS FOR FALSE ALARMS BY AUDIBLE ALARM USERS.

Motion adopted by the following vote and ordinance given its first and second reading:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Haynes.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Pro-tem Cutcher requested that a resolution be prepared for the next regular meeting authorizing the formation of a "Coast Guard Appreciation Day" committee (see City Clerk File #04-80 for comments).

2. Mayor Pro-tem Cutcher requested that a resolution be prepared for the next regular meeting establishing the use of the honorary title of "Commodore of the Maritime Capital of the Great Lakes" to be presented to special out of town visitors and, if approved, to appoint Mickey Rooney as the first recipient of the award (see City Clerk File #04-81 for comments).

3. Councilmember Prax congratulated Baker College on their recent Open House and their continued commitment to the Port Huron area.

4. City Manager Hutka congratulated Backyard Soaps on their grand opening this evening in downtown on Huron Avenue and encouraged everyone to visit their store.

On motion (8:20 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, November 8, 2004, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Reverend Dwight Weber, Colonial Woods Missionary Church, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs, Prax and Steinborn.

The minutes of the regular meeting of October 25, 2004, were approved.

PUBLIC AUDIENCES

No one appeared.

CONSENT AGENDA

Councilmember Fisher offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- Leaf pickup began the week of October 18 and ends the first full week of December. Brush and branch trimmings are currently being collected (through November 19). For details on either program you can refer to the City's newsletter, visit www.porthuron.org or contact Richfield Management at (toll free) 877-609-6753 or the Dept. of Public Works at 984-9730.

- Santa Parade will be held in downtown Port Huron on November 26 at 6:00 p.m. Contact MainStreet Port Huron at 985-8843 for more details.

- City offices will be closed for the following upcoming holidays: November 25-26 (Thanksgiving), December 23-24 (Christmas) and December 31 (New Year's).

- First Night Port Huron 2005 will be held December 31, 2004. For more information, visit the City's website.

- The Creative Coalition is hosting an Art Show and Sale from November 20 through 27, 2004 at the former Brown's Men's Store, 315 Huron Avenue. A call is being issued to artists to submit work on November 12, 13 and 14 at the Brown's storefront. For more information, visit www.goporthuron.com or call 334-4484. The Bluewater les Chapeaux Rouge Chapter of the Red Hat Society 2005 calendar will be available to purchase at the Art Show, proceeds going directly to fund domestic violence issues in the Port Huron area. A special showing of the movie "Calendar Girls" will be at 2:00 p.m. on November 21 at McMorran Auditorium.

UNFINISHED BUSINESS

1. Councilmember Fisher offered and moved that the following resolution be postponed until the January 10, 2005, City Council meeting (postponed from meeting of October 11, 2004):

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as:

the east 97 feet of Lot 15, Assessor's Hill Plat being a subdivision of Lot 3, McNeil Tract, also known as: 2405 Stone Street; and

has been brought to the attention of the City Council by the Building Official as Code Case #04-006 (see City Clerk File #04-59) claiming such condition constitutes a nuisance, and

WHEREAS, such property has received repeated inspections by appropriate City Inspection Officials; and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property, violations regarding the Code of Ordinances of the City of Port Huron, and requesting abatement of these conditions; and

WHEREAS, to date there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted June 14, 2004, with respect to said property, it is the judgement of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the above-described property is of such condition as to constitute a nuisance within the meaning and definition of Chapter 10, Section 10-211 and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron, and contains the following code violations:

Building Electrical Plumbing Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by **immediate demolition**.

3. That any costs incurred in abatement of such conditions and nuisances are to be assessed against the property in accordance with Chapter 40, Sections 40-19 and 40-20 of the Port Huron City Code of Ordinances.

4. That the City Manager is hereby authorized to solicit and receive bids in order that the City be in position to move promptly to carry out the direction of the City Council as provided for herein.

5. That the City Clerk shall send, by certified mail, return receipt requested, a certified copy of this resolution to the last known address of the property owner, according to the most recent records maintained by the Office of the City Assessor and shall have this resolution also posted on the property.

Motion to postpone adopted unanimously.

FROM THE CITY MANAGER

CM-1. Councilmember Steinborn offered and moved the adoption of the following City Manager's recommendation:

Plante and Moran, Certified Public Accountants, are nearing completion of the City's annual audit for the 2003-2004 fiscal year.

Both the Michigan Uniform Accounting and Budget Act and the City Charter provides that the City Council may make supplemental appropriations and may transfer an unencumbered balance, or portion thereof, from one activity center, department or fund to another.

