



Minutes - January 26th, 2009

Wyandotte, Michigan January 26, 2009

Regular session of the City Council of the City of Wyandotte, the Honorable Mayor James R. DeSana presiding.

ROLL CALL

Present: Councilpersons Browning, Fricke, Kolakowski, Ptak, Sutka

Absent: Councilperson Peterson

COMMUNICATIONS MISCELLANEOUS

January 21, 2009

Mayor James R. DeSana and City Councilmembers
3131 Biddle Avenue
Wyandotte, Michigan 48192

Dear Mayor DeSana and City Councilmembers:

On December 2, 2008 at approximately 9:00 p.m. my wife Nancy went into complete cardiac arrest. Upon calling 911 to aid my wife the 911 operator treated me with the utmost care and concern. The Wyandotte Fire Department went into action and saved the life of my precious wife. I can not tell you how wonderful it was to have those professionals to come to our assistance and how much the caring and true concern for we citizens is deeply appreciated.

Thank you again to the Wyandotte Fire Department and the 911 operator.

Sincerely yours,

Bernie Gasiewski, 2109 Davis, Wyandotte, Michigan 48192

PERSONS IN THE AUDIENCE

Chris Calvin, 466 Sycamore, regarding Wyandotte High School Band. Thanking all for their support.

LaRoush Committee, requests support of this Council.

Robert Karczynski, 1112 – 7th, regarding sewage system being out of control.

COMMUNICATIONS FROM CITY AND OTHER OFFICIALS

January 22, 2009

The Honorable James R. DeSana, Mayor and City Council Members
3131 Biddle Avenue
Wyandotte, Michigan 48192

Dear Mayor DeSana and City Council Members,

Attached you will find minutes of the Downtown Development Authority (DDA) meeting held on January 12, 2009 which includes the following resolutions relative to funding for the Wyandotte Business Association (WBA):

Motion by Member Slack seconded by Member Trupiano to release last quarter funds (Oct-Dec 2008) to

the Wyandotte Business Association (WBA) in the amount of \$12,500. Motion Passed 6-0.

Motion by Member Rose seconded by Member Trupiano to release the second quarter funding (Jan-Mar 2009) to the WBA in the amount of \$12,500. Motion Passed 6-0.

Note that the City released this funding on January 21, 2008.

Motion by Member Slack seconded by Member Trupiano to release \$10,000 for ice fest. Motion Passed 6-0.

Note that \$5,000 of this amount was released on January 21, 2008 prior to distribution of the attached meeting minutes that indicated \$10,000.

Motion by Member Trupiano to approve money for ice rink [\$5,000]. Motion Passed 6-0.

Note that this is a new project proposed by the WBA to be placed on the site of the old Wyandotte Theater. Additional details, other than what is included in the attached minutes, are not known at this time.

Motion by Chairman Gilbert [to authorize] seconded by Member Trupiano to amend the budget to provide for an additional \$10,000 to the WBA to be used for ice stands, marketing, and advertising. Motion passed 4-2.

Note that the current DDA budget includes \$65,000 to be used for promotional purposes. Based on the DDA recommendations above, it appears that a budget amendment is necessary for \$10,000. Representatives of the WBA and DDA were requested to be present at this meeting to address any questions regarding these issues.

Also attached is the previous Marketing Agreement entered into between the WBA and the DDA as well as the financial report dated November 10, 2008, addressed to the DDA from the WBA.

Sincerely,

Todd A. Drysdale
Director of Financial and Administrative Services

January 2, 2009

Mayor and City Council, City of Wyandotte
3131 Biddle Avenue Wyandotte, MI 48192

Dear Honorable Mayor and City Council Members:

SUBJECT: TRAFFIC CONTROL ORDER 2009-001

The Traffic Bureau forwarded a recommendation for the installation of a "Handicap Parking" sign at 1075 Cora St., Wyandotte, Michigan. This request met all the qualifications set forth by the Commission, therefore in concurrence with Sergeant Pouliot, this letter serves as a recommendation for Council support of Traffic Control Order 2009-001 as specified on said order.

If there are any additional questions, please feel free to contact my office at extension 4424.

Sincerely,

Daniel J. Grant, Chief of Police

Date: January 22, 2009

To: Mayor DeSana and City Council Members
From: Fred Pischke, Superintendent of Recreation
Regarding: Approval to apply to for Liquor License for Yack Arena

On January 13, 2009, the Recreation Commission adopted the resolution that concurred with the recommendation of the Recreation Superintendent for the City of Wyandotte to apply for a Liquor license for the Yack Arena for the current year.

I am requesting that you concur with this recommendation. I have attached the application for the Liquor license and the minutes from the Recreation Commission meeting for your information.

Please let me know if you have questions.

Thank you very much.
Fred Pischke
Recreation Superintendent

January 21, 2009

Honorable Mayor James DeSana and City Council
City of Wyandotte Michigan

Dear Mayor DeSana and Council Members:

At the meeting of January 13, 2009, the Wyandotte Recreation Commission discussed extending the contract with Mr. Robert Thiede for the operation of the Wyandotte Shores Golf Course and BASF Park Concession-Restroom Facility.

A motion was made by Commissioner Dale Brennan and supported by Commissioner Margaret Loya, to recommend to this Council the acceptance of the attached contract between the City of Wyandotte and Mr. Thiede for the period of March 1, 2009, through December 31, 2009. This contract contains the same monthly compensation as last year.

The contract has been submitted to the Department of Legal Affairs. Sincerely yours,

Frederick E. Pischke, Superintendent of Recreation

January 22, 2009

The Honorable Mayor James R. DeSana and City Council
City Hall, Wyandotte, Michigan

Dear Mayor DeSana and City Council Members:

Attached please find a notice from The Federal Emergency Management Agency (FEMA) regarding a Flood Risk Information Open House being held on Wednesday, February 18, 2009 at Wyandotte City Hall from 4:30 p.m. to 7:00 p.m. At this Open House, there will be representatives from the Michigan Department of Environmental Quality and the FEMA, who will address any questions regarding Flood Insurance Rate Maps and Flood Insurance Coverage offered through the National Flood Insurance Program.

This notice will be placed on local cable channel and the Fort Street sign. All Wyandotte Residents are encouraged to come.

Very truly yours,
Mark A. Kowalewski, City Engineer

January 22, 2009

The Honorable Mayor James R. DeSana And City Council
City Hall, Wyandotte, Michigan

Dear Mayor DeSana and City Council Members:

The City of Wyandotte was successful in acquiring a \$40,000 grant for asbestos abatement from Downriver Community Conference, Downriver Area Brownfield Consortium, as a sub-grantee.

Attached please find a notice of Public Hearing for the asbestos abatement at 81 Chestnut, Wyandotte on March 2, 2009. This Hearing is a requirement of the Grant the City is receiving.

Also attached is a Resolution which will direct the undersigned to place said notice in the News Herald and on local cable channel.

Very truly yours,

Mark A. Kowalewski City Engineer

TO: Honorable Mayor and City Council
FROM: Department of Legal Affairs
DATE: January 20, 2009
RE: Recommended Amendment to Liquor License Regulation

Dear Mayor and City Council:

The City of Wyandotte has attempted to ensure by ordinance that the sale of alcohol within the City of Wyandotte is done in a reasonable manner. The City has adopted Article X entitled Liquor Licenses in Chapter 21 of the Code of Ordinances to establish guidelines. It has been brought to my attention that a City may restrict public nudity in an establishment licensed by the Liquor Control Commission. The Township of Van Buren and Clinton Township have adopted such ordinances and the Michigan Courts have upheld these ordinances as reasonable.

The purpose of such an ordinance is to eliminate the effects of undesirable behavior that stem from a combination of alcohol and nudity. The Court has noted that the communities found through their experience and from studies, that the combination of alcohol with sexually orientated activities are associated with depression of property values and higher crime rates. I have discussed this matter with Chief Daniel Grant and he is of the opinion that this type of regulation would benefit the City. Therefore, I am submitting for your consideration an amendment to the above referenced ordinances which would prohibit nudity on licensed premises.

