

**OFFICIAL PROCEEDINGS
OF THE
CITY COMMISSION
OF THE
CITY OF GRAND RAPIDS, MICHIGAN
Regular Session, Tuesday Evening, 7:00 p.m.
April 1, 2008**

Commission was called to order by His Honor, Mayor Heartwell, at 7:00 p.m.

Com. Jendrasiak gave the Invocation/Reflection.

The roll was called by the Clerk. Present: Coms. Bliss, Gutowski, Jendrasiak, LaGrand, Lumpkins, White, Mayor Heartwell.

On the motion of Com. Lumpkins, supported by Com. Bliss, the reading of the minutes of the regular session of March 18, 2008 was waived and said minutes were approved as presented.

PETITIONS AND COMMUNICATIONS

77110 Two communications and 77 petition signatures supporting the continued funding of South East End, Baxter, and Madison Neighborhood Associations to provide services to the South East End Neighborhoods. Referred to the City Manager.

77111 Communications (3) from Glenn Freeman, Fred Stella, and Charlie Williams regarding Tibet resolution. Referred to the City Manager.

REPORTS OF CITY OFFICERS

77112 The Clerk presented the Comptroller's report of bills recommended for allowance for the period of March 12 through March 25, 2008 in the amount of \$13,161,262.81. Received and filed.

77113 The Clerk presented the Treasurer's report for the period of March 12 through March 25, 2008. Received and filed.

77114, 77115, 77116 The City Clerk submitted reports (3) from the Election Commission appointing election precinct inspectors, designating polling places, and designating receiving team members for the May 6, 2008 Election. Received and filed.

ORDINANCES

77117 Com. White, supported by Com. Lumpkins, moved adoption of the following:

ORDINANCE NO. 2008 - 11

THE PEOPLE OF THE CITY OF GRAND RAPIDS DO ORDAIN:

Section 1. That the following constitutes amended additions to the designated line items of Section 1 of Ordinance 2007-32, the Budget of the City of Grand Rapids for Fiscal Year 2007-2008, as amended previously.

OTHER GRANTS FUND

Resources:

Other	383,000
From (To) Fund Balance	-
Total Amended Resources	<u>769,869</u>

Appropriations:

Total Amended Appropriations	<u>383,000</u>
	<u>769,869</u>

CAPITAL IMPROVEMENT FUND

Resources:

Other	1,530,000
From (To) Retained Earnings	-
Total Amended Resources	<u>6,369,870</u>

Appropriations:

Total Amended Appropriations	<u>1,530,000</u>
	<u>6,369,870</u>

Carried by a roll call vote: Yeas: -7 Nays: -0

Com. Lumpkins, supported by Com. Bliss, moved that the appropriation ordinance take immediate effect pursuant to Section 9 of Title V of the City Charter.

Adopted: Yeas: -7 Nays: -0

CONSENT AGENDA

77118 Com. LaGrand, supported by Com. Lumpkins, moved adoption of the following resolutions under the Consent Agenda, as indicated by an asterisk (*).

Adopted: Yeas: -7 Nays: -0

***77119** Com. LaGrand, supported by Com. Lumpkins, moved adoption of the following resolution under the Consent Agenda:

RESOLVED that the Mayor's appointment of Rae Bower to the Community Relations Commission for the remainder of an unexpired term ending the first Monday in January 2009, be confirmed.

***77120** Com. LaGrand, supported by Com. Lumpkins, moved adoption of the following resolution under the Consent Agenda:

RESOLVED:

That the request to transfer ownership of 2007 Resort B-Hotel licensed business (MCL 436.1531(4); non-transferable, located at 310 Pearl NW, Grand Rapids, MI 49504, Kent County, from West Riverbank Limited Partnership to St. Julien Westside LLC (A Colorado Limited Liability Company), be approved.

***77121** Com. LaGrand, supported by Com. Lumpkins, moved adoption of the following resolution under the Consent Agenda:

RESOLVED, that pursuant to Chapter 68 of the Code of Grand Rapids the 825 Dayton Street SW – Jacob Aman House Historic District Committee is hereby established to make a recommendation on the merits of designating 825 Dayton Street SE as a Grand Rapids Historic District; and

RESOLVED, that Jennifer Shanefelt, Ron Shanefelt, Carrie Williams and Rhonda Baker (HPC representative) are persons who satisfy the requirement for demonstrated interest and/or knowledge of historic preservation, as well as representation by one or more duly organized local preservation organizations; and

RESOLVED, that the above named persons are appointed to serve on the committee to carry out and perform those duties and responsibilities described to it under Section 5.398 of Chapter 68 of the City of Grand Rapids.