It is recommended that the budget for the 2003-2004 fiscal year be amended by adjusting the means of financing and adjusting the estimated requirements for the following funds:

	<u>As currently Adopted</u>	<u>Per Proposed Amendment</u>	<u>Increase (Decrease)</u>
GENERAL FUND:			
Means of financing:			
Property taxes	\$ 7,395,000	\$ 7,440,000	\$ 45,000
Income tax	5,475,000	5,475,000	
Business licenses and permits	260,400	300,400	40,000
Nonbusiness licenses and permits	219,600	319,600	100,000
Grants		100,000	100,000
State shared revenues	4,247,500	4,247,500	
Charges for services	484,000	484,000	
Fines and forfeits	195,000	195,000	
Investment income	200,000	200,000	
Rents	180,000	180,000	
Sale of fixed assets	9,228	9,228	
Charges to other funds	<u>1,377,851</u>	<u>1,377,851</u>	
Total	<u>\$ 20,043,579</u>	<u>\$ 20,328,579</u>	<u>\$ 285,000</u>
Estimated requirements:			
General government	\$ 3,219,113	\$ 3,169,113	\$ (50,000)
Public safety	11,847,052	11,952,052	105,000
Public works	1,563,142	1,438,142	(125,000)
Senior citizens	20,894	20,894	
Recreation, parks and culture	2,650,402	2,505,402	(145,000)
Other functions	670,216	570,216	(100,000)
Public improvements	69,460	69,460	
Transfer to other funds	3,300	603,300	600,000
Total	<u>\$ 20,043,579</u>	<u>\$ 20,328,579</u>	<u>\$ 285,000</u>
LAND PURCHASE FUND:			
Means of financing:			
Fund balance	\$ 1,050,000	\$ 1,050,000	\$
Investment income	75,000	75,000	
Rents	225,000	225,000	
Other income	45,000	45,000	
Transfer from General Fund		600,000	600,000
Transfer from tax increment funds	<u>1,133,051</u>	<u>1,133,051</u>	
	<u>\$ 2,528,051</u>	<u>\$ 3,128,051</u>	<u>\$ 600,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 2,310,000	\$ 2,310,000	\$
Capital outlay:			
Land acquisition, building construction and redevelopment	218,051	218,051	
Capital projects, maintenance and repair		600,000	600,000
	<u>\$ 2,528,051</u>	<u>\$ 3,128,051</u>	<u>\$ 600,000</u>

Adopted unanimously.

CM-2. Councilmember Prax offered and moved the adoption of the following City Manager's recommendation:

The City Council approved receipt of the FY2003 Assistance to Firefighter Grant. As part of the grant award, funds were set aside for training and purchase of equipment in the following areas: rope rescue, confined space rescue and hazmat response.

On October 28, 2004, the City of Port Huron Office of Emergency Management received a single-source quote from the manufacturer of a three-line decontamination shelter for use by the Port Huron Fire Department:

Fisher Safety	\$13,700.00
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It is recommended that the proposal from Fisher Safety, 2000 Park Lane Drive, Pittsburgh, Pennsylvania 15275-1126, in the amount of Thirteen Thousand Seven Hundred and 00/100 Dollars (\$13,700.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-3. Councilmember Steinborn offered and moved the adoption of the following City Manager's recommendation:

The City Council approved receipt of the FY2003 Assistance to Firefighter Grant. As part of the grant award, funds were set aside for training and purchase of equipment in the following areas: rope rescue, confined space rescue and hazmat response.

On October 28, 2004, the City of Port Huron Office of Emergency Management received a single-source quote from the manufacturer of a Guardian Reader System, a test kit for Hazardous Materials, for the Port Huron Fire Department:

Fisher Safety	\$10,049.00
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It is recommended that the quote of Fisher Safety, 2000 Park Lane Drive, Pittsburgh, Pennsylvania 15275-1126, in the amount of Ten Thousand Forty-nine and 00/100 Dollars (\$10,049.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-4. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On October 29, 2004, the City received five (5) bids to supply sixty (60) trees in six (6) different varieties for the Detroit Edison Matching Grant Tree Planting Program as follows:

Marine City Nursery	\$ 6,450.00
Sherman Nursery Farms	\$ 7,590.20
H. Schwehofer & Sons Landscaping	\$10,460.00
Park Place Landscaping Co.	*
Huggett's Sod Farm, Inc.	*

* Did not meet bid specifications

It is recommended that the bid from Marine City Nursery, 5300 Marine City Highway, PO Box 189, Marine City, Michigan 48039, in the amount of Six Thousand Four Hundred Fifty and 00/100 Dollars (\$6,450.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City Officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-5. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

Acheson Ventures has proposed street lighting with a nautical style for Desmond Landing. In order for the City of Port Huron's lighting system to function properly, it is necessary to have Detroit Edison install nautical lights. Acheson Ventures has committed funds to pay for the installation of the street lights. The City will fund the annual operating costs for these lights.

Install 46 Nautical Style Fixtures	\$172,572.00
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It is recommended that Detroit Edison, 3223 Ravenswood Road, Marysville, MI 48040, install nautical street lights along 3rd Street, 4th Street, Court Street, Chestnut Street, Griswold Street and White Street and that the appropriate City Officials be authorized to issue a purchase order in the amount of One Hundred Seventy Two Thousand Five Hundred Seventy Two and 00/100 Dollars (\$172,572.00) for this work, and pay annual operating costs as part of the City's street lighting contract with Detroit Edison.

Adopted unanimously.

RESOLUTIONS

R-1. Councilmember Prax offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #04-01)

Adopted unanimously.

R-2. Councilmember Jacobs offered and moved the adoption of the following resolution:

WHEREAS, the City Planning Commission has received a request from Joseph Salamay to rezone the following described property from R (Residential) to C-1 (General Business):

the north 22 feet of Lot 11 and Lot 12, Block 37, Plat of Village of Fort Gratiot, also known as: vacant lot south of 2740 Gratiot, City of Port Huron; and

WHEREAS, on November 2, 2004, the City Planning Commission held a public hearing to hear comments on the proposed rezoning; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (vote: 5 ayes; 0 nays; 4 absent; 0 abstained) of the rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for December 13, 2004, to hear comments on the above request, or in the case of a negative vote hereby denies the request of Joseph Salamay for the rezoning of the above described property.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.

