



CITY OF AUBURN HILLS

Regular City Council Meeting Minutes

May 17, 2021

CALL TO ORDER: Mayor McDaniel at 7:00 p.m.

LOCATION: Virtual Meeting through Microsoft Teams, <https://bit.ly/AH-May17-CC>

Present: Mayor McDaniel (Auburn Hills, MI), Council Members Burmeister (Rochester, MI), Kittle (Maricopa Co, AZ), Knight (Auburn Hills, MI), Marzolf (Auburn Hills, MI), Moniz (Fort Myers, FL), and Verbeke (Auburn Hills, MI)

Absent: None

Also Present: City Manager Tanghe, City Attorney Beckerleg, City Clerk Pierce, Assistant to the City Manager Skopek, Police Chief Baker, Fire Chief Taylor, DPW Director Melchert, Deputy DPW Director Stahly, City Planner Keenan, Recreation Director Hegdal, Parks Supervisor Torres, Finance Director/Treasurer Schulz, Deputy Finance Director/Deputy Treasurer Farmer, Engineer Juidici, Engineer Cousino, Management Assistant Hagge

4. APPROVAL OF MINUTES

4a. City Council Meeting Minutes, May 3, 2021

Moved by Knight, Seconded by Verbeke.

RESOLVED: To approve the City Council Minutes of May 3, 2021 as clarified.

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, McDaniel, Moniz, Verbeke

No: None

Resolution No. 21.05.066

Motion Carried (7 - 0)

5. APPOINTMENTS AND PRESENTATIONS

5a. Proclamation recognizing 75 years of Commercial Contracting Corporation.

Mayor McDaniel recognized Commercial Contracting Corporation for their 75 years of labor as well as their footprint and investment in the community. Stephen Fragnoli, President of Commercial Contracting Corporation, was present in the meeting.

6. PUBLIC COMMENT

6a. Representative Brenda Carter, recognition of Council Member Moniz

Representative Carter provided a tribute to Mr. Moniz for his service to the City. He was thanked for his dedication to the City as Councilman.

Courtney Casey, 3317 Squirrel Court and owner of Michigan By the Bottle Tasting Room, explained that her statements are not reflective of DDA but she is speaking as a DDA member for one of the downtown businesses. She is requesting that City Council reconsider the location of Summerfest to support the struggling businesses downtown.

Mayor McDaniel shared that he appreciated her concern and that the location change to Squirrel Ct. was directly due to the feedback that they received from the downtown businesses at that time, who experienced challenges with customers reaching and gaining access to businesses when Auburn Road was shut down. He commented that the planning of the event is a long process that encompasses the design of the parks, amphitheater, and the relation to downtown.

7. CONSENT AGENDA

7a. Board and Commission Minutes

7a1. Tax Increment Finance Authority, May 11, 2021

RESOLVED: To receive and file the Board and Commission Minutes.

7b. Motion – Adopt an authorizing resolution for the Fire Department to establish a State of Michigan registered Fire Cadet Program.

RESOLVED: To adopt the Cadet Program resolution to authorize the Fire Chief to establish a State of Michigan registered cadet program within the fire department enabling high school students to attend post-secondary dual enrollment fire academies. (Attachment A)

7c. Proclamation Designating the Week of May 16th through May 22nd National Public Works Week

RESOLVED: To approve the proposed Proclamation designating the Week of May 16th through May 22nd National Public Works Week. (Attachment B)

7d. Motion – Approve OHM Scope of Engineering Services for Design of Taylor Road Rehabilitation

RESOLVED: To approve OHM Scope of Engineering Services for Design of Taylor Road Rehabilitation at a cost not-to-exceed \$97,000, and geotechnical services from G-2, Inc. for an estimated \$5,000 to be paid from the Major Roads Fund, Account # 202-452-973.000-ASPHALTRECON.

7e. Motion – Move to receive and file the AndCo Consulting 1st Quarter 2021 Cash Management Summary and Executive Reports

RESOLVED: To receive and file the AndCo Consulting 1st Quarter 2021 Cash Management Summary and Executive reports.

Moved by Moniz, Seconded by Burmeister.

RESOLVED: To approve the Consent Agenda.

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, McDaniel, Moniz, Verbeke

No: None

Resolution No. 21.05.067

Motion Carried (7 - 0)

8. OLD BUSINESS

9. NEW BUSINESS

9a. Motion - Adopt Resolution Authorizing Issuance of Limited Tax Obligation Bonds.

Ms. Schulz shared that staff reviewed the current budget and list of the desired projects, which were shared earlier, as well as a 10 year plan. After going through this process it was discussed that this issuance would provide the City opportunities to address additional concerns while still maintaining a strong financial position.

Kari Blanchett of PFM and Eric McGlothlin from Dickinson Wright were present in the virtual meeting.

Mr. Kittle shared that he struggles with this. He explained that there have been financial predictions and forecasts with great plans, while under expending. He believes it is essential as policy makers to monitor the cash flow and if the expenditures do not come in as it was thought, then build up the fund balance. This will provide the ability to lower the millage rate that the voters approved. He also shared that there is a limit as to what the tax payers can handle.

Mr. Knight mentioned that he is in favor and believes that cash flow is critical. Getting bond money at a low rate will allow the City to do things quicker.

Moved by Knight, Seconded by Marzolf.

RESOLVED: To adopt Resolution Authorizing Issuance of Limited Tax General Obligation Bonds as attached. (Attachment C)

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, McDaniel, Moniz, Verbeke

No: None

Resolution No. 21.05.068

Motion Carried (7 - 0)

9b. Motion - Authorize Agreement for Single Hauler Residential Housing Solid Waste Collection

Mr. Stahly shared that the contract with Waste Management will expire at the end of the year. Bids were received and it is recommended that the contract be awarded to GFL. Waste Management and GFL will work closely at the end of the year when the old Waste Management carts are picked up with their last round of collection, the week of December 26, 2021. GFL will do their best to run the same route to be consistent for the residents. A newsletter will be sent to the residents explaining what is taking place.