Respectfully submitted, Department of Legal Affairs
LOOK, MAKOWSKI and LOOK Professional Corporation
William R. Look

January 22, 2009

The Honorable Mayor & Council City of Wyandotte
3131 Biddle Avenue
Wyandotte, Michigan 48192

Honorable Mayor and City Council,

Enclosed herewith are copies of resolutions passed by the Municipal Service Commission at its regular meeting of January 13, 2009. Resolutions are as follows:

1. Resolution to allow Wyandotte Municipal Service to remain in control of aggregating the demand of our electrical system instead of allowing outside entities to market the demand. This is in response to FERC Order 4719.
2. Resolution for Wyandotte Municipal Service notice of intent to issue Electric System Revenue and Revenue Refunding Bonds, Series 2009A. In the process of taking this opportunity to refinance our 2002 bonds at a better interest rate it allows us to pull out \$3 million in new money for Substation #9 and still save on average \$100,000 per year.

Very truly yours,
City of Wyandotte
WYANDOTTE MUNICIPAL SERVICES

Melanie L. McCoy General Manager

LATE ITEM

TO: Honorable Mayor and City Council DATE: January 22, 2009

FROM: Daniel J. Grant, Chief of Police

SUBJECT: ORDINANC RESTRICTING NUDITY IN LCC LICENSED ESTABLISHMENT

I have had the opportunity to review the proposed ordinance as drafted by City Attorney William R. Look as it relates to restricting nudity in establishments which are licensed by the Michigan Liquor Control Commission. Although the City of Wyandotte does not currently have any such establishments operating within our jurisdiction, several years ago there were two such businesses in operation. Both of those licensed businesses created a substantial demand for police services from the Wyandotte Police Department and often created problems within their respective neighborhoods.

I would recommend that the proposed amendment preventing such activity/entertainment within the City of Wyandotte be approved which in my opinion will prevent the reoccurrence of these issues.

If you have any further questions, please do not hesitate to contact me at your convenience.

Respectfully,

Daniel Grant

January 26, 2009

Honorable Mayor James R. DeSana and City Councilmembers
3131 Biddle Avenue, Wyandotte, Michigan 48192

Dear Mayor DeSana and Councilmember:

The City Clerk has received an application for the operation of a Tattoo Parlor located at 2461 Fort Street, Wyandotte. All requirements for said license have been met, please see attached.. Therefore it is my recommendation that this request be approved.

Sincerely yours

William R. Griggs, City Clerk

January 26, 2009

The Honorable Mayor James R. DeSana and City Council
City Hall, Wyandotte, Michigan

Dear Mayor and Council Members:

Attached please find Purchase Agreements for the City to acquire the following property:

1850 McKinley - \$30,000.00 TIFA Area Funds – Single Family Dwelling

If this meets with your approval, I recommend that the Department of Legal Affairs be directed to prepare the necessary sale documents and the Mayor and Clerk be authorized to execute same. I further recommend

that the undersigned be authorized to demolish same.

Very truly yours,

Mark A. Kowalewski, City Engineer

REPORTS AND MINUTES AND CASH RECEIPTS

Financial Services Daily Cash Receipts January 9-January 14, 2009
Building Code Board of Appeals January 12, 2009
Fire Commission Meeting December 16, 2008
Police Commission Meeting December 16, 2008
Wyandotte Cultural & Historical Commission November 13, 2008
Wyandotte Cultural & Historical Commission December 13, 2008
Wyandotte Cultural & Historical Commission January 8, 2009
Downriver Joint Management Committee November 13, 2008
Retirement Commission Meeting January 21, 2009
Zoning Board of Appeals & Adjustments January 7, 2009

CITIZEN PARTICIPATION

None

RECESS

RECONVENING

ROLL CALL

Present: Councilpersons Browning, Fricke, Kolakowski, Ptak, Sutka

Absent: Councilperson Peterson

FIRST READING OF ORDINANCE

AN ORDINANCE ENTITLED
AN ORDINANCE TO AMEND THE CITY CODE OF ORDINANCES BY AMENDING SECTION
21.290 "DEFINITIONS" AND ADDING SECTION 21.291 "PROHIBITION OF NUDITY ON
LICENSED PREMISES"

THE CITY OF WYANDOTTE ORDAINS:

FIRST & FINAL READING OF ORDINANCES

AN ORDINANCE ENTITLED
AN ORDINANCE TO AMEND THE CITY CODE OF ORDINANCES BY ADOPTING ARTICLE VII
TO CHAPTER 9 ENTITLED "DEMAND RESPONSE PROGRAM" TO ALLOW ONLY THE CITY OF
WYANDOTTE TO AGGREGATE DEMAND RESPONSE OF RETAIL CUSTOMERS IN
ACCORDANCE WITH FERC ORDER 719 AND TAKING OTHER ACTIONS IN CONNECTION
THEREWITH

The City of Wyandotte Ordains:
Section 1. Adoption of Article VII to Chapter 9 Entitled "Demand Response Program".

WHEREAS, the City of Wyandotte, Michigan (hereinafter "Municipality") owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers; and
WHEREAS, the Department of Municipal Service is charged with the management, supervision, and

control of the electric utility system; and

WHEREAS, on October 28, 2008 the Federal Energy Regulatory Commission ("FERC" or "Commission") issued Order No. 719, 125 FERC ¶ 61,071, 73 Fed. Reg. 64,099 ("Order 719").

WHEREAS, Order 719, 18 C.F.R. § 35.28(g)(1)(iii) provides: "Each Commission-approved independent system operator and regional transmission organization must permit a qualified aggregator of retail customers to bid demand response on behalf of retail customers directly into the Commission-approved independent system operator's or regional transmission organization's organized markets, unless the laws and regulations of the relevant electric retail regulatory authority expressly do not permit a retail customer to participate."

WHEREAS, pursuant to Order No. 719, 18 C.F.R. § 35.28(g)(1)(i)(A) provides: "Every Commission-approved independent system operator or regional transmission organization that operates organized markets based on competitive bidding for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator's or regional transmission organization's tariff) must accept bids from demand response resources in these markets for that product on a basis comparable to any other resources, if the demand response resource meets the necessary technical requirements under the tariff, and submits a bid under the Commission-approved independent system operator's or regional transmission organization's bidding rules at or below the market-clearing price, unless not permitted by the laws or regulations of the relevant electric retail regulatory authority."

WHEREAS, the Wyandotte City Council of the Municipality has determined that it would be harmful to the demand response program to be implemented by the Municipality, the collective interests of the Municipality's electric utility system, and the Municipality's retail customers, to permit any entity other than the Municipality to aggregate demand response on behalf of its retail customers.

WHEREAS, the Department of Municipal Service has recommended adoption of this ordinance. The term "MUNICIPALITY" as used in this ordinance shall mean the City of Wyandotte.

ARTICLE VII DEMAND RESPONSE PROGRAM

Sec. 9.200. The City Council of the City of Wyandotte, as the retail electric regulatory authority for the Municipality and its retail electric consumers, determines it to be desirable that the aggregation of demand response on behalf of its retail customers to be bid directly into the organized electric and ancillary services markets administered by the regional transmission organization that includes the Municipality (or any successor independent system operator or regional transmission organization) be performed by the Municipality or its authorized designee.

Sec. 9.201. The Municipality or its authorized designee is the sole entity permitted to aggregate retail customers' demand response and bid demand response on behalf of retail customers of the Municipality directly into any Commission-approved independent system operator's or regional transmission organization's organized electric markets.

Sec. 9.202. Retail customers on the Municipality's electric system desiring to bid their demand response into a Commission-approved independent system operator's or regional transmission organization's organized electric markets may do so only by participating in the program established by the Municipality or its authorized designee.

Sec. 9.203. The Municipality or its authorized designee is the sole entity permitted to bid demand response on behalf of retail customers of the Municipality directly into any Commission-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator's or regional transmission organization's tariff).

Sec. 9.204. Retail customers of the Municipality's electric system desiring to bid their demand response into a Commission-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator's or regional transmission organization's tariff) may do so only by participating in the program established by the Municipality or its authorized designee.

Sec. 9.205. That the Department of Municipal Service is authorized to adopt any necessary regulations to implement this Ordinance subject to approval of the City Council.