No: Councilmember Prax.

Absent: None.

***R-3.** WHEREAS, Black River Plastics, 2345 Petit Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, November 22, 2004, in order to hear comments on the application of Black River Plastics for an Industrial Facilities Exemption Certificate; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following Legislative Bodies:

City Assessor - Port Huron
County Board of Commissioners - St. Clair County
Port Huron Area School Board
St. Clair County Community College
Intermediate School District
Downtown Development Authority

Adopted.

***R-4.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for sidewalk replacement; and

WHEREAS, the costs of sidewalk replacement shall be assessed to the property owner(s) pursuant to City Ordinance 40-19; and

WHEREAS, the attached special assessment report has been certified by the City Engineer and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$1,722.54 for sidewalk replacement upon the lots and premises described in the attached special assessment report (see City Clerk file #04-82).

Adopted.

R-5. Councilmember Cutcher offered and moved the adoption of the following resolution:

WHEREAS, from time to time the City has special out of town visitors who are presented with a "key" to our City by the Mayor and City Council; and

WHEREAS, there is a desire to honor our special guests with something more to let them know how much we appreciate their presence in our community;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts a policy that special out of town visitors be presented with the honorary title of "Commodore of the Maritime Capital of the Great Lakes;" and

BE IT FURTHER RESOLVED THAT upon adoption of this resolution the first "Commodore of the Maritime Capital of the Great Lakes" title be given to Mickey Rooney for his recent visit to Port Huron to celebrate the 125th Anniversary of Thomas Edison's electric light.

Councilmember Cutcher moved to refer this item to administration to look at the possibility of another title rather than "commodore."

Adopted unanimously.

R-6. Councilmember Cutcher offered and moved the adoption of the following resolution:

WHEREAS, the U. S. Coast Guard has an important presence in our community, with men and women stationed here at both the Coast Guard station as well as aboard the Hollyhock; and

WHEREAS, these men and women and their families have an economic impact on our City as well as an impact on our schools, our churches, our civic organizations and our businesses; and

WHEREAS, the Coast Guard personnel provide us with security and are an active part of the community; and

WHEREAS, many of the former Coast Guard members have retired here or returned here because of their positive experience in the community; and

WHEREAS, it is the desire of the City Council to honor the U.S. Coast Guard personnel, both past and present;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby directs the City administration to assist in the coordination and development of a Coast Guard Appreciation Day Committee for the purposes of holding an annual event; and

BE IT FURTHER RESOLVED that the Coast Guard Appreciation Day Committee direct their own activities and appoint their own chairperson and sub-committees; and

BE IT FURTHER RESOLVED that the City of Port Huron is authorized to accept donations and properly disburse approved funds for the Coast Guard Appreciation Day Committee's annual event in order to provide a non-profit donation opportunity for donors; and

BE IT FURTHER RESOLVED that no funds from the City of Port Huron are authorized to be expended by this resolution for this purpose.

Adopted unanimously.

R-7. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron has made successful application to the 2003 State Homeland Security Grant Program (SHSGP) through the Michigan Department of State Police, Emergency Management Division, to provide supplemental pass-through funds for law enforcement activities including planning and staffing for response; and

WHEREAS, the grant funds are allocated in accordance with the Michigan three-year domestic preparedness strategy; and

WHEREAS, the Port Huron Police Department requested funding from the Michigan State Police Emergency Management Division and recently received notification the grant funds were approved effective November 1, 2004 to plan strategies, conduct security activities and evaluate effectiveness;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the terms of the 2003 State Homeland Security Grant Program (SHSGP) agreement and that the City of Port Huron does hereby specifically agree, but not by way of limitation, to the following:

1. To maintain the required satisfactory financial accounts, document and records in order to file quarterly reports with the State of Michigan;
2. To properly administer the project and provide such equipment, services and materials as may be necessary to satisfy the terms of said agreement;
3. To comply with any and all terms of said agreement including all terms not specifically set forth in the foregoing portion of this resolution; and

BE IT FURTHER RESOLVED that the appropriate City Officials are hereby authorized to execute the grant agreement on behalf of the City; to determine appropriate exercise activities be planned and completed; and to appoint Major James Carmody as Project Coordinator and authorized representative.

Adopted unanimously.

ORDINANCES

O-1. Councilmember Prax moved that an ordinance introduced October 25, 2004, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1237

AN ORDINANCE TO AMEND CHAPTER 34, OFFENSES, ARTICLE II, OFFENSES AFFECTING GOVERNMENTAL FUNCTIONS, DIVISION 2, AUTOMATIC ALARM SYSTEMS, SECTIONS 34-66 THROUGH 34-68, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF PROVIDING FOR ASSESSMENT OF COSTS AND THE COLLECTION THEREOF AND PROVIDING ASSESSMENT OF COSTS FOR FALSE ALARMS BY AUDIBLE ALARM USERS.