Don Baretta and Jeff Gomez of GFL were present in the virtual meeting.

Ms. Verbeke stated that the packet referred to concerns other communities had with the phone number provided to residents when there is a problem. She wanted to ensure that the residents of Auburn Hills will not have the same issues.

Mr. Stahly stated GFL puts customer service at the forefront so this should not be an issue. Mr. Baretta stated that they understand the concerns that were shared and now as the business is fully staffed again, there will be over 30 customer service representatives. The City of Auburn Hills will have a dedicated supervisor plus three additional people so that the City is off to a great start moving forward. He also shared that people can go online and request a cart or sign up for autopay for the discounts.

Mr. Moniz stated staff did their due diligence with references for the customer service concerns and that there will be a direct number for concerns and feels that this is going to be the better for the community.

It was discussed that the GFL crews will be able to handle the standard bags, 32 gallon cans as well as the 96 gallon cart. They will also handle the yard waste collection which runs April into November with the potential for an additional run in December. There is also an unlimited bulk waste collection program so residents are able to put out their items on the regular service day. If residents have specific questions, GFL will work with them.

The proposal being recommended will have the option to purchase a cart directly from GFL or use the one that the resident already has in their possession. GFL will provide one 18-gallon recycling bin to each interested property. If a resident buys a cart, GFL maintains the cart through the term of the contract and the resident would own the cart at the end of the contract. In addition, GFL offers the following discounts (maximum 5% discount):

- Senior (65+) or Veteran Discount – 5%
- Annual Pre-payment Discount – 3%
- Electronic Payment – 3 %.

Moved by Kittle, Seconded by Moniz.

RESOLVED: To authorize a five-year agreement with GFL Environmental USA, Inc. for single hauler residential housing solid waste collection as proposed under Alternative Proposal 2 – Elimination of Carts, and effective January 1, 2022, with the option for one five-year renewal.

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, McDaniel, Moniz, Verbeke
No: None

Resolution No. 21.05.069

Motion Carried (7 - 0)

9c. Public Hearing / Motion – Adopt an Ordinance to amend Article II, Streets, of Chapter 62, Streets, Sidewalks, and Other Places of the Auburn Hills City Code on Second Reading

Attorney Beckerleg spoke to the proposed ordinance amendment that will include a new section to 62-48. This addition will regulate and prohibit depositing of mud, dirt and other items on public streets, alleyways and sidewalks. This ordinance amendment does not apply to private roads. The proposed ordinance holds the person responsible of placing the debris on the public roads responsible and also holds the owner of a business that allows debris being tracked responsible.

Mayor McDaniel opened the Public Hearing at 8:01 PM.

Hearing no public comment, Mayor McDaniel closed the Public Hearing at 8:01 PM.

Moved by Verbeke, Seconded by Kittle.

RESOLVED: To adopt an Ordinance to amend Article II, Streets, of Chapter 62, Streets, Sidewalks, and Other Places of the Auburn Hills City Code on Second Reading. The Ordinance shall be known as Ordinance No. 21-925. (Attachment D)

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, McDaniel, Moniz, Verbeke
No: None

Resolution No. 21.05.070

Motion Carried (7 - 0)

9d. Motion – Accept the First Reading of an Ordinance to Amend Section 46-173, Prohibition of Skateboarding and Related Activities in Certain Public Places in Downtown Auburn Hills, of Chapter 46, Offenses and Miscellaneous Provisions, of the Auburn Hills City Code to add the Civic Center Park and Set for Public Hearing / Adoption at the Meeting of June 7, 2021

Mr. Hagge explained the proposed ordinance will prohibit skateboarding in the Civic Center Park area due to the damage that is taking place to the items within the Civic Center. Wheel control zone signs will be posted.

Mr. Marzolf shared that he is not in favor of this. He does not want to see any damage to the property however he is in favor of citing for vandalism. He believes there is a better way to handle the situation.

Moved by Kittle, Seconded by Burmeister.

RESOLVED: To accept the First Reading of an Ordinance to amend Section 46-173, Prohibition of Skateboarding and Related Activities in Certain Public Places in Downtown Auburn Hills of Chapter 46, Offenses and Miscellaneous Provisions, of the Auburn Hills City Code to add the Civic Center Park, and Set for Public Hearing and Second Reading / Adoption at the Meeting of June 7, 2021.

VOTE: Yes: Burmeister, Kittle, Knight, McDaniel, Moniz, Verbeke
No: Marzolf

Resolution No. 21.05.071

Motion Carried (6 - 1)

9e. Motion - Approve to increase the stormwater department budget

Mr. Keenan shared that originally the budgeted amount of \$5,000 for 2021 was based on previous experience for removal of wood debris and log jams from the Clinton River. The stormwater budget, needs

to be increased by \$9,600 from \$5,000 to \$14,600 to accommodate the monthly services charges, plus a small reserve for any additional charges due to larger log jams. The services cover the river from Opdyke to Hamlin roads, from border to border.

Mr. Kittle asked for clarification regarding the amount and why it was coming before Council. Ms. Schulz shared that recently City Council agreed to allow the Finance Director to move funds within a department but because the budget is approved within the general fund, all increases and expenses have to be approved by City Council.

Moved by Marzolf, Seconded by Kittle.

RESOLVED: To increase the stormwater department budget, G/L 101-445-817.000 by \$9,600 to accommodate eight months of woody debris maintenance services on the Clinton River as well as provide for funds should additional work be required to remove larger logs outside the scope of normal woody debris maintenance services.