Section 2. Severability.

All ordinances or parts of ordinances in conflict herein are hereby repealed, only to the extent necessary to give this ordinance full force and effect. If any section or provision shall be found to be invalid, the remainder of the Ordinance shall be unaffected by such adjudication.

Section 3. Effective Date.

This ordinance shall take effect immediately. This ordinance is deemed necessary for the immediate preservation of the public peace, property, health, safety and for providing for the usual daily operation of

the Department of Municipal Services. This Ordinance or a summary shall be published in a newspaper generally circulated in the City of Wyandotte within ten (10) days after adoption. Any summary shall designate the location in the City where a true copy of the ordinance can be inspected or obtained. On the question, "SHALL THIS ORDINANCE NOW PASS?", the following vote was recorded:

YEAS: Councilpersons Browning, Fricke, Kolakowski, Ptak, Sutka
NAYS: None
ABSENT: Councilperson Peterson

I hereby approve the adoption of the foregoing ordinance this 26th day of January, 2009.

CERTIFICATE

We, the undersigned, JAMES R. DESANA and WILLIAM R. GRIGGS, respectively the Mayor and City Clerk of the City of Wyandotte, do hereby certify that the foregoing Ordinance was duly passed by the Council of the City of Wyandotte, at a regular session thereof on Monday, the 26th day of January, 2009.

Dated: January 26, 2009

JAMES R. DESANA, Mayor WILLIAM R. GRIGGS, City Clerk

City of Wyandotte
County of Wayne, State of Michigan

ORDINANCE NO. 1308

AN ORDINANCE TO AUTHORIZE AND PROVIDE FOR THE ISSUANCE OF CITY OF WYANDOTTE ELECTRIC SYSTEM REVENUE AND REVENUE REFUNDING BONDS TO PAY THE COSTS OF ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS TO THE CITY OF WYANDOTTE ELECTRIC UTILITY SYSTEM AND COSTS OF REFUNDING ALL OR PART OF THE OUTSTANDING 2002 ELECTRIC SYSTEM REVENUE REFUNDING BONDS UNDER THE PROVISIONS OF ACT 94, PUBLIC ACTS OF MICHIGAN, 1933, AS AMENDED; TO PROVIDE FOR 'IRE RETIREMENT AND SECURITY OF THE BONDS HEREIN AUTHORIZED; AND TO PROVIDE FOR OTHER MATTERS RELATIVE 'ID SAID BONDS.

WHEREAS, the City of Wyandotte, County of Wayne, State of Michigan (the "City"), has established the Electric Utility System of the City (the "System"), including all electric generating units, plants, works, instrumentalities and properties, used or useful in connection. with the generation and distribution of electricity and all additions, extensions and improvements existing or hereafter acquired and all facilities for distribution of steam or hot water produced from the boilers of the Electric Utility System; and

WHEREAS, on July 7, 2008, the City published, in The News Herald, a newspaper of general circulation within the City, a "Notice to Electors of the City of Wyandotte and to Users of the City's Electric Utility System of Intent To Issue Revenue Bonds Payable from the Revenues of the Electric Utility System and of Right of Referendum Relating Thereto" (the "Notice of intent") describing issuance of electric system revenue bonds to finance improvements to the electric utility system including a new substation, transformer, wind turbines and related electric utility system facilities, and no petition for referendum was filed with the City Clerk's office; and

WHEREAS, under the authority provided to the City by the Revenue Bond Act, Act 94, Public Acts of Michigan, 1933, as amended ("Act 94"), the City by Ordinance No. 831 adopted January 11, 1988, Ordinance No. 935 adopted March 9, 1992, Ordinance No. 939 adopted April 27, 1992, Ordinance No. 1150 adopted June 5, 2002, and Ordinance No. 1225 adopted April 27, 2005 (collectively, the "Ordinance") has heretofore issued and sold its revenue bonds including the Outstanding 2002 Electric System Revenue Refunding Bonds dated July 9, 2002 (the "Series 2002 Bonds"), the Outstanding Electric System Revenue Bonds, Series 2005A (AMT) dated August 10, 2005, and the Outstanding Electric System Revenue Bonds, Series 2005B dated September 1, 2005; and

WHEREAS, in order to finance a portion of the improvements described in the Notice of Intent, the City has authorized issuance of its Electric System Revenue Bonds, Series 2009 CREB (the "CREB Bonds") in an amount not-to-exceed One Million Two Hundred Fifty Thousand Dollars (\$1,250,000); and

WHEREAS, the City intends to issue electric system revenue bonds to construct improvements described in the Notice of intent which will not be financed by the CREB Bonds; and

WHEREAS, Section 21 of Ordinance No. 831, as amended by Ordinance No. 939 ("831 Section 21") authorizes the City to issue Additional Bonds of equal standing and priority of lien on the Net Revenues of the System with the Outstanding Bonds; and

WHEREAS, 831 Section 21 subparagraph (b) authorizes the City to issue Additional Bonds of equal standing and priority of lien on the Net Revenues of the System with the Outstanding Bonds for the purposes of acquiring and constructing repairs, extensions, enlargements and improvements to the System and paying costs of issuing such Additional Bonds, including deposits which may be required to be made to the Bond Reserve Account, if the average actual or augmented Net Revenues of the System for any consecutive twelve month period out of the 16 months preceding the adoption of the Ordinance authorizing the issuance of such Additional Bonds shall be equal to at least one hundred twenty five (125%) percent of the maximum Aggregate Debt Service Requirement in any Current or future fiscal year on the Outstanding Bonds and on the Additional Bonds then being issued in the opinion of or as certified by an Independent Certified Public Accountant; and

WHEREAS, the proposed electric system revenue bonds issued to construct improvements described in the Notice of Intent will be Additional Bonds issued under 831 Section 21 subparagraph (b); and

WHEREAS, 831 Section 21 subparagraph (c) authorizes the issuance of bonds of equal standing and priority of lien with the Outstanding Bonds for the purpose of refunding a part of the Outstanding Bonds and paying costs of issuing such Additional Bonds, if after giving effect to the refunding, the maximum amount of Aggregate Debt Service (as such term is defined in Ordinance No. 939) in each future fiscal year shall be less than the Aggregate Debt Service in each future fiscal year prior to giving effect to the refunding; and

WHEREAS, the City intends to issue electric system revenue refunding bonds for the purpose of refunding all or a portion of the Series 2002 Bonds under the conditions of 831 Section 21 subparagraph (c); and

WHEREAS, all things necessary to the authorization and issuance of the Bonds described in this preamble under the Constitution and laws of the State of Michigan, and the Charter and ordinances of the City, and particularly Act 94 and the Ordinance have been done or will be done, and the Council is now empowered and desires to authorize the issuance of the Bonds described in this preamble,

NOW, THEREFORE, THE CITY OF WYANDOTTE ORDAINS:

Section 1. Definitions. All terms not defined herein shall have the meanings set forth in the Ordinance, and whenever used in this Ordinance, except when otherwise indicated by the context, the following terms shall have the following meanings:

- (a) "831 Section 21" means Section 21 of Ordinance No. 831, as amended by Ordinance No. 939, which authorizes the City to issue Additional Bonds of equal standing and priority of lien on the Net Revenues of the System with the Outstanding Bonds.
- (b) "Ordinance" refers collectively to Ordinance No. 831 adopted January 11, 1988, Ordinance No. 935 adopted March 9, 1992, Ordinance No. 939 adopted April 27, 1992, Ordinance No. 1150 adopted June 5, 2002, and Ordinance No. 1225 adopted April 27, 2005, the Ordinance authorizing the CREB Bonds, and this ordinance, and any other ordinance amendatory to or supplemental to Ordinance No. 831, and shall include any resolution authorizing the sale of a series of Bonds.
- (c) "Series 2002 Bonds" means the City's 2002 Electric Revenue Refunding Bonds dated July 9, 2002, all or a portion of which will be refunded pursuant to this Ordinance.
- (d) "Series 2009A Bonds" means the City of Wyandotte Electric System Revenue and Revenue Refunding Bonds, Series 2009A, authorized by Section 5 of this ordinance.
- (e) "Series 2009A Construction Fund" means the Electric System Revenue Bonds Series 2009A Construction Fund created under Section 8 of this ordinance.
- (f) "Series 2009A Escrow Agreement" means the Escrow Agreement described in Section 9 of this Ordinance to provide for payment of principal of and interest and premium on the Series 2002 Bonds which are refunded with proceeds of the Series 2009A Bonds.
- (g) "Series 2009A Escrow Fund" means the Electric System Revenue Bonds Series 2009A Escrow Fund

established pursuant to the 2009A Escrow Agreement to hold the cash and investments necessary provide for payment of principal of and interest and premium on the Series 2002 Bonds refunded with proceeds of the Series 2009A Bonds.