***77122** Com. LaGrand, supported by Com. Lumpkins, moved adoption of the following resolution under the Consent Agenda:

RESOLVED: a public hearing shall be held on May 13, 2008 at 7:00 PM, City Hall, City Commission Chambers, 9th Floor, 300 Monroe Ave NW, Grand Rapids, MI 49503, to consider the designation of the Wealthy Heights as

a Neighborhood Enterprise Zone, as highlighted in the attached map and described as follows:

Lots 1684 and 1685 of Steinmann's Assessor's Plat No. 58 to the City of Grand Rapids, Kent County, Michigan as recorded in Liber 41 of Plats, Page 35, Kent County Register of Deeds; also all of Van der Veen's Addition to the City of Grand Rapids, Kent County, Michigan as recorded in Liber 16 of Plats, Page 9; also all of Steinmann's Assessor's Plat No. 59 to the City of Grand Rapids, Kent County, Michigan as recorded in Liber 41 of Plats, Page 36, Kent County Register of Deeds; also Lots 35 through 38 inclusive, Lots 59 through 62 inclusive and the South 40 feet of Lot 58 of Kellogg and Calkins Addition to the City of Grand Rapids, Kent County, Michigan as recorded in Liber 10 of Plats, Page 6, Kent County Register of Deeds; also all of Vissor Addition to the City of Grand Rapids, Kent County, Michigan as recorded in Liber 10 of Plats, Page 28, Kent County Register of Deeds; also Lots 1 through 9 inclusive of John B. White Addition to the City of Grand Rapids, Kent County, Michigan as recorded in Liber 9 of Plats, Page 27, Kent County Register of Deeds.

FURTHER RESOLVED, that the City Clerk shall give written notice to the Assessor and to the governing body of each taxing unit that levies ad valorem property taxes in the proposed Neighborhood Enterprise Zone and shall publish a notice of the public hearing in the press.

***77123** Com. LaGrand, supported by Com. Lumpkins, moved adoption of the following resolution under the Consent Agenda:

WHEREAS, the City Commission approved a Brownfield Plan (the "Plan") for the City of Grand Rapids Brownfield Redevelopment Authority (the "Authority") on December 22, 1998, pursuant to the Brownfield Redevelopment Financing Act, Act 381 of the Public Acts of Michigan of 1996, as amended, MCL 125.2651 et seq. ("Act 381").

WHEREAS, the Board of the Authority has recommended an amendment to the Plan for the Third Coast Development Partners, LLC Project (the "Project") described therein (the "Amendment"); and

WHEREAS, the City Commission has held a public hearing on the Amendment after notice in accordance with the requirements of Act 381.

RESOLVED

1. That the Amendment constitutes a public purpose under Act 381.
2. That the Amendment meets all the requirements of Section 13(1) of Act 381.
3. That the proposed method of financing the costs of the eligible activities, as identified in the Amendment and defined in Act 381, is feasible and the Authority has the authority to arrange the financing.

4. That the costs of the eligible activities proposed in the Amendment are reasonable and necessary to carry out the purposes of Act 381.

5. That the amount of captured taxable value estimated to result from the adoption of the Amendment is reasonable.

6. That the Amendment in the form presented is approved.

7. That by approval of the Amendment the City does not represent it has obtained, will obtain or will be responsible for obtaining for the benefit of owners or lessees of eligible property included in the Amendment any Michigan business tax credit pursuant to the Michigan Business Tax Act, Act 36 of the Public Acts of Michigan of 2007, MCL 208.1101, et seq.

8. That all resolutions or parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

***77124** Com. LaGrand, supported by Com. Lumpkins, moved adoption of the following resolution under the Consent Agenda:

RESOLVED that an agreement in a form to be approved by the City Attorney between the City of Grand Rapids and the Michigan Department of Environmental Quality for provision of certain Air Pollution Control services by the City for the period of October 1, 2007 through September 30, 2008 is approved and the Mayor is authorized to execute the agreement for the City.

***77125** Com. LaGrand, supported by Com. Lumpkins, moved adoption of the following resolution under the Consent Agenda:

RESOLVED, that the City Commission hereby authorizes the City to enter into a Professional Services Agreement with JANET LUKENS DIETSCH, in a form to be approved by the City Attorney, and the Mayor is authorized to execute the agreement on behalf of the City, and the City Comptroller is directed to pay JANET LUKENS DIETSCH the amount of Thirty thousand Dollars (\$30,000) in quarterly installments as full compensation for services rendered pursuant to said agreement.

***77126** Com. LaGrand, supported by Com. Lumpkins, moved adoption of the following resolution under the Consent Agenda:

RESOLVED that the City's depository agreement, authorized in a form to be approved by the City Attorney, between the City of Grand Rapids Treasurer's Office and Charter One Bank is hereby approved and the Mayor authorized to execute the agreement for the City.

FURTHER RESOLVED that the City Treasurer is authorized to execute, on behalf of the City, signature cards and other documents approved by the City Attorney required to open and maintain City depository account.

***77127** Com. LaGrand, supported by Com. Lumpkins, moved adoption of the following resolution under the Consent Agenda:

WHEREAS, the Fiscal Committee has considered the attached bids.

NOW THEREFORE, BE IT RESOLVED, that the Purchasing Agent be authorized to proceed with awards to the following bidders, that contracts be prepared between the City and for the vendors noted (*) that the Mayor be authorized to sign the contracts on behalf of the City in a form to be approved by the City Attorney.

*Turblex Inc	(Air Recirculation System Upgrade)	\$84,500.00
West Michigan AVS	(Security Cameras and Housings)	\$11,900.00
Natural Landscapes	(Mowing Services, Roadside/Nuisance)	Various Prices
Vermeer of Michigan	(Stump Cutter)	\$34,274.00
West Shore Fire	(Fire Equipment, Maint & Repair)	Various Prices

***77128** Com