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, McDaniel, Moniz, Verbeke

No: None

Resolution No. 21.05.072

Motion Carried (7 - 0)

9f. Motion - Approve the 2021 Park Structures Projects

Mr. Torres shared that due to the increase of usage, it is proposed to improve the park system by adding three pavilions and a gazebo. He stated that two of the constructions are supported through TIFA. The shelter for Manitoba Park comes by request of the residents desire to have the asphalt pad removed and replaced with a small shelter.

Brad and Craig Sheffer of Michigan Recreational Construction were present in the virtual meeting.

Mike Mattera of Vesta Homes was present in the virtual meeting.

Mr. Marzolf shared that he liked the design of all the structures but expressed his concerns for overcrowding for events and parking in the downtown area. Ms. Hegdal commented ~~that that~~ there are continual conversations with those that are reserving the parks so that people know the correct public spaces to park.

Mr. Tanghe stated that there is an additional parking lot that is being squared off and a larger number of parking is being looked at. He commented that there is a coordination effort that needs to take place for all the events and parking is being considered. He also shared that part of the gazebo is being built in part with a donation from Genesys Credit Union. It was also discussed that the improvements at Manitoba Park are in sync with the pavilion installation.

Mr. Knight commented these new structures are great but parking is a problem in the downtown area and it is difficult to find a parking spot at Riverside Park during the day.

Mr. Burmeister shared that he is happy to see something taking place at Manitoba Park but questioned if it would make better financial sense to wait for the lumber prices to come down before building these structures. Mr. Sheffer explained that the three shelters being proposed are premanufactured shelters. The quotes were based on bid specifications and the timeframe. This project is ahead of the curve in lumber prices.

It was clarified that the bids came in higher than budgeted, so the budget will be amended.

Moved by Marzolf, Seconded by Kittle.

RESOLVED: To authorize Michigan Recreation Construction to construct a new 20'x20' gazebo in Riverside Park and a new 36'x48' pavilion in Civic Center Park as funded and approved by the Tax Increment Finance Authority at their regular meeting on May 11, 2021.

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, McDaniel, Moniz, Verbeke

No: None

Resolution No. 21.05.073

Motion Carried (7 - 0)

Moved by Marzolf, Seconded by Knight.

RESOLVED: To award Michigan Recreation Construction of Brighton, Michigan a contract to construct a 12'x18' shelter in Manitoba Park with funding not to exceed \$36,069.

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, McDaniel, Moniz, Verbeke

No: None

Resolution No. 21.05.074

Motion Carried (7 - 0)

Moved by Marzolf, Seconded by Burmeister.

RESOLVED: To award Vesta Homes of Fraser, Michigan a contract to construct a 36'x40' pavilion in the Hawk Woods Park & Campground with funding not to exceed \$156,200.

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, McDaniel, Moniz, Verbeke

No: None

Resolution No. 21.05.075

Motion Carried (7 - 0)

Moved by Marzolf, Seconded by Moniz.

RESOLVED: To amend the budget as recommended, increasing the Parks Department 770 by \$231,200 and decreasing the Parks/Grounds department 266 by \$150,000.

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, McDaniel, Moniz, Verbeke

No: None

Resolution No. 21.05.076

Motion Carried (7 - 0)

9g. Motion - Approve the purchase of playground equipment and services for Manitoba Park

Mr. Torres explained that several residents approached the City with feedback concerning the future of Manitoba Park. He shared that several additions are to be made to the park and part of that is playground equipment.

Ms. Verbeke shared that the residents asked for swing sets **specialty** but also equipment geared towards older children and wants to ensure the Unity Large Canopy does that. Ms. Hegdal stated that this piece is designed for 6-12 year olds and was chosen based on the community feedback.

Mayor McDaniel thanked Ms. Verbeke for representing City Council by soliciting the feedback from the neighborhood to bring these amenities **to the park.**

Moved by Moniz, Seconded by Knight.

RESOLVED: To approve the purchase of Playworld playground equipment and installation services for the Manitoba Park sold through Midstates Recreation for \$18,128.64.

VOTE: Yes: Burmeister, Kittle, Knight, Marzolf, McDaniel, Moniz, Verbeke

No: None

Resolution No. 21.05.077

Motion Carried (7 - 0)

10. COMMENTS AND MOTIONS FROM COUNCIL

Mr. Moniz – He shared that on April 20th he turned in his letter of resignation to be able to spend more time with his family and traveling so tonight is his last night on City Council. He shared that he has enjoyed his time on Council even if they don't always agree because in the end it always comes to what is best for the City. He stated that he appreciated the presentation from Representative Carter. He stated that Eugene Hawkins III will be replacing him via the Charter and will be sworn into Office in June. He is looking forward to him being successful in this position for the residents. He thanked Council for supporting him and giving him confidence in the job he has done. He thanked staff for their work for the City. He thanked the residents.

Mayor McDaniel thanked Mr. Moniz for his outstanding job for the community and stated he should be proud of the work that he has done on behalf of the residents. He shared that he will miss his sense of humor and is thankful that he will continue to serve the community as a member of the PSAC. He wished him and his family the best in the next chapter.

Mr. Kittle - He stated that he respects Mr. Moniz for his decision. He commented on this issue of Summerfest being on Auburn Road. He shared that he was not aware that the businesses had issues with customers getting to their locations. If that is the case then he would support a move but was not sure if Ms. Casey represented the entire DDA.

Mr. Knight – He stated he appreciated how Mr. Moniz always spoke up and expressed an opinion with creative ideas. He continued with his concerns for the Public Parking sign downtown. Mr. Tanghe shared that it is being repaired because it fell down. Mr. Knight commented that as a member of the Brownfield Redevelopment Authority that Kayak Park still needed some clean up. He shared that with all the changes that have taken place within the last 5 days with regards to Covid restrictions, it is time to meet in public again and not to wait until July 1st to allow the public to come. He concluded that the Memorial Day Parade and festivities are still planned as in other years.