(h) "Series 2009A Project" refers to the improvements to the electric utility system, together with any appurtenances and attachments thereto and any related site acquisition or improvements, including, but not limited to, a new substation, transformer, wind turbines and related electric utility system facilities to be acquired and constructed as part of the System with proceeds of the Series 2009A Bonds.

(i) "Transfer Agent" means U.S. Bank National Association, or such other bank selected by the City Treasurer pursuant to Section 34 of Ordinance No. 831 for payment of the City's Electric Revenue Bonds.

Section 2. Necessity; Approval of Plans and Specifications. It is hereby determined to be necessary for the public health and welfare of the City to acquire the Series 2009A Project in accordance with the plans and specifications heretofore prepared by the City's consulting engineers, which plans and specifications are hereby approved.

Section 3. Costs of Series 2009A Project; Useful Life. The aggregate cost of the Series 2009A Project is estimated to be an amount not-to-exceed Three Million Eight Hundred Thousand Dollars (\$3,800,000) subject to the taking of construction bids, including the payment of incidental expenses as specified in this ordinance which estimate of cost is hereby approved and confirmed. The period of usefulness of the Series 2009A Project is estimated to be not less than twenty-five (25) years.

Section 4. Conditions Permitting Issuance of Additional Bonds. The City Council hereby determines that if the Series 2009A Bonds are issued within the parameters of this Ordinance with a true interest cost of 8.00% or less, then during a twelve month period which is within the 16 months preceding the adoption of this Ordinance, the average Net Revenues of the System is equal to at least one hundred twenty five (125%) percent of the maximum Aggregate Debt Service Requirement in any current or future fiscal year on the Outstanding Bonds and the Series 2009A Bonds, as required by 831 Section 21 subparagraph (b).

The City Council hereby determines that Series 2009A Bonds will be issued for the purpose of refunding all or a portion of the Series 2002 Bonds only if the Municipal Service Commission determines that, after giving effect to the refunding, the maximum amount of Aggregate Debt Service in each future fiscal year shall be less than the Aggregate Debt Service in each future fiscal year prior to giving effect to the refunding, as required by 831 Section 21 subparagraph (c).

The City Council hereby determines that the City is not in default in making its required payments to the Operating and Maintenance Fund or the Redemption Fund established by the Ordinance.

Therefore, City Council hereby finds that the conditions of the Ordinance for the issuance of the Series 2009A Bonds as Additional Bonds have been met.

Section 5. Series 2009A Bonds Authorized to Pay Series 2009A Project Costs and Refunding Costs. The City shall issue the Series 2009A Bonds pursuant to the provisions of Act 94 in the aggregate principal amount of not-to-exceed Thirty-Six Million Dollars (\$36,000,000) as finally determined at the time of sale, for the purposes of paying the costs of acquiring and constructing the Series 2009A Project and paying the costs of refunding all or a portion of the Series 2002 Bonds, including payment of legal, engineering, financial and other expenses incident thereto and incident to the issuance and sale of the Series 2009A Bonds, and depositing additional monies to the Bond Reserve Account. The aggregate principal amount of the Series 2009A Bonds issued for the purpose of acquiring and constructing the Series 2009A Project shall not exceed Three Million Eight Hundred Thousand Dollars (\$3,800,000), and the aggregate principal amount of the Series 2009A Bonds issued for the purpose of refunding the Series 2002 Bonds shall not exceed Thirty-Two Million Two Hundred Thousand Dollars (\$32,200,000).

Section 6. Series 2009A Bond Data, The Series 2009A Bonds shall be designated as the ELECTRIC SYSTEM REVENUE AND REVENUE REFUNDING BONDS, SERIES 2009A, provided that if the Municipal Service Commission can not determine that Series 2009A Bonds can be issued for the purpose of refunding under 831 Section 21 subparagraph (c), then the Series 2009A Bonds shall be issued only for the purpose of acquiring and constructing the Series 2009A Project and shall be designated as the ELECTRIC SYSTEM REVENUE BONDS, SERIES 2009A. The Series 2009A Bonds shall not be a general obligation of the City but shall be payable solely out of the Net Revenues of the System. The Series 2009A Bonds shall constitute Additional Bonds as defined in the Ordinance and shall have equal standing and priority of lien as the Net Revenues of the System with the Outstanding Bonds.

The Series 2009A Bonds shall be issued as term bonds or serial bonds as determined at the time of sale of the Series 2009A Bonds, in fully-registered form in denominations of 55,000 or integral multiples thereof, not exceeding the amount of bonds maturing on the same date such bond matures, and shall be numbered in consecutive order of authentication from 1 upwards. The Series 2009A Bonds shall be dated as of such date as may be determined at the time of sale, and shall mature on October 1st in the years 2009 to 2028, inclusive, or such other years as shall be determined at the time of sale, provided, however, that the Series 2009A Bonds shall mature within 25 years of the date of issuance thereof.

The Series 2009A Bonds shall bear interest at the rate or rates to be determined at the time of sale of the Series 2009A Bonds, payable on April 1, 2009, or such other date as approved at the time of sale thereof, and semi-annually thereafter on October 1st and April 1st of each year, by check drawn on the Transfer Agent and mailed to the registered owner at the registered address, as shown on the registration books of the City maintained by the Transfer Agent. Interest shall be payable to the registered owner of record as of the fifteenth day of the month prior to the payment date for each interest payment. The 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. The principal of the Series 2009A Bonds shall be payable at the designated office of the Transfer Agent.

The Series 2009A Bonds may be subject to redemption prior to maturity at the times and prices finally determined at the time of sale. In the event that any of the Series 2009A Bonds shall be issued as term bonds, the mandatory redemption requirements for such term bonds shall be specified at the time of sale.

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.

The Series 2009A Bonds shall be signed by the manual or facsimile signature of the Mayor and countersigned by the manual or facsimile signature of the City Clerk. The Series 2009A Bonds shall have the facsimile corporate seal of the City printed thereon. If any of the Series 2009A Bonds shall be signed by the facsimile signature of both the Mayor and the City Clerk then such bond shall not be valid until authenticated by an authorized officer of the Transfer Agent. The Series 2009A Bonds shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the purchaser in accordance with instructions from the City Treasurer upon payment of the purchase price therefor in accordance with the bond purchase agreement with the purchaser of the Series 2009A Bonds. 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.

The Series 2009A Bonds may be issued in book-entry-only form through The Depository Trust Company in New York, New York ("DTC"), and either the City Clerk, Treasurer, or Finance Director of the City is authorized to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of such bonds in book-entry-only form and to make such changes in the bond form within the parameters of this ordinance as may be required to accomplish the foregoing. Notwithstanding the foregoing, if the Series 2009A Bonds are held in book-entry form by DTC, payment of principal of and interest shall be made in the manner prescribed by DTC.

Any Series 2009A Bond may be transferred upon the books of the City maintained by the Transfer Agent by the person in whose name it is registered, in person or by his 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 Series 2009A Bond or Bonds shall be surrendered for transfer, the Transfer Agent shall authenticate and deliver a new bond or bonds of the same series 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. The City shall not be required (i) to issue, register the transfer of, or exchange any bond during a period beginning at the opening of 15 business days before the day of the mailing of a notice of redemption of bonds selected for redemption prior to maturity and ending at the close of business on the day of that mailing, or (ii) to

register the transfer of or exchange any bond so selected for redemption in whole or in part, except the unredeemed portion of bonds being redeemed in part. Notwithstanding the foregoing, if the Series 2009A Bonds are held by DTC in book-entry form, the transfer of the Series 2009A Bonds shall be made in the manner prescribed by DTC.