THE CITY OF PORT HURON ORDAINS:

That Chapter 34, Offenses, Article II, Offenses Affecting Governmental Functions, Division 2, Automatic Alarm Systems, Sections 34-66 through 34-68, of the Code of Ordinances of the City of Port Huron for the purpose of providing for assessment of costs and the collection thereof and providing assessment of costs for false alarms by audible alarm users is hereby amended as follows:

CHAPTER 34. OFFENSES

ARTICLE II.

OFFENSES AFFECTING GOVERNMENTAL FUNCTION

DIVISION 2. AUTOMATIC ALARMS SYSTEMS

Sec. 34-61. Purpose

The purposes of this division are to create a response system to be followed by emergency personnel in responding to automatic alarm device signals and to establish a false alarm assessment of costs system to deter the continued reporting of false alarms by alarm users.

Sec. 34-62. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm/security company means a person engaged in the service of receiving the signal of automatic alarm devices for the purpose of reporting the alarm to the city.

Alarm site means any person or business on whose premises an audible alarm or automatic alarm device is located.

Alarm user means any person or business on whose premises an automatic alarm device is maintained which, when activated, is designed to transmit a recorded message or other signal by telephone, radio or other means to the city or to an alarm/security company for transmittal to the city.

Audible alarm means an automatic alarm device which, when activated, emits a loud sound intended to initiate a response by emergency personnel.

Automatic alarm device means any device which, when activated, is intended to indicate a criminal act or other emergency requiring police department and/or fire department response.

Calendar year means each period commencing July 1 and terminating the following June 30.

False alarm means any signal actuated by an alarm to which the police department and/or fire department responds, which is not the result of a criminal act or other emergency.

No response mode means a standard in the response system in which no police vehicle will be dispatched nor will any respond to an address where the only report of a crime or emergency received is an activated automatic alarm device which has been reported by an alarm user or alarm/security company.

Response system means a system for dispatching city emergency personnel which reduces the priority assigned in responding to automatic alarm device signals reported at specific addresses as the false alarms responded to at those addresses increase over time.

Sec. 34-63. Response system.

Response modes under this division shall be as follows:

- (1) Response mode I. Response mode I shall be effective when the alarm user or alarm site has less than four false alarms in a calendar year, and the response shall be in accordance with the following:
 - a. Police response. Police response to the alarm shall be made as quickly as possible.
 - b. Fire response. Fire response to the alarm shall be made as quickly as possible, as defined by this Code and applicable state statute.
- (2) Response mode II. Response mode II shall be effective when the alarm user or alarm site has had four or more false alarms in a calendar year, and the response shall be in accordance with the following:
 - a. Police response. An area car shall respond at the earliest availability when not involved in other policing action.
 - b. Fire response. Fire response shall mandate observing all traffic signals, stop signs and speed limits.
- (3) No response mode. No response mode shall be effective when an alarm user or alarm site has not paid a fine within 60 days of issuance by the city, and the response shall be in accordance with the following:
 - a. Police response. A car will not be dispatched. No car will respond.
 - b. Fire response. Fire response shall be the same as response mode II.

Sec. 34-64. Changes in response priorities.

(a) For those specific addresses which are in response mode II pursuant to this division, reversion back to the higher level of service shall occur following a 60-day period where no false alarms have been reported for that address.

(b) Reversion back from no response mode to the appropriate response mode shall occur when the fine levied by the city against the alarm user or alarm site has been paid.

Sec. 34-65. Chronic offenders; false alarms.

At an address where there have been more than 20 false alarms in any two consecutive calendar years, police response will be permanently terminated until such time as the alarm user, alarm site or alarm/security company can demonstrate to the satisfaction of the police chief that the alarm system is functioning properly. Fire response will remain the same as response mode II.

Sec. 34-66. False alarm assessment of costs system.

Any alarm user or alarm site who reports or shall have reported false alarms to the city shall pay an assessment for costs to the city according to the following schedule:

ASSESSMENT OF COSTS SYSTEM

- | | |
|----------|--|
| Step I | Shall apply to alarm users or alarm sites who have reported less than four false alarms in a calendar year. No assessment of costs shall be levied. |
| Step II | Shall apply to alarm users or alarm sites who have reported between four and six false alarms in a calendar year. The alarm user or site shall pay the city \$50.00 for each of the fourth, fifth and sixth false alarms reported. |
| Step III | Shall apply to alarm users or alarm sites who have reported seven or more false alarms in a calendar year. The alarm user or site shall pay the city \$100.00 for the seventh and each false alarm reported thereafter. |

Any assessment of costs to an alarm user or alarm site that has not been paid within 120 days of the assessment shall be turned over to the city attorney or the credit bureau for collection.

Sec. 34-67. Disconnection of alarm systems in no response mode.

When an alarm user or alarm site has been notified by the city that his system has been placed in a no response mode, the user or alarm site owner shall immediately upon receipt of such notice disconnect any such system that is designed to initiate police response.

Sec. 34-68. Audible alarm.

All existing audible alarms shall automatically shut off within 15 minutes after being activated. All new audible alarm systems installed after October 1, 2004 shall automatically shut off no more than eight minutes after being activated.

Any audible alarm user or audible alarm site that has false alarms reported to the city shall pay an assessment for costs in accordance with the schedule set forth in Section 34-66.