Mr. Marzolf – He congratulated Mr. Moniz and shared that he will always remember how he took the lead in the Orchards project and how he stood out and caught everyone's attention as doing such a great job. He mentioned that he agrees with Ms. Casey regarding Summerfest. He also agrees with Mr. Knight, it is time to start meeting in person again.

Ms. Verbeke – She shared that with having Summerfest on Auburn Road, it is more open and allows people more space to mingle and get around. She feels it would be worth talking with the business owners. She commented that the perennial exchange took place and the participants were happy to have an in-person event. She concluded that it has been a pleasure sitting next to Mr. Moniz and spending time together on City Council.

Mr. Burmeister – He shared his congratulations to Mr. Moniz and stated he hated to see him leave but wished him luck.

Mayor McDaniel – He shared that it would be best to have staff look at the location of Summerfest. He shared that the purpose of moving it was for certain reasons and the location should be continually assessed. He would like to give Staff the opportunity to come up with the best game plan. Mr. Tanghe shared that he took input from various departments and it was recommended keeping Auburn Road open for traffic movement. He shared that Summerfest was placed on the Court this year because everything has been in limbo and this will be a scaled down event that past events have had. All sides were taken into consideration when planning this year’s Summerfest event. It was discussed that there will be no ice cream scooping this year, rather handing out popsicles and individually wrapped items.

11. CITY ATTORNEY REPORT

12. CITY MANAGER REPORT

Mr. Tanghe – Congratulated Mr. Moniz and wished him well.

13. ADJOURNMENT

Hearing no objections, the Mayor adjourned the meeting at 9:19 PM.

Kevin R. McDaniel, Mayor

Laura M. Pierce, City Clerk

ATTACHMENT A

RESOLUTION

**City of Auburn Hills, Michigan
Auburn Hills Fire Department
Cadet Program**

WHEREAS, the Auburn Hills Fire Department, recognizes the importance of a properly staffed fire department, for the well-being of residents and visitors to our community, and

WHEREAS, it is further recognized, that a Cadet Program will help to assure the availability of competent, well-trained individuals to consider for future fire department vacancies, and

WHEREAS, it is further recognized, that local Community Colleges can train and educate these Cadets at minimal costs and effort to the fire department through their Dual Enrollment Program thus providing State Firefighter Certification, college credit hours and vocational training, now

THEREFORE, be it resolved, that the City of Auburn Hills hereby authorizes the Fire Chief to establish and maintain a Cadet Program within the fire department, comprised of individuals from 16 through 18 years of age.

Adopted this 17th day of May 2021 by the City of Auburn Hills.

Signature
Thomas A. Tanghe, City Manager

Return adopted resolution to:
BFS/Fire Fighter Training Division
PO Box 30700
Lansing MI 48909



ATTACHMENT B

PROCLAMATION

NATIONAL PUBLIC WORKS WEEK MAY 16, 2021 - MAY 22, 2021

WHEREAS, public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the City of Auburn Hills; and,

WHEREAS, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment, and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders and children in the City of Auburn Hills to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2021 marks the 61st annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association be it now,

RESOLVED, I, Kevin R. McDaniel, Mayor, do hereby designate the week May 16 – 22, 2021 as National Public Works Week; I urge all citizens to join with representatives of the American Public Works Association/Canadian Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Auburn Hills to be affixed. Done at the City of Auburn Hills this 17th day of May 2021.

Dated this 17th day of May, 2021.

Kevin R. McDaniel, Mayor

ATTACHMENT C

At a regular meeting of the City Council of the City of Auburn Hills, Oakland County, Michigan (the “City”), held on May 17, 2021.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and seconded by _____.

BOND RESOLUTION Limited Tax General Obligation Bonds, Series 2021

WHEREAS, the City Council of the City (the “Council”) does hereby determine that it is necessary to finance the cost of (a) road improvements to major and local roads within the City and any and all related appurtenances and (b) improvements, replacements, and/or renovations to City buildings and other facilities, including without limitation the replacement of one or more roofs, HVAC units, and related appurtenances (the “Project”); and

WHEREAS, the aggregate cost of the Project is estimated to be not less than Fourteen Million Five Hundred Thousand Dollars (\$14,500,000); and

WHEREAS, the Council has determined to issue capital improvement bonds and to use the proceeds of the sale of such bonds to finance all or a portion of the Project.

THEREFORE, BE IT RESOLVED by the City Council of the City of Auburn Hills, Michigan, as follows:

AUTHORIZATION OF BONDS – PURPOSE. Capital improvement bonds of the City aggregating the principal sum of not to exceed Fourteen Million Five Hundred Thousand Dollars (\$14,500,000) shall be issued and sold for the purpose of defraying all or part of the cost of the Project. Each of the City Manager and the Finance Director/Treasurer, acting individually, is hereby designated as an Authorized Officer for purposes of this resolution.

BOND DETAILS. The bonds shall be designated “Limited Tax General Obligation Bonds, Series 2021”, or such other designation as determined by the Authorized Officer; shall be dated the date of their delivery; shall be numbered from 1 upwards; shall be fully registered; shall be in the denomination of \$5,000 each or any integral multiple thereof not exceeding the aggregate principal amount for each maturity at the option of the purchaser thereof; shall bear interest at a rate or rates not exceeding 5% per annum to be determined upon the sale thereof and payable semiannually on such dates as shall be determined by order of the Authorized Officer; and shall be serial and/or term bonds and mature on such dates and in such amounts as shall be determined by order of the Authorized Officer; provided, however, that the final principal maturity of the bonds shall be not later than June 1, 2041. If the original purchaser of the bonds shall designate certain of the bonds as term bonds, the principal maturities of the bonds shall become mandatory redemption requirements in accordance with the provisions of Section 6 and the form of bond set forth in Section 10. If requested by the original purchaser of the bonds and determined by the Authorized Officer, the bonds may be issued in the form of a single bond with an exhibit containing the principal maturity amounts and applicable interest rates and due dates.