Upon payment by the City of all outstanding principal of and interest on any of the Series 2009A Bonds, the registered owner thereof shall deliver the bond to the City for cancellation.

Section 7. Applicability of the Ordinances. Except to the extent supplemented or otherwise provided in this ordinance, all of the provisions and covenants provided in Ordinance No. 831 as amended and supplemented (the "Ordinance") shall apply to the Series 2009A Bonds issued pursuant to provisions of this ordinance, such provisions of the Ordinance being made applicable to the Series 2009A Bonds herein authorized, the same as though said Bonds were originally authorized and issued as a part of the Outstanding Bonds issued pursuant to the Ordinance.

Section 8. Creation of Construction Fund for Series 2009A Bonds. There shall be established and maintained a separate depository fund designated as the ELECTRIC SYSTEM REVENUE BONDS SERIES 2009A CONSTRUCTION FUND (the "Series 2009A Construction Fund") in a bank qualified to act as depository of the proceeds of sale of revenue bonds under the provisions of Section 15 of Act 94. Monies in the Series 2009A Construction Fund shall be applied solely in payment of the cost of the Series 2009A Project and any costs of engineering, legal, bond issuance and other expenses incident thereto and to the issuance of the Series 2009A Bonds. Any unexpended balance of the proceeds of sale of the Series 2009A Bonds remaining in the Series 2009A Construction Fund after completion of the Series 2009A Project may, in the discretion of the City, be used for meeting requirements, if any, of the Bond Reserve Account, or for further improvements, enlargements and extension to the System subject to the requirements of the Non-Arbitrage and Tax Compliance Certificate delivered upon delivery of the Series 2009A Bonds. Any balance remaining after such expenditure shall be paid into the Redemption Fund.

Section 9. Creation of Escrow Fund for Series 2009A Bonds. The City shall establish the ELECTRIC SYSTEM REVENUE BONDS SERIES 2009A ESCROW FUND (the "Series 2009A Escrow Fund") in order to secure payment of the payment of principal of and interest and premium on the Series 2002 Bonds being refunded with proceeds of the Series 2009A Bonds. In order to provide for the safekeeping, investment, reinvestment, administration and disposition of the Series 2009A Escrow Fund, the City shall enter into the Series 2009A Escrow Agreement with U.S. Bank National Association, which is hereby designated to serve as escrow trustee. The Series 2009A Escrow Agreement shall irrevocably direct the escrow trustee to hold the Series 2009A Escrow Fund in trust for the payment of the principal of and interest and redemption premium on the Series 2002 Bonds being refunded.

There shall be deposited in the Series 2009A Escrow Fund cash and investments in direct obligations of or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, not redeemable at the option of the issuer, and in an amount sufficient, without reinvestment, to pay principal, interest and redemption premiums on the Series 2002 Bonds refunded with proceeds of the Series 2009A Bonds.

Either the General Manager of the City's Department of Municipal Service (the "General Manager") or the Superintendent of Finance and Informational Systems of the Department of Municipal Service (the "Superintendent of Finance") is hereby authorized to execute and deliver the Series 2009A Escrow Agreement and to purchase, or cause to be purchased, escrow securities, including United States Treasury Obligations — State and Local Government Series (SLGS), in an amount sufficient to fund the Series 2009A Escrow Fund.

The Municipal Service Commission is hereby directed to select an independent certified public accountant to serve as verification agent to verify that the securities and cash to be deposited to the Series 2009A Escrow Fund will be sufficient to provide, at the times and in the amounts required, sufficient moneys to pay the principal of and interest and redemption premium on the Series 2002 Bonds being refunded.

Either the General Manager or the Superintendent of Finance is hereby authorized to transfer monies from the Redemption Fund to the Series 2009A Escrow Fund, to be invested as provided in the Escrow Agreement and to be used to pay principal and interest on the Series 2002 Bonds being refunded. The amount to be transferred under this paragraph shall be an amount which will enable the interest on the Series 2009A Bonds and the Series 2002 Bonds to be, or continue to be, excluded from gross income for federal income tax purposes as determined by bond counsel.

Section 10. Series 2009A Bond Proceeds. From the proceeds of sale of the Series 2009A Bonds there first shall be immediately deposited in the Redemption Fund an amount equal to the accrued interest received on

delivery of the Series 2009A Bonds, and the City may take credit for the amount so deposited against the amount required to be deposited in the Redemption Fund for payment of the next maturing interest on the Series 2009A Bonds. All or a portion of any premium received upon delivery of the Series 2009A Bonds may be deposited in the Redemption Fund, the 2009A Escrow Fund, or the Series 2009A Construction Fund, as determined by either the General Manager or the Superintendent of Finance in consultation with bond counsel.

There shall next be deposited in the Bond Reserve Account an amount, if any, designated by the Municipal Service Commission at the time of sale of the Series 2009A Bonds as necessary to meet the requirements of the Ordinance.

There shall next be deposited in the Series 2009A Escrow Fund the amount borrowed to pay principal, interest and redemption premiums on the Series 2002 Bonds refunded with proceeds of the Series 2009A Bonds.

There next shall be deposited to the Series 2009A Construction Fund the amount borrowed to acquire, construct and install the Series 2009A Project.

The remaining proceeds of the Series 2009A Bonds shall be used to pay the costs of issuance attributable to the Series 2009A Bonds. All or a portion of the proceeds of the Series 2009A Bonds used to pay costs of issuance may be deposited in an issuance fund established by the Series 2009A Escrow Agreement.

Section 11. Series 2009A Bond Form. The Series 2009A Bonds shall be in substantially the following form with such revisions, additions and deletions as may be advisable or necessary to comply with the final terms of the Series 2009A Bonds established upon sale thereof.

STATE OF MICHIGAN
COUNTY OF WAYNE
CITY OF WYANDOTTE
ELECTRIC SYSTEM REVENUE AND REVENUE REFUNDING BOND
SERIES 2009A

Date of
Interest Rate Date of Maturity Original Issue CUSIP

Registered Owner:

Principal Amount:

The CITY OF WYANDOTTE, County of Wayne, 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, but only out of the hereinafter described Net Revenues, the Principal Amount specified above, in lawful money of the United States of America, on the Date of Maturity specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon (computed on the basis of a 360-day year of twelve 30-day months) 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 [insert first payment date] and semiannually thereafter. Principal of this bond is payable at the designated corporate trust office of [insert Transfer Agent], 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 fifteenth (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. The date of determination of Registered Owner for purposes of payment of interest may be changed by the City to conform to market practice in the future. For the prompt payment of this bond, the revenues of the Electric Utility System of the City including all appurtenances, extensions and improvements thereto (the "Electric Utility System"), after provision has been made for reasonable and necessary expenses of operation, maintenance and administration (the "Net Revenues"), and certain funds and accounts established by the Ordinances (defined below), are irrevocably pledged and a statutory lien thereon has been created. This bond and the series of which it is one are of equal standing and priority of lien as to the Net Revenues of the Electric Utility System with the City's outstanding [2002 Electric System Revenue Refunding Bonds dated July 9, 2002,] Electric System Revenue Bonds, Series 2005A (AMT) dated August 10, 2005, and the Electric System Revenue Bonds, Series 200513 dated September 1, 2005.

This bond is one of a series of bonds of even Date of Original Issue aggregating the principal sum of \$[

insert principal amount], issued pursuant to Ordinance No. 831, as amended by Ordinance No. 939 and supplemented by Ordinance No. 935, Ordinance No. 1150, Ordinance No. 1225, and Ordinance No. [insert ordinance number], and pursuant to Ordinance No. [insert ordinance number], (collectively, the "Ordinances") duly adopted by the City Council of the City (the "City Council"), 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 ("Act 94") for the purpose of acquiring and constructing improvements to the Electric Utility System, to refund a prior issue of bonds, [to fund the bond reserve account for the bonds,] and to pay costs of issuance of the bonds.