Sec. 34-69--34-100. Reserved.

Pauline M. Repp, CMC
City Clerk

ADOPTED: 11/08/04
PUBLISHED: 11/13/04
EFFECTIVE: 11/13/04

Adopted unanimously.

On motion (8:30 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, November 22, 2004, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Reverend Bill Terry, St. John's United Church of Christ, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.

Absent: Councilmember Jacobs.

The minutes of the regular meeting of November 8, 2004, were approved.

PRESENTATIONS

1. Chris Frazier, Port Huron Police Department Community Services Officer, gave an update on the CAPTURE program.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the application of Black River Plastics, 2345 Petit Street, for an Industrial Facilities Exemption Certificate. (See Resolution #5)

Tony Shifano, Economic Development Alliance, addressed the City Council requesting their support of this application.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Richard Blonde, 2854 Elmwood Street, addressed the City Council relative to the lack of progress on the construction project in their neighborhood citing the fact that the street has been torn up since July 19 and they have not had mail delivery to their homes. He also stated that when cars are parked on both sides of the street there is not enough room to drive between them and he feels it is something the City should look at without his writing a letter as he was told to do two years ago. (Bob Clegg, City Engineer, responded to the construction issue stating that the final coating will not be applied until next spring; however, the manhole covers will be leveled so that driving on the surface is not a problem. He will work with the contractor to solve the mailbox problem as soon as possible and lawn restoration will be done in the spring.)

CONSENT AGENDA

Councilmember Fisher offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
No: None.
Absent: Councilmember Jacobs.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- Containerized yard waste pickup will continue to be picked up through November 30. The large branch and brush curbside pickup has ended.
- Leaf pickup continues through the first full week of December. For details, you can refer to the City's newsletter, visit www.porthuron.org or contact Richfield Management at (toll free) 877-609-6753 or the Dept. of Public Works at 984-9730.
- Santa Parade will be held in downtown Port Huron on November 26 at 6:00 p.m. Contact MainStreet Port Huron at 985-8843 for more details.
- City offices will be closed for the following upcoming holidays: November 25-26 (Thanksgiving), December 23-24 (Christmas) and December 31 (New Year's).
- First Night Port Huron 2005 will be held December 31, 2004. For more information, visit the City's website.
- The City, in cooperation with MainStreet Port Huron, will offer two-hour free parking on Military Street and Huron Avenue between Court Street and Glenwood Avenue and at the short term meters in the Majestic, East Quay and West Quay lots. Free meters will be covered with a festive holiday wrapping from Thanksgiving through New Year's. For more details, contact MainStreet Port Huron at 985-8843.

RESOLUTIONS

***R-1.** BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #04-01)

Adopted.

***R-2.** WHEREAS, Royal Oak Industries, 2340 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, December 13, 2004, date in order to hear comments on the application of Royal Oak Industries for an Industrial Facilities Exemption Certificate; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following Legislative Bodies:

City Assessor - Port Huron
County Board of Commissioners - St. Clair County
Port Huron Area School Board
St. Clair County Community College
Intermediate School District
Downtown Development Authority

Adopted.

***R-3.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-5; and

WHEREAS, the attached special assessment report has been certified by the City Engineer and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$512.43 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk file #04-83).

Adopted.

***R-4.** WHEREAS, the United States Department of Housing and Urban Development requires entitlement communities to conduct a public hearing regarding the views and comments of citizens as to the housing and community development needs within the City; and

WHEREAS, a preliminary five year Consolidated Plan for 2005-2010 and Annual Action Plan for the expenditure of Community Development Block Grant (CDBG) funds and HOME funds is established after receiving comments at that public hearing; and

WHEREAS, a second public hearing is required to receive comments on the proposed five year Consolidated Plan and Annual Action Plan; and

WHEREAS, the purpose of the five year Consolidated Plan and Annual Action Plan is to develop and continue programs that will help eliminate slums or blighting influences and to benefit low or moderate income individuals, particularly in the areas of neighborhood preservation and improved housing conditions;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for December 13, 2004, to hear views on the general needs in community development, housing and special services, utilizing CDBG funds and HOME funds for the next five years and fiscal year beginning April 1, 2005;

BE IT FURTHER RESOLVED that the City Council hereby schedules a second public hearing for January 24, 2005, to hear comments on the proposed Consolidated Plan 2005-2010 and 2005 Annual Action Plan.

Adopted.

***R-5.** WHEREAS, Black River Plastics, 2345 Petit Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, the Port Huron City Council held a public hearing on November 22, 2004, to hear comments on the application; and

WHEREAS, the City Assessor and Legislative Body of each unit which levies taxes was notified of the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the Black River Plastics application for an Industrial Facilities Exemption Certificate for six (6) years on personal property, and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that the above certificate will be issued for the following dates:

All personal property: 12/31/05 to 12/31/11 6 years

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the Industrial Facilities Exemption Certificate (considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force) shall not have the effect of substantially impeding the operation of the City of Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as Black River Plastics is located.

Adopted.