PAYMENT OF PRINCIPAL AND INTEREST. The principal of and interest on the bonds shall be payable in lawful money of the United States. Principal shall be payable upon presentation and surrender

of the bonds to the bond registrar and paying agent as they severally mature; provided, however, the Authorized Officer may determine by order that presentation and surrender of the bonds to the bond registrar and paying agent are not required for payment of some or all of the principal installments, and in such case such principal installments shall be paid to the registered owner of the bonds as shown on the registration books. Interest shall be paid to the registered owner of each bond as shown on the registration books at the close of business on the 15th day of the calendar month preceding the month in which the interest payment is due. Interest shall be paid when due by check or draft drawn upon and mailed by the bond registrar and paying agent to the registered owner at the registered address.

BOOK-ENTRY SYSTEM. Initially, one fully-registered bond for each maturity, in the aggregate amount of such maturity, shall be issued in the name of Cede & Co., as nominee of The Depository Trust Company (“DTC”) for the benefit of other parties (the “Participants”) in the book-entry-only transfer system of DTC. In the event the City determines that it is in the best interest of the City not to continue the book-entry system of transfer or that the interests of the holders of the bonds might be adversely affected if the book-entry system of transfer is continued, the City may notify DTC and the bond registrar and paying agent, whereupon DTC will notify the Participants of the availability through DTC of bond certificates. In such event, the bond registrar and paying agent shall deliver, transfer and exchange bond certificates as requested by DTC and any Participant or “beneficial owner” in appropriate amounts in accordance with this Bond Resolution. DTC may determine to discontinue providing its services with respect to the bonds at any time by giving notice to the City and the bond registrar and paying agent and discharging its responsibilities with respect thereto under applicable law or the City may determine that DTC is incapable of discharging its duties and may so advise DTC. In either such event, the City shall use reasonable efforts to locate another securities depository. Under such circumstances (if there is no successor securities depository), the City and the bond registrar and paying agent shall be obligated to deliver bond certificates in accordance with the procedures established by this Bond Resolution. In the event bond certificates are issued, the provisions of this Bond Resolution shall apply to, among other things, the transfer and exchange

of such certificates and the method of payment of principal of and interest on such certificates. Whenever DTC requests the City and the bond registrar and paying agent to do so, the City and the bond registrar and paying agent shall cooperate with DTC in taking appropriate action after reasonable notice to make available one or more separate certificates evidencing the bonds to any Participant having bonds credited to its DTC account or to arrange for another securities depository to maintain custody of certificates evidencing the bonds.

Notwithstanding any other provision of this Bond Resolution to the contrary, so long as any bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal of, interest on and redemption premium, if any, on the bonds and all notices with respect to the bonds shall be made and given, respectively, to DTC. The Authorized Officer is authorized to sign the Blanket Issuer Letter of Representations on behalf of the City in such form as such official deems necessary or appropriate in order to accomplish the issuance of the bonds in accordance with law and this Bond Resolution.

Notwithstanding any other provision of this resolution to the contrary, if the Authorized Officer deems it to be in the best interest of the City, the bonds shall not initially be issued through the book-entry-only transfer system of DTC.

OPTIONAL REDEMPTION. The bonds shall be subject to optional redemption prior to maturity upon such terms and conditions as shall be determined by order of the Authorized Officer.

MANDATORY PRIOR REDEMPTION. If any of the bonds are designated by the original purchaser as term bonds such bonds shall be subject to mandatory prior redemption at par and accrued interest in accordance with the maturity schedule determined by the Authorized Officer and upon the terms and conditions set forth in the form of bond contained in Section 10 hereof. The bonds to be redeemed shall be selected by lot.

BOND REGISTRAR AND PAYING AGENT. The Authorized Officer shall designate, and may enter into an agreement with, a bond registrar and paying agent for the bonds that shall be a bank or trust company located in the State of Michigan that is qualified to act in such capacity under the laws of the United States of America or the State of Michigan. The Authorized Officer may, from time to time, as required, designate a similarly qualified successor bond registrar and paying agent. Alternatively, the Finance Director/Treasurer may serve as bond registrar and paying agent for the bonds if the Authorized Officer determines it is in the best interest of the City.

EXECUTION, AUTHENTICATION AND DELIVERY OF BONDS. The bonds shall be executed in the name of the City by the facsimile signatures of the Mayor and the Clerk and authenticated by the manual signature of an authorized representative of the bond registrar and paying agent, and the seal of the City (or a facsimile thereof) shall be impressed or imprinted on the bonds. After the bonds have been executed and authenticated for delivery to the original purchaser thereof, they shall be delivered by the Finance Director/Treasurer or the City Manager to the purchaser upon receipt of the purchase price. Additional bonds bearing the facsimile signatures of the Mayor and the Clerk and upon which the seal of the City (or a facsimile thereof) is impressed or imprinted may be delivered to the bond registrar and paying agent for authentication and delivery in connection with the exchange or transfer of bonds. The bond registrar and paying agent shall indicate on each bond the date of its authentication.

EXCHANGE AND TRANSFER OF BONDS. Any bond, at the option of the registered owner thereof and upon surrender thereof to the bond registrar and paying agent with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney, may be exchanged for bonds of any other authorized denominations of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered bond.

Each bond shall be transferable only upon the books of the City, which shall be kept for that purpose by the bond registrar and paying agent, upon surrender of such bond together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney.