For a complete statement of the revenues from which and the conditions under which this bond is payable, a statement of the conditions under which additional bonds of equal standing as to the Net Revenues may hereafter be issued, and the general covenants and provisions pursuant to which this bond is issued, reference is made to the Ordinances. The City has reserved the right to issue additional bonds of equal standing with the bonds of this issue on the conditions stated in the Ordinances. Copies of the Ordinances are on file at the office of the City Clerk and at the principal corporate trust office of U.S. Bank National Association, as Trustee (the "Trustee") successor as trustee to Comerica Bank, Detroit, Michigan, and reference is made to the Ordinances and any and all supplements thereto and modifications and amendments thereof, if any, and to Act 94 for a more complete description of the pledges and covenants securing the bonds, the nature, extent and manner of enforcement of such pledges, the rights and remedies of the registered owners of the bonds with respect thereto and the terms and conditions upon which the bonds are issued and may be issued thereunder. To the extent and in the manner permitted by the terms of the Ordinances, the provisions of the Ordinances or any resolution or agreement amendatory thereof or supplemental thereto, may be modified or amended by the City, except in specified cases, only with the written consent of the registered owners of at least fifty-one percent (51%) of the principal amount of the bonds then outstanding.

Bonds maturing in the years [insert maturity dates of bonds which can't be prepaid] inclusive, shall not be subject to redemption prior to maturity.

Bonds or portions thereof in multiples of \$5,000 maturing on or after [insert .first maturity date of bonds which can be prepaid], will be subject to redemption prior to maturity at the option of the City on any date occurring on or after [insert first date bonds can be prepaid], in such order as the City may determine and within any maturity by lot at par plus accrued interest to the date fixed for redemption.

(If Term Bonds are sold, insert language describing mandatory sinking fund redemption of Term Bonds)

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

Notice of redemption shall be given to the registered owners of bonds to be redeemed by mailing of such notice not less than thirty (30) days but not more than sixty (60) days prior to the date fixed for redemption to the Registered Owner at the address of the Registered Owner as shown on the registration books of the City. Bonds shall be called for redemption in multiples of \$5,000, and bonds of denominations of more than \$5,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the bonds by \$5,000, and such bonds may be redeemed in part. The notice of redemption for bonds redeemed in part shall state that, upon surrender of the bond to be redeemed, a new bond or bonds in the same aggregate principal amount equal to the unredeemed portion of the bonds surrendered shall be issued to the registered owner thereof with the same interest rate and maturity. No further interest on bonds or portions of bonds called for redemption shall accrue after the date fixed for redemption, whether the bonds have been presented for redemption or not, provided the Transfer Agent has money available for such redemption.

This bond is transferable only upon the books of the City kept for that purpose at the office of the Transfer Agent by the Registered Owner hereof 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 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 therefore as provided in the Ordinances, and upon the payment of the charges, if any, therein prescribed. The Transfer Agent shall not be required (i) to issue, register the transfer of, or exchange any bond during a period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of bonds selected for redemption under the Ordinances and ending at the close of business on the date of that mailing, or (ii) to register the transfer of or exchange any bond so selected for redemption in whole or in part, except the unredeemed portion of bonds being redeemed in part.

THIS BOND IS A SELF-LIQUIDATING BOND AND IS NOT A GENERAL OBLIGATION OF THE CITY AND DOES NOT CONSTITUTE AN INDEBTEDNESS OF THE CITY WITHIN ANY CONSTITUTIONAL, STATUTORY OR CHARTER LIMITATION, AND IS PAYABLE BOTH AS TO PRINCIPAL AND INTEREST SOLELY FROM THE NET REVENUES OF THE ELECTRIC UTILITY SYSTEM AND CERTAIN FUNDS AND ACCOUNTS ESTABLISHED UNDER THE ORDINANCES. THE PRINCIPAL OF AND INTEREST ON THIS BOND ARE SECURED BY THE STATUTORY LIEN HEREINBEFORE DESCRIBED.

The City has covenanted and agreed in the Ordinances to fix, establish, maintain and collect at all times while any bonds payable from Net Revenues shall be outstanding, such rates, fees, and charges for the sale of the output, capacity, use or service furnished by the Electric Utility System as shall be reasonably expected to yield Net Revenues equal to at least the sum of 110% of the amount necessary to provide for payment of the interest upon and the principal of all bonds payable from the Net Revenues of the Electric Utility System as and when the same become due and payable, and in addition to maintain a bond and interest 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 Electric Utility 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 Electric Utility System as are required by the Ordinances.

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,

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 of Wyandotte, County of Wayne, State of Michigan, by its City Council, has caused this bond to be signed in the name of said City [by] / [with the facsimile signatures of] its Mayor and its City Clerk and the City seal or a facsimile thereof to be [manually impressed/printed], all as of the Date of Original Issue.

CITY OF WYANDOTTE
[manual or facsimile
By signature to appear here
Mayor

(Seal)
Countersigned:

[manual or facsimile
By signature to appear here
City Clerk

[FORM OF TRANSFER AGENT'S
CERTIFICATE OF AUTHENTICATION]

Authentication Date:

CERTIFICATE OF AUTHENTICATION

This bond is one of the Series 2009A Bonds described herein.

[Insert Transfer Agent Name], Transfer Agent

By [Insert Transfer Agent Signature]
Authorized Signature

[INSERT STANDARD FORM OF ASSIGNMENT]

Section 12. Non-Arbitrage Covenant. The City covenants and agrees that as long as any of the Series 2009A Bonds remain outstanding and unpaid as to either principal or interest, the City shall not invest, reinvest or accumulate any moneys deemed to be proceeds thereof pursuant to the Internal Revenue Code in such a manner as to cause the Series 2009A Bonds to be "arbitrage bonds" within the meaning of the Internal Revenue Code. The City hereby covenants that, to the extent permitted by law, it will take all actions within its control and that it shall not fail to take any action as may be necessary to maintain the exemption of interest on any of the Series 2009A Bonds from gross income for federal income tax purposes, including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of bond proceeds and moneys deemed to be bond proceeds, all as more fully set forth in the Non-Arbitrage and Tax Compliance Certificate to be delivered by the City with the Series 2009A Bonds.

Section 13. Appointment of Financial Advisor. Bendzinski & Co., Municipal Finance Advisors, Detroit, Michigan (the "Financial Advisor") is hereby retained to act as Financial Advisor for the Series 2009A Bonds.

Section 14. Negotiated Sale of Series 2009A Bonds. In reliance upon the advice of the Financial Advisor, the City Council hereby determines to sell the Series 2009A Bonds at a negotiated sale instead of a competitive sale for the reasons that a negotiated sale will permit the City to enter the market on short notice at a point in time which appears to be most advantageous, and thereby possibly obtain a lower rate of interest on the Series 2009A Bonds, and the most favorable price for purchase of securities to be escrowed for payment of the Series 2002 Bonds to be refunded.

Section 15. Appointment of Underwriter. The City hereby confirms designation of Stifel, Nicolaus & Company, Incorporated (the "Underwriter") as the senior managing Underwriter for the Series 2009A Bonds, provided, however, that by adoption of this Ordinance the City assumes no obligations or liability to the Underwriter for any loss or damage that may result to the Underwriter from the adoption of this Ordinance, and all costs and expenses incurred by the Underwriter in preparing for sale of the Series 2009A Bonds shall be paid from the proceeds thereof, if issued, except as may be otherwise provided in an agreement to be signed by the City and the Underwriter. The City reserves the right to name additional co-managers and to develop a selling group, and the Municipal Service Commission is hereby authorized to name additional co-managers or develop a selling group.

Section 16. Appointment of Bond Counsel. The City recognizes that Miller, Canfield, Paddock and Stone, P.L.C. ("Miller Canfield"), has represented from time to time, and currently represents, the Underwriter in matters unrelated to the Series 2009A Bonds. The City recognizes that Miller, Canfield has represented from time to time, and currently represents, various financial institutions and other potential participants in the sale of the Series 2009A Bonds for unrelated matters. The City confirms appointment of Miller, Canfield as counsel for the Series 2009A Bonds notwithstanding the potential concurrent representation of any such participant regarding any unrelated matter.