***R-6.** WHEREAS, it has been determined that when the various fees were adopted on May 24, 2004, the list of parking violation fees was not complete; and

WHEREAS, the fees have remained the same but should be confirmed due to the recodification of the Code of Ordinances of the City of Port Huron whereby all fees are to be adopted by resolution;

NOW, THEREFORE, BE IT RESOLVED that the following parking violation fees authorized in Section 46-104, Parking violations bureau, are hereby adopted and effective immediately:

Parking violations bureau:

Overtime parking:

- 1) The first, second and third parking ticket issued within a calendar year be \$5.00 per ticket (*a notice will be issued in place of a first time parking violation, one per calendar year.*)
- 2) Four or more parking tickets issued within a calendar year will be \$20.00 per ticket.

Handicapped parking: \$50.00 per violation in accordance with Act No. 51 of the Public Acts of Michigan of 1982 (MSL 257.907, MSA49.2607)

Lease metered parking space violations: \$10.00

Violation of any other parking regulation or restriction: \$10.00

Overdue ticket fines:

- 1) The base parking fine will double for any violator who receives a parking ticket and fails to pay the initial fine within the first ten (10) calendar days following date of issuance; and if the person fails to pay the fine within 30 days after that, a \$25.00 administrative fine will be levied on all violations except the handicap parking violations which have a maximum fine set by state law at \$100.00.
- 2) The City of Port Huron will maintain the responsibility for penalties and administrative fees being assessed for overdue ticket fines.

** Italicized items were those omitted, but previously adopted. There are no changes in the fines.*

Adopted.

MOTIONS & MISCELLANEOUS BUSINESS

1. City Engineer Bob Clegg reported that staff has inspected the 10th Avenue construction project (brought up at the last Council meeting) and there are areas that could be of some concern and the contractor has been contacted and they will submit proposals for solutions. MDOT has been contacted and enough money will be held back to cover any possible changes. Any work necessary will be done in the spring.

2. City Manager Tom Hutka stated that he would like to come back at the next meeting with a recommendation about using the title "Commodore of the Maritime Capital of the Great Lakes" as a honorary designation for special out of town visitors.

3. Police Chief William Corbett stated that the first meeting of the Coast Guard Appreciation Day committee will be held on Tuesday, November 30, 2004, at 10:00 a.m. in Conference Room 101, M.O.C., and that anyone interested in participating was welcome to come.

4. Councilmember Fisher announced the dates of the Old Town Neighborhood Christmas caroling: Dec. 3, Merry Main Street event downtown; Dec. 7 at Village at Mercy Health Center; and Dec. 16 by trolley in the neighborhoods. Encouraged anyone who would like to join them to call 984-8384 and they would need to wear 19th century attire.

5. Councilmember Prax congratulated all those who worked on keeping Schefenacker's in the City of Marysville.

On motion (8:05 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, December 13, 2004, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Pastor Sue Armstrong, Hillside Wesleyan Church, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs, Prax and Steinborn.

The minutes of the regular meeting of November 22, 2004, were approved.

PRESENTATIONS

1. Mark Byrne, Chairman, Sister City Committee, gave a presentation on their bi-annual report (see City Clerk File #04-84) and Amy Miles, Blue Water Habitat for Humanity, gave a presentation on a project that the two organizations are working on jointly, a trip to Chiquimula, Guatemala in April of 2005 to build houses.
2. Thomas Hutka, City Manager, gave a progress report/update on the Revitalizing Port Huron programs (see City Clerk File #04-85).
3. Thomas Hutka, City Manager, gave a presentation on the proposed use of the honorary title "Commodore of the Maritime Capital of the Great Lakes" for special out-of-town visitors. Mayor Pro-tem Cutcher requested that a revised resolution adopting the use of the title "Honorary Commodore of the Maritime Capital of the Great Lakes" be placed on the January 10, 2005, agenda.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the application of Royal Oak Industries, 2340 Dove Street, for an Industrial Facilities Exemption Certificate. (See Resolution #10)

Vickie Ledsworth, Economic Development Alliance, appeared in support of this application.

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the request to rezone a vacant lot located south of and adjacent to 2740 Gratiot Avenue from R (Residential) to C-1 (General Business). (See Ordinance #1)

Geri Hill, 2713 Wright Street, appeared as a representative of the property owners requesting rezoning and informed Council of their plans to upgrade their store at this location.

The Mayor declared the hearing closed.

3. **The Mayor** announced that this was the time to hear comments and views of citizens on the general needs in community development, housing and special services, utilizing Community Development Block Grant and HOME funds for the next five years and fiscal year beginning April 1, 2005.

Laurie Huff, Safe Horizons, appeared requesting funds be continued at the same level for their organization for use at Heritage Hall to house the homeless.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

No one appeared.

CONSENT AGENDA

Councilmember Fisher offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- City offices will be closed for the following holidays: December 23-24 (Christmas) and December 31 (New Year's).
- First Night Port Huron 2005 will be held December 31, 2004. For more information, visit the City's website.
- The City, in cooperation with MainStreet Port Huron, will offer two-hour free parking on Military Street and Huron Avenue between Court Street and Glenwood Avenue and at the short term meters in the Majestic, East Quay and West Quay lots. Free meters will be covered with a festive holiday wrapping through New Year's. For more details, contact MainStreet Port Huron at 985-8843.

COMMUNICATIONS & PETITIONS

***C-1.** Notification from the National League of Cities that the Congressional City Conference will be held March 11-15, 2004, in Washington, D.C.