Upon the exchange or transfer of any bond, the bond registrar and paying agent on behalf of the City shall cancel the surrendered bond and shall authenticate and deliver to the transferee a new bond or bonds of any authorized denomination of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered bond. If, at the time the bond registrar and paying agent authenticates and delivers a new bond pursuant to this section, payment of interest on the bonds is in default, the bond registrar and paying agent shall endorse upon the new bond the following: "Payment of interest on this bond is in default. The last date to which interest has been paid is [insert applicable date]."

The City and the bond registrar and paying agent may deem and treat the person in whose name any bond shall be registered upon the books of the City as the absolute owner of such bond, whether such bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such bond and for all other purposes, and all payments made to any such registered owner, or upon his order, in accordance with the provisions of Section 3 of this Bond Resolution shall be valid and effectual to satisfy and discharge the liability upon such bond to the extent of the sum or sums so paid, and neither the City nor the bond registrar and paying agent shall be affected by any notice to the contrary. The City agrees to indemnify and save the bond registrar and paying agent harmless from and against any and all loss, cost, charge, expense, judgment or liability incurred by it, acting in good faith and without negligence hereunder, in so treating such registered owner.

For every exchange or transfer of bonds, the City or the bond registrar and paying agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer.

FORM OF BONDS. The bonds shall be in substantially the following form, with such changes as are approved by the Authorized Officer and consistent with the terms of this Bond Resolution:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF AUBURN HILLS
LIMITED TAX GENERAL OBLIGATION BOND, SERIES 2021

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATE OF ORIGINAL ISSUE</u>	<u>CUSIP</u>
		_____, 2021	

Registered Owner:

Principal Amount:

The City of Auburn Hills, County of Oakland, State of Michigan (the "City"), acknowledges itself indebted to and for value received hereby promises to pay to the Registered Owner identified above, or registered assigns, the Principal Amount set forth above on the Maturity Date specified above, unless redeemed prior thereto as hereinafter provided, upon presentation and surrender of this bond at the corporate trust office of _____, _____, Michigan, the bond registrar and paying agent, or at such successor bond registrar and paying agent as may be designated pursuant to the Resolution (as hereinafter defined), and to pay to the Registered Owner, as shown on the registration books at the close of business on the 15th day of the calendar month preceding the month in which an interest payment is due, by check or draft drawn upon and mailed by the bond registrar and paying agent by first class mail postage prepaid to the Registered Owner at the registered address, interest on such Principal Amount until the City's obligation with respect to the payment of such Principal Amount is discharged, at the rate per annum specified above. Interest is payable on the first day of _____ and _____ in each year, commencing on _____ 1, 20___. Principal and interest are payable in lawful money of the United States of America. Interest shall be computed on the basis of a 360-day year of twelve 30-day months.

This bond is one of a series of bonds aggregating the principal sum of _____ Dollars (\$_____) issued by the City under and pursuant to and in full conformity with the Constitution and Statutes of Michigan (especially Act No. 34, Public Acts of 2001, as

amended) and a bond authorizing resolution adopted by the City Council of the City (the “Resolution”) for the purpose of defraying the cost of (a) road improvements to major and local roads within the City and any and all related appurtenances and (b) improvements, replacements, and/or renovations to City buildings and other facilities, including without limitation the replacement of one or more roofs, HVAC units, and related appurtenances.

The City has irrevocably pledged its full faith and credit for the prompt payment of the principal of and interest on this bond as the same become due. The principal of and interest on the bonds are payable as a first budget obligation of the City from its general funds. The ability of the City to raise such funds is subject to applicable statutory and constitutional limitations on the taxing power of the City. The amount of taxes necessary to pay the principal of and interest on the bonds, together with the taxes levied for the same year, shall not exceed the limit authorized by law.

This bond is transferable, as provided in the Resolution, only upon the books of the City kept for that purpose by the bond registrar and paying agent, upon the surrender of this bond together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the Registered Owner or his attorney duly authorized in writing. Upon the exchange or transfer of this bond a new bond or bonds of any authorized denomination, in the same aggregate principal amount and of the same interest rate and maturity, shall be authenticated and delivered to the transferee in exchange therefor as provided in the Resolution, and upon payment of the charges, if any, therein provided. Bonds so authenticated and delivered shall be in the denomination of \$5,000 or any integral multiple thereof not exceeding the aggregate principal amount for each maturity.

The bond registrar and paying agent shall not be required to transfer or exchange bonds or portions of bonds which have been selected for redemption.

MANDATORY PRIOR REDEMPTION

Bonds maturing in the year ____ are subject to mandatory prior redemption at par and accrued interest as follows:

Redemption Date	Principal Amount of Bonds to be Redeemed
-----------------	---

Bonds or portions of bonds to be redeemed by mandatory redemption shall be selected by lot.
(REPEAT IF MORE THAN ONE TERM BOND)

OPTIONAL PRIOR REDEMPTION

Bonds maturing prior to _____ 1, 20__, are not subject to redemption prior to maturity. Bonds maturing on and after _____ 1, 20__, are subject to redemption prior to maturity at the option of the City, in such order as shall be determined by the City, on any date on or after _____ 1, 20__. Bonds may be partially redeemed in any amount. If less than all of the bonds maturing in any year are to be redeemed, the bonds or portions of bonds to be redeemed shall be selected by lot. The redemption price shall be the par value of the bond or portion of the bond called to be redeemed plus interest to the date fixed for redemption.

Not less than thirty nor more than sixty days’ notice of redemption shall be given by first-class mail to the registered owners of bonds called to be redeemed at their registered addresses. Failure to receive notice of redemption shall not affect the proceedings for redemption. Bonds or portions of bonds called for

redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the bond registrar and paying agent to redeem the same.