Section 17. Bond Ratings; Municipal Bond Insurance. Either the General Manager or the Superintendent of Finance of the Department of Municipal Service is hereby authorized to apply for bond ratings from such municipal bond rating agencies as is deemed appropriate, in consultation with the Financial Advisor. If the Financial Advisor recommends that the City consider purchase of municipal bond insurance, then the General Manager or the Superintendent of Finance is hereby authorized and directed to negotiate with insurers regarding acquisition of municipal bond insurance, and, in consultation with the Financial Advisor, to select an insurer and determine which bonds, if any, shall be insured.

Either the General Manager or the Superintendent of Finance is hereby authorized to enter into an agreement with the municipal bond insurance provider regarding notices to be provided to the bond insurer, filing of annual financial information to be provided to the bond insurer, consents or approvals to be obtained from the bond insurer, the dates of receipt by the Transfer Agent of bond payments, and other requirements which the City may be obliged to meet in order to obtain municipal bond insurance on the Series 2009A Bonds.

If the Financial Advisor advises the City that the purchase of a municipal bond insurance policy for the Series 2009A Bonds would be of economic benefit to the City, then the Municipal Service Commission is hereby authorized to purchase a municipal bond insurance policy from the bond insurer for the Series 2009A Bonds

Section 18. Official Statement. The City Council hereby authorizes either the General Manager or the Superintendent of Finance to approve the circulation of a preliminary official statement describing the Series 2009A Bonds and to deem such preliminary official statement as "near final" in compliance with Securities and Exchange Commission rules. The City Council hereby authorizes the Municipal Service

Commission to approve, execute, and deliver a final Official Statement after sale of the Series 2009A Bonds.

Section 19. Continuing Disclosure. In order to enable underwriters to comply with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, the City hereby agrees to undertake Continuing Disclosure. Either the General Manager or the Superintendent of Finance is authorized and directed to prepare, execute and deliver a Continuing Disclosure Undertaking in such form as she shall, in consultation with bond counsel, determine appropriate.

Section 20. Sale of Series 2009A Bonds. The Municipal Service Commission is hereby authorized, on behalf of the City, in consultation with the Financial Advisor, to accept an offer by the Underwriter to purchase the Series 2009A Bonds. The Municipal Service Commission is hereby authorized on behalf of the City to prepare, approve, execute, and deliver, a Bond Purchase Agreement and all other documents necessary to effect sale and delivery of the Series 2009A Bonds.

The Municipal Service Commission is hereby authorized on behalf on the City, subject to the provisions and limitations of this Ordinance, to determine all matters which the Ordinance provides shall be determined upon sale of the Series 2009A Bonds including but not be limited to determination of original principal amount of the Series 2009A Bonds and the prices at which they are sold; the date of the Series 2009A Bonds; the schedule of principal maturities and whether the Series 2009A Bonds shall mature serially or as term bonds; the provisions for early redemption if any including mandatory redemption of term bonds, if any, the interest rates and payment dates of the Series 2009A Bonds; whether the Series 2009A Bonds can be issued for the purpose of refunding under 831 Section 21(c), application of the proceeds of the Series 2009A Bonds; final preparation, approval, execution and delivery of the final Official Statement, and all other necessary actions.

The true interest cost of the Series 2009A Bonds shall not exceed 8.00%. The purchase price for the Series 2009A Bonds, exclusive of any original issue discount, shall not be less than 98.00% of the principal amount of the Series 2009A Bonds, plus accrued interest. In making such determinations the Municipal Service Commission is authorized to rely upon data and computer runs provided by the Underwriter or the Financial Advisor.

Series 2009A Bonds shall not be sold for purpose of refunding unless the refunding produces net present value savings to the City of at least 2.00%.

Approval of the matters delegated to the Municipal Service Commission under this Ordinance may be evidenced by execution of the bond purchase agreement or the final Official Statement.

Section 21. Necessary Actions. Any one or more of the officers, administrators, agents and attorneys of the City are authorized and directed to execute and deliver all other agreements, documents and certificates and to take all other actions necessary or convenient to complete the issuance, sale, and delivery of the Series 2009A Bonds in accordance with this Ordinance, and to pay costs of issuance including purchase of bond insurance, transfer agent fees, escrow trustee fees, verification agent fees, financial advisor fees, rating agency fees, bond counsel fees, printing bonds and the preliminary and final official statements, and any other costs necessary to accomplish sale and delivery of the Series 2009A Bonds.

Section 22. Repeal, Savings Clause. All ordinances, resolutions of orders, or parts thereof, in conflict with the provisions of this ordinance are repealed.

Section 23. 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 a part of this ordinance.

Section 24. Publication and Recordation. This ordinance shall be published in full in The News-Herald, a newspaper of general circulation in the City of Wyandotte qualified under State law to publish legal notices, promptly after its adoption, and shall be recorded in the Ordinance Book of the City and such recording authenticated by the signatures of the President of the council and the City Clerk.

Section 25. Effective Date. As provided in Act 94, this ordinance shall be effective immediately upon its adoption. This ordinance is deemed necessary for the immediate preservation of the public peace, property, health, safety and for providing for the usual daily operation of the Department of Municipal Services.

Passed and adopted by the City of Wyandotte, County of Wayne, State of Michigan, on January 26, 2009.

Offered by Councilmember Todd M. Browning and seconded by Councilmember Jason Ptak.

YEAS: Councilmembers Browning, Fricke, Kolakowski, Ptak, Sutka
NAYS: None
ABSENT: Councilmember Peterson
Signed: James R. DeSana, Mayor
Signed: William R. Griggs, City Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance duly enacted by the City Council of the City of Wyandotte, County of Wayne, State of Michigan, at a regular meeting held on January 26, 2009, at 7:00 pm., prevailing Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976.

I further certify [that notice of the Special meeting was given to each member of the Council in accordance with the rules of procedure of the Council relating to Special Meetings and the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and] that the minutes of said meeting were kept and will be or have been made available as required by said Act 267.

I further certify that the following Members were present at said meeting: Councilmembers Browning, Fricke, Kolakowski, Ptak, Sutka and that the following Members were absent: Councilmember Peterson.

I further certify that Member Todd M. Browning moved for adoption of said Ordinance and that Member Jason Ptak supported said motion.

I further certify that the following Members voted for adoption of said Ordinance: Councilmembers Browning, Fricke, Kolakowski, Ptak, Sutka and that the following Members voted against adoption of said Ordinance: None.

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

James R. DeSana, Mayor William R. Griggs, City Clerk

RESOLUTIONS

Wyandotte, Michigan January 26, 2009

RESOLUTION by Councilman Todd M. Browning

RESOLVED by the City Council that the reading of the minutes of the previous meeting be dispensed with and the same stand APPROVED as recorded without objection.

I move the adoption of the foregoing resolution.
MOTION by Councilman Todd M. Browning
Supported by Councilman Jason Ptak
ROLL ATTACHED

Wyandotte, Michigan January 26, 2009

RESOLUTION by Councilman Todd M. Browning

RESOLVED by the City Council that the communication from Bernie Gasiewski, 2109 Davis thanking the Wyandotte Fire Department and 911 Operator for their assistance with an emergency relative to his wife on December 2, 2008 is hereby received and placed on file with copies forwarded to the Police and Fire Departments and Commission.

I move the adoption of the foregoing resolution.
MOTION by Councilman Todd M. Browning
Supported by Councilman Jason Ptak
ROLL ATTACHED

Wyandotte, Michigan January 26, 2009

RESOLUTION by Councilman Todd M. Browning

RESOLVED by the City Council that Council CONCURS in the concept of the development of a Campus Martius type project in Downtown Wyandotte as outlined in minutes from the Wyandotte Business Association and Downtown Development Authority and hereby refers said communication as set forth by the Director of Financial and Administrative Services to the Department of Legal Affairs, City Engineer, Recreation Superintendent and Chief of Police for a review and report back in one (2) weeks as to liability, supervisory and maintenance issues that may impact the City of Wyandotte with the implementation of such project.

I move the adoption of the foregoing resolution.