Received and filed and Council authorized to attend.

UNFINISHED BUSINESS

1. WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as:

2843 Electric Avenue, also known as: Lot 37, Block 1, Richland Subdivision of a part of Outlot C Avery Farm Plat; and

has been brought to the attention of the City Council by the Building Official as Code Case #03-003 (see City Clerk File #04-48) claiming such condition constitutes a nuisance, and

WHEREAS, such property has received repeated inspections by appropriate City Inspection Officials; and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property, violations regarding the Code of Ordinances of the City of Port Huron, and requesting abatement of these conditions; and

WHEREAS, to date there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted May 24, 2004, with respect to said property, it is the judgement of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the above-described property is of such condition as to constitute a nuisance within the meaning and definition of Chapter 10, Section 10-211 and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron, and contains the following code violations:

[X] Building [X] Electrical [X] Plumbing [X] Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by **immediate demolition**.

3. That any costs incurred in abatement of such conditions and nuisances are to be assessed against the property in accordance with Chapter 40, Sections 40-19 and 40-20 of the Port Huron City Code of Ordinances.

4. That the City Manager is hereby authorized to solicit and receive bids in order that the City be in position to move promptly to carry out the direction of the City Council as provided for herein.

5. That the City Clerk shall send, by certified mail, return receipt requested, a certified copy of this resolution to the last known address of the property owner, according to the most recent records maintained by the Office of the City Assessor and shall have this resolution also posted on the property.

Rejected unanimously.

NOTE: Kim Harmer, Planning Director, announced that renovations have been completed on this property on schedule and an occupancy permit has been issued. There is no further need to pursue this code case.

FROM THE CITY MANAGER

CM-1. Councilmember Prax offered and moved that the following City Manager's report be received and filed:

Transmitting the City's Comprehensive Annual Financial Report for the year ended June 30, 2004, in accordance with the requirements of Section 63 of the City Charter (see City Clerk File #04-86).

Adopted unanimously.

CM-2. Councilmember Fisher offered and moved that the following City Manager's report be received and filed:

Transmitting the Quarterly Financial Report for the three-month period ending September 30, 2004 (see City Clerk File #04-87).

Adopted unanimously.

RESOLUTIONS

R-1. Councilmember Prax offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #04-01)

Adopted unanimously.

***R-2. WHEREAS**, Traffic Control Order No. 934, which states:

"There shall be no parking at any time on both sides of 21st Avenue from Hancock Street north to the school property line."

was made permanent on January 9, 1984 by the Port Huron City Council; and

WHEREAS, it is the recommendation of the Traffic Safety Committee that said Traffic Control Order be rescinded, per the request of the residents who live on this portion of 21st Avenue;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby rescinds Traffic Control Order No. 934.

Adopted.

***R-3. WHEREAS**, a report has been submitted for costs incurred by the City of Port Huron for removal of visual obstruction of tree limbs; and

WHEREAS, the cost of removal of visual obstruction removal shall be assessed to the property owner(s) pursuant to City Ordinance 52-673; and

WHEREAS, the attached special assessment report has been certified by the City Engineer and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$337.67 for removal of visual obstruction of tree limbs upon the lots and premises described in the attached special assessment report (see City Clerk file #04-88).

Adopted.

R-4. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, it is necessary to perform professional services and serve as the City's professional representative; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and Tetra Tech MPS for the implementation of a private inflow and infiltration elimination program, in conjunction with the Michigan Department of Environmental Quality (MDEQ) Administrative Order #DFO-SW98-001;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Tetra Tech MPS and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #04-89).

Adopted unanimously.

R-5. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, it is necessary to perform professional services and serve as the City's professional representative; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and Tetra Tech MPS for the engineering coordination and administration of the Combined Sewer Overflow Control Program in accordance with the Michigan Department of Environmental Quality (MDEQ) Administrative Order #DFO-SW-98-001;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Tetra Tech MPS and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #04-90).

Adopted unanimously.

R-6. Councilmember Haynes offered and moved the adoption of the following resolution:

WHEREAS, it is necessary to perform professional engineering services for the Michigan Street - Merchant Street, Watermain, Sewer, and Paving project; and

WHEREAS, BMJ Engineers & Surveyors, Inc., is the appropriate engineering firm to provide these services because they assisted the City with the preliminary design of this work; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and BMJ Engineers & Surveyors, Inc., for professional engineering services for Project No. C96-0070;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with BMJ Engineers & Surveyors, Inc., for professional engineering services for the Michigan Street - Merchant Street, Watermain, Sewer, and Paving project and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #04-91).

Adopted unanimously.

7-9. Councilmember Prax offered and moved the adoption of the following resolutions scheduling public hearings for January 10, 2005:

R-7. WHEREAS, the City Planning Commission has received a request from the City Administration to rezone the following described property from M-1 (Light Industrial) to A-1 (Medium Density Multiple Family):

that part of Lot 2, lying easterly of the east property line of Lots 3, 4, 5, 6, and 7, extended north to Griswold Street, Assessor's Military Street Plat Number 1, also known as: part of 1600 Military Street, City of Port Huron; and

WHEREAS, on December 7, 2004, the City Planning Commission held a public hearing to hear comments on the proposed rezoning; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (vote: 6 ayes; 0 nays; 3 absent; 0 abstained) of the rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for January 10, 2005, to hear comments on the above request, or in the case of a negative vote hereby denies the request of the City Administration for the rezoning of the above described property.