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

IN WITNESS WHEREOF, the City of Auburn Hills, Oakland County, Michigan, by its City Council, has caused this bond to be executed in its name by facsimile signatures of the Mayor and City Clerk and its corporate seal (or a facsimile thereof) to be impressed or imprinted hereon. This bond shall not be valid unless the Certificate of Authentication has been manually executed by the bond registrar and paying agent or an authorized representative of the bond registrar and paying agent.

CITY OF AUBURN HILLS

By: _____
Its: Mayor

And: _____
Its: Clerk

CERTIFICATE OF AUTHENTICATION

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

Bond Registrar and Paying Agent

By: _____
Authorized Representative

AUTHENTICATION DATE:

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____
(please print or type name, address and taxpayer identification number of transferee) the within bond and all rights thereunder and hereby irrevocably constitutes and appoints _____
attorney to transfer the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed: _____

Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

[END OF BOND FORM]

SECURITY. The full faith and credit of the City are pledged hereby to the payment of the principal and interest on the bonds authorized by this Bond Resolution. Each year the City shall include in its budget as a first budget obligation an amount sufficient to pay such principal and interest as the same shall become due. The ability of the City to raise funds for the payment of the principal of and interest on the bonds is subject to applicable constitutional, statutory and charter limitations on the taxing power of the City. The amount of taxes necessary to pay the principal of and interest on the bonds, together with the taxes levied for the same year, shall not exceed the limit authorized by law. The proceeds of such taxes (both current and delinquent) shall be deposited as collected into a Principal and Interest Fund that shall be established for the bonds, and until the principal of and the interest on the bonds are paid in full, such proceeds shall be used only for payment of such principal and interest.

ESTIMATES OF PERIOD OF USEFULNESS AND COST. The estimated period of usefulness of the Project for which the bonds are to be issued is hereby determined to be **twenty (20) years** and upwards, and the estimated cost of the portion of the Project to be financed with the proceeds of the Bonds in the amount of not less than \$14,500,000 as submitted to the Council is hereby approved and adopted.

USE OF BOND PROCEEDS – PRINCIPAL AND INTEREST FUND; CONSTRUCTION FUND.
From the proceeds of the sale of the bonds there shall be set aside in the Principal and Interest Fund, which is hereby established, any accrued interest received from the purchaser at the time of delivery of the bonds and such portion of any premium received from the purchaser at such time as determined by the Authorized

Officer. The remainder of the proceeds of the sale of the bonds shall be set aside in a construction fund and used to pay the costs of issuing the bonds and to acquire and construct the Project.

TAX COVENANT. The City covenants to comply with all requirements of the Internal Revenue Code of 1986, as amended (the “Code”) necessary to assure that the interest on the bonds will be and will remain excludable from gross income for federal income tax purposes.

DEFEASANCE. In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay, at maturity or irrevocable call for earlier optional redemption, the principal of, redemption premium, if any, and interest on the bonds, or any portion thereof, shall have been deposited in trust, this Bond Resolution shall be defeased with respect to such bonds, and the owners of the bonds shall have no further rights under this Bond Resolution except to receive payment of the principal of, redemption premium, if any, and interest on the bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange bonds as provided herein.

REPLACEMENT OF BONDS. Upon receipt by the Finance Director/Treasurer of proof of ownership of an unmatured bond, of satisfactory evidence that the bond has been lost, apparently destroyed or wrongfully taken and of security or indemnity that complies with applicable law and is satisfactory to the Finance Director/Treasurer, the Finance Director/Treasurer may authorize the bond registrar and paying agent to deliver a new executed bond to replace the bond lost, apparently destroyed or wrongfully taken in compliance with applicable law. In the event an outstanding matured bond is lost, apparently destroyed or wrongfully taken, the Finance Director/Treasurer may authorize the bond registrar and paying agent to pay the bond without presentation upon the receipt of the same documentation required for the delivery of a replacement bond. The bond registrar and paying agent, for each new bond delivered

or paid without presentation as provided above, shall require the payment of expenses, including counsel fees, which may be incurred by the bond registrar and paying agent and the City in the premises. Any bond delivered pursuant to the provisions of this Section 16 in lieu of any bond lost, apparently destroyed or wrongfully taken shall be of the same form and tenor and be secured in the same manner as the bond in substitution for which such bond was delivered.

SALE, ISSUANCE, DELIVERY, TRANSFER AND EXCHANGE OF BONDS. The bonds shall be sold at a competitive sale as hereinafter provided. The Authorized Officer is hereby authorized to approve an Official Notice of Sale for the bonds and publish the same in accordance with law in *The Bond Buyer* at least seven days before the date set for the sale of the bonds. Sealed bids for the purchase of the bonds shall be received up to such time as shall hereafter be determined by the Authorized Officer. Following the receipt of bids for the bonds, the bonds shall be awarded to the successful bidder therefor pursuant to an order to be executed by the Authorized Officer at the time of sale of the bonds, which order shall set forth, with respect to the bonds, the principal amount, principal maturities and dates, interest rates and interest payment dates, redemption provisions, if any, and purchase price to be paid by the successful bidder, as well as such other terms and provisions as the Authorized Officer determines to be necessary or appropriate in connection with the sale of the bonds. In addition, the Authorized Officer may designate the bonds by written order as “qualified tax exempt obligations” for purposes of Section 265(b)(3) the Code. Alternatively, if determined to be in the best interest of the City, the Authorized Officer is authorized to reject all bids and negotiate the terms of sale with a purchaser as determined by the Authorized Officer. In making determinations in the order awarding the bonds to the low bidder with respect to principal maturities and dates, interest rates and purchase price of the bonds, the Authorized Officer shall be limited as follows:

- (a) The interest rate on any bond shall not exceed 5% per annum.
- (b) The final maturity date of the bonds shall not be later than June 1, 2041.
- (c) The difference between the highest and lowest interest rates on the bonds shall not exceed three percentage points.