MOTION by Councilman Todd M. Browning

Supported by Councilman Jason Ptak

ROLL ATTACHED

Wyandotte, Michigan January 26, 2009

RESOLUTION by Councilman Todd M. Browning

RESOLVED by the City Council that Council CONCURS in the Traffic Control Order 2009-001 as set forth in the communication from the Chief of Police for the installation of a "Handicap Parking" sign at 1075 Cora. AND BE IT FURTHER RESOLVED that the Department of Public Service is hereby directed to install said signs.

I move the adoption of the foregoing resolution.

MOTION by Councilman Todd M. Browning

Supported by Councilman Jason Ptak

ROLL ATTACHED

Wyandotte, Michigan January 26, 2009

RESOLUTION by Councilman Todd M. Browning

RESOLVED by the City Council that Council CONCURS in the request from the Superintendent of Recreation as set forth in his communication dated January 22, 2009 to apply for a Liquor License for the Yack Arena for 2009.

I move the adoption of the foregoing resolution.

MOTION by Councilman Todd M. Browning

Supported by Councilman Jason Ptak

ROLL ATTACHED

Wyandotte, Michigan January 26, 2009

RESOLUTION by Councilman Todd M. Browning

RESOLVED by the City Council that Council hereby CONCURS in the recommendation of the Superintendent of Recreation and Recreation Commission as set forth in their communication dated January 21, 2009 to extend the contract with Mr. Robert Thiede for the operation of the Wyandotte Shores Golf Course and BASF Park Concession-restroom Facility from March 1, 2009 through December 31, 2009 subject to all stipulations of said Contract being met. AND BE IT FURTHER RESOLVED that the proper insurance as outlined in the Contract be filed with the City Clerk's Office and that the Mayor and City Clerk are authorized to execute said contract on behalf of the City of Wyandotte.

I move the adoption of the foregoing resolution.

MOTION by Councilman Todd M. Browning

Supported by Councilman Jason Ptak

YEAS: Councilmembers Browning, Fricke, Kolakowski, Ptak, Sutka

NAYS: None

Wyandotte, Michigan January 26, 2009

RESOLUTION by Councilman Todd M. Browning

RESOLVED by the City Council that the communication from the City Engineer regarding FEMA's Flood Risk Information Open House to be held on Wednesday, February 18, 2009, from 4:30 p.m. to 7:00 p.m., at Wyandotte City Hall is hereby received and placed on file; AND BE IT FURTHER RESOLVED that said

notice will be placed on the local cable channel and the Fort Street Sign and Home Page.

I move the adoption of the foregoing resolution.
MOTION by Councilman Todd M. Browning
Supported by Councilman Jason Ptak
ROLL ATTACHED

Wyandotte, Michigan January 26, 2009

RESOLUTION by Councilman Todd M. Browning

RESOLVED by the City Council that the communication from the City Engineer regarding the award of \$40,000 in grant funds from the Downriver Community Conference, Downriver Area Brownfield Consortium is hereby received and placed on file; AND BE IT FURTHER RESOLVED that Council will hold a public hearing on March 2, 2009, to hear comments on the Asbestos Abatement at 81 Chestnut; AND BE IT FURTHER RESOLVED that the City Engineer place said notice in the News Herald and on the local cable channel; AND FURTHER that the Director of Financial and Administrative Services be directed to amend the budget for receipt of the grant funds.

I move the adoption of the foregoing resolution.

MOTION by Councilman Todd M. Browning
Supported by Councilman Jason Ptak
YEAS: Councilmembers Browning, Fricke, Kolakowski, Ptak, Sutka
NAYS: None

Wyandotte, Michigan January 26, 2009

RESOLUTION by Councilman Todd M. Browning

RESOLVED by the City Council the communication from the Department of Legal Affairs relative to the recommended amendment to Liquor License Regulations as it applies to the First Reading of an Ordinance at tonight's Council Meeting is hereby received and placed on file.

I move the adoption of the foregoing resolution.

MOTION by Councilman Todd M. Browning
Supported by Councilman Jason Ptak
ROLL ATTACHED

Wyandotte, Michigan January 26, 2009

RESOLUTION by Councilman Todd M. Browning

RESOLVED by the City Council that the communication from the General Manager of Municipal Services and Municipal Service Commission relative to the recommended resolutions as they apply to the First and Final Reading of Ordinances at tonight's Council Meeting are hereby received and placed on file.

I move the adoption of the foregoing resolution.
MOTION by Councilman Todd M. Browning
Supported by Councilman Jason Ptak
ROLL ATTACHED

Wyandotte, Michigan January 26, 2009

RESOLUTION by Councilman Todd M. Browning

RESOLVED by the City Council that the communication from the Chief of Police dated January 22, 2009 relative to the ordinance restricting nudity in LCC Licensed establishments is hereby received and placed on file and made a part of the record.

I move the adoption of the foregoing resolution.
MOTION by Councilman Todd M. Browning
Supported by Councilman Jason Ptak
ROLL ATTACHED

Wyandotte, Michigan January 26, 2009

RESOLUTION by Councilman Todd M. Browning

RESOLVED by the City Council that Council CONCURS in the recommendation as set forth in the City Clerk's communication dated January 26, 2009 to APPROVE the application for a Tattoo Parlor license located at 2461 Fort Street, Wyandotte.

I move the adoption of the foregoing resolution.

MOTION by Councilman Todd M. Browning
Supported by Councilman Jason Ptak
ROLL ATTACHED

Wyandotte, Michigan January 26, 2009

RESOLUTION by Councilman Todd M. Browning

RESOLVED by the City Council that Council CONCURS with the recommendation of the City Engineer to acquire the property at 1850 McKinley in the amount not to exceed \$30,000.00 to be appropriated from TIFA Area Funds; AND BE IT RESOLVED that the Department of Legal Affairs is hereby directed to prepare the necessary documents and the Mayor, City Clerk and City Attorney, William R. Look, are hereby authorized to sign said documents; AND BE IT FURTHER RESOLVED that the City Engineer is directed to DEMOLISH same upon completion of the Wyandotte Historical Commission inspection of the home as it pertains to the preservation of historical and cultural items for the City of Wyandotte.

I move the adoption of the foregoing resolution.

MOTION by Councilman Todd M. Browning
Supported by Councilman Jason Ptak
YEAS: Councilmembers Browning, Fricke, Kolakowski, Ptak, Sutka
NAYS: None

Wyandotte, Michigan January 26, 2009

RESOLUTION by Councilman Todd M. Browning

RESOLVED by the City Council that Council CONCURS in the agreement as set forth by the City Engineer as it pertains to the settlement with KEK Enterprises Inc. AND BE IT FURTHER RESOLVED that Council hereby authorizes said agreement to be executed on behalf of the City of Wyandotte.

I move the adoption of the foregoing resolution.

MOTION by Councilman Todd M. Browning
Supported by Councilman Jason Ptak
ROLL ATTACHED

Wyandotte, Michigan January 26, 2009

RESOLUTION by Councilman Todd M. Browning

RESOLVED by the City Engineer has expressed a desire to meet in closed session to discuss pending litigation. Now, therefore, be it resolved that this Body will meet in closed session immediately following the regularly scheduled Council meeting for the above stated purpose only.

I move the adoption of the foregoing resolution.

MOTION by Councilman Todd M. Browning
Supported by Councilman Jason Ptak
YEAS: Councilmembers Browning Fricke Kolakowski Ptak Sutka
NAYS: None
Wyandotte, Michigan January 26, 2009

RESOLUTION by Councilman Todd M. Browning

RESOLVED by the City Council that the total bills and accounts in the amount of \$1,455,638.63 as presented by the Mayor and City Clerk are hereby APPROVED for payment.

I move the adoption of the foregoing resolution.
MOTION by Councilman Todd M. Browning
Supported by Councilman Jason Ptak
YEAS: Councilmembers Browning, Fricke, Kolakowski, Ptak, Sutka
NAYS: None

ADJOURNMENT

MOTION by Councilman Todd M. Browning
Supported by Councilman Jason Ptak
That we adjourn
Carried unanimously.
Adjourned at 8:05 p.m.
January 26, 2009

William R. Griggs, City Clerk