R-8. WHEREAS, the City Planning Commission has received a request from the City Administration to rezone the following described property from C-1 (General Business) to R-1 (Single- and Two-Family Residential):

that part of Lot 2, lying south of the north line of Lot 3, extended westerly, Assessor's Mitchell Land Plat including one-half of the vacated alley adjacent

WHEREAS, on December 7, 2004, the City Planning Commission held a public hearing to hear comments on the proposed rezoning; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (vote: 6 ayes; 0 nays; 3 absent; 0 abstained) of the rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for January 10, 2005, to hear comments on the above request, or in the case of a negative vote hereby denies the request of the City Administration for the rezoning of the above described property.

R-9. WHEREAS, the City Planning Commission has received a request from the City Administration to rezone the following described property from C-1 (General Business) to A-1 (Medium Density Multiple Family)

that part of Lot 2 lying west of the easterly line of Lot 3 extended north to Griswold Street; and Lots 3 and 4; Assessor's Military Street Plat Number 1, also known as: 1602, 1604, 1612 and 1614 Military Street; and

Lots 1, 2, 3, 10, 11, and 12, Mitchell Plat, also known as: 1606 and 1610 - 6th Street, 520 Griswold Street, and vacant lot on southwest corner of Griswold and Military Streets; and

Lot 1, including one-half of vacated alley adjacent; Lot 2, except that portion lying south of the north line of Lot 3 extended westerly; and Lots 13 and 14; Assessor's Mitchell Land Plat, also known as: 1603 - 6th Street and 616 Griswold Street, 1611 - 6th Street, 622 Griswold Street, and 620 Griswold Street, City of Port Huron; and

WHEREAS, on December 7, 2004, the City Planning Commission held a public hearing to hear comments on the proposed rezoning; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (vote: 6 ayes; 0 nays; 3 absent; 0 abstained) of the rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for January 10, 2005, to hear comments on the above request, or in the case of a negative vote hereby denies the request of the City Administration for the rezoning of the above described property.

Motion to adopt Resolutions 7 through 9 adopted unanimously.

***R-10.** WHEREAS, Royal Oak Industries, 2340 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, the Port Huron City Council held a public hearing on December 13, 2004, to hear comments on the application; and

WHEREAS, the City Assessor and Legislative Body of each unit which levies taxes was notified of the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the Royal Oak Industries application for an Industrial Facilities Exemption Certificate for six (6) years on personal property, and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that the above certificate will be issued for the following dates:

All personal property: 12/31/05 to 12/31/11 (6 years)

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the Industrial Facilities Exemption Certificate (considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force) shall not have the effect of substantially impeding the operation of the City of Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as Royal Oak Industries is located.

Adopted.

R-11. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, Chapter 14, Cemeteries, Section 14-13 of the Code of Ordinances provides that rules and regulations for the operation and use of the cemetery require approval of the City Council; and

WHEREAS, it is necessary to make several minor changes to the current rules and regulations;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the amended Rules and Regulations for the operation and use of Lakeside Cemetery, including the Veteran's Memorial Plots (see City Clerk File #04-92).

Adopted unanimously.

***R-12.** WHEREAS, 3rd Roc Café, LLC, (Michael Duenaz) has requested to transfer ownership of a 2004 Class C licensed business with dance-entertainment permit from D and R (PH), LLC, located at 515 Wall Street*;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the City Council that the application be recommended for issuance by the Michigan Liquor Control Commission.

*Step I of process

Adopted.

***R-13.** WHEREAS, Pilot House of Port Huron, LLC, (Margo Fox) has requested to transfer ownership of a 2004 Class C licensed business with dance-entertainment permit from 3rd Roc Café, LLC, (Michael Duenaz) and transfer location from 515 Wall Street to 3136 Military Street*;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the City Council that the application be recommended for issuance by the Michigan Liquor Control Commission.

*Step II of process

Adopted.

ORDINANCES

O-1. Councilmember Fisher moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED ADJACENT TO 2740 GRATIOT AVENUE (VACANT LOT TO THE SOUTH) FROM R (RESIDENTIAL) TO C-1 (GENERAL BUSINESS).

Motion adopted unanimously and ordinance given its first and second reading.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Fisher asked if anything could be done about the "goose problem." They are leaving droppings everywhere. He received a complaint about the area from the Fort Gratiot Lighthouse to the Lightship in Pine Grove Park and requested that signs be placed stating "please do not feed the birds" to stop encouraging them to be in that area. (Councilmember Prax also mentioned the area around the 10th Street Bridge as being a problem.) Tom Hutka, City Manager, to follow up on this. Councilmember Fisher also commended Main Street on its recent "Merry Main Street" event and other holiday events that they are sponsoring.

2. **Councilmember Prax** asked about the leaf pickup program at the south end of town. She had received a complaint that the area around Port Huron High School did not get picked up. Bob Clegg, City Engineer, responded saying that the area north of the Black River was complete but that the contractor was still working on the south area and they would continue until it was complete.

3. **Mayor Neal** extended a Merry Christmas to City Council, City Department Heads and to the public.

On motion (8:40 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

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