(d) The purchase price of the bonds shall not be less than 99.5% nor more than 110% of the principal amount thereof.

The Mayor, the Finance Director/Treasurer, the Clerk, the City Manager and other officers and employees of the City are authorized to do all things necessary to effectuate the sale, issuance, delivery, transfer and exchange of bonds in accordance with this Bond Resolution, including applying to the Michigan Department of Treasury (i) for approval to issue and sell the bonds as provided by the terms of this Bond Resolution and Act 34 and (ii) for exemptions or exceptions from any requirement of Act 34, and paying any filing fees in connection therewith.

OFFICIAL STATEMENT; CONTINUING DISCLOSURE: The Authorized Officer is hereby authorized to cause the preparation of a preliminary official statement and a final official statement for the bonds for the purpose of enabling compliance with SEC Rule 15c2-12 (the “Rule”) by the successful bidder or bidders and to do all other things necessary to enable compliance with the Rule by the successful bidder or bidders. After the award of the bonds, the City shall provide, on a timely basis and in reasonable quantity as requested by the successful bidder or bidders to enable the successful bidder or bidders to comply with paragraphs (b)(3) and (b)(4) of the Rule and the rules of the Municipal Securities Rulemaking Council.

The Authorized Officer is hereby authorized to execute and deliver in the name of and on behalf of the City (i) a certificate of the City to comply with the requirement for a continuing disclosure undertaking of the City pursuant to subsection (b)(5) of the Rule, as applicable, and (ii) amendments to such certificate from time to time in accordance with the terms of such certificate (the certificate and any amendments thereto are collectively referred to herein as the “Continuing Disclosure Certificate”). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. The remedies for any failure of the City to comply with or carry out the provisions of the Continuing Disclosure Certificate shall be as set forth therein.

BOND INSURANCE. The Authorized Officer is authorized and directed to take any actions that may be necessary or appropriate to purchase a policy or policies of municipal bond insurance with respect to the bonds to the extent that such officer determines that the purchase of such municipal bond insurance is in the best interests of the City. If the Authorized Officer makes such a determination, the purchase of a policy or policies and the payment of premiums therefor and the execution by such officer of any necessary commitments with respect thereto are hereby authorized.

CONFLICTING RESOLUTIONS. All resolutions and parts of resolutions, insofar as they are in conflict herewith, are rescinded.

YEAS: _____

NAYS: _____

ABSENT: _____

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
)ss
COUNTY OF OAKLAND)

I, the undersigned, the Clerk of the City of Auburn Hills, Oakland County, Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of the City Council of said City held on May 17, 2021, the original of which resolution is on file in my office. I further certify that notice of said meeting was given in accordance with the provisions of the Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this ____ day of May, 2021.

Clerk, City of Auburn Hills

ATTACHMENT D

CITY OF AUBURN HILLS

ORDINANCE NO. 21-925

AN ORDINANCE TO AMEND ARTICLE II – STREETS, OF CHAPTER 62 – STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES, OF THE AUBURN HILLS CITY CODE, AS AMENDED, TO ADD A NEW SECTION 62-48 – DEPOSITS OF MUD, DIRT AND OTHER ITEMS ON PUBLIC STREETS, PUBLIC ALLEYS, PUBLIC SIDEWALKS AND PUBLIC RIGHTS OF WAY, TO PROHIBIT THE DEPOSIT OF DIRT, MUD AND OTHER ITEMS ON ANY PUBLIC STREET, PUBLIC ALLEY, PUBLIC SIDEWALK OR OTHER PUBLIC RIGHT OF WAY

THE CITY OF AUBURN HILLS ORDAINS:

SECTION 1.

Article II – Streets, of Chapter 62 – Streets, Sidewalks, and Other Public Places, of the Auburn Hills City Code, as amended, is hereby amended to add a new Section 62-48 – Deposits of mud, dirt and other items on public streets, public alleys, public sidewalks and public rights of way, to read as follows:

Sec. 62-48. – Deposits of mud, dirt and other items on public streets, public alleys, public sidewalks and public rights of way.

- (a) No person and/or motor vehicle they are operating and/or trailer they are hauling shall cause or allow any dirt, fill, mud, rocks, gravel, concrete, asphalt, vegetation, grease, oil, debris or other foreign material or substance to be spilled, dumped, deposited, discharged, spread or tracked onto any public street, public alley, public sidewalk or other public right of way in the City of Auburn Hills.
- (b) Any person or entity who owns, leases or occupies property in connection with which dirt, fill, mud, rocks, gravel, concrete, asphalt, vegetation, grease, oil, debris or other foreign material or substance is hauled to or removed from, or caused or allowed to be spilled, dumped, deposited, discharged, spread or tracked onto any public street, public alley, public sidewalk or other public right of way in the City of Auburn Hills shall be subject to any of the penalties authorized in Section 62-48.
- (c) A violation of this Section 62-48 shall be a municipal civil infraction punishable by a civil fine not to exceed \$200 and the cost of prosecution. In addition, any person or entity that violates this Section 62-48 by causing or allowing any dirt, fill, mud, rocks, gravel, concrete, asphalt, vegetation, grease, oil, debris or other foreign material or substance to be spilled, dumped, deposited, discharged, spread or tracked onto any public street, public alley, public sidewalk or other public right of way in the City of Auburn Hills may be held responsible for paying to the City of Auburn Hills the cost of cleaning the unlawfully spilled, dumped, deposited, discharged, spread or tracked dirt, fill, mud, rocks, gravel, concrete, asphalt, vegetation, grease, oil, debris or other foreign material or substance from the public street, public alley, public sidewalk or other public right of way in the City of Auburn Hills.

SECTION 2. Repealer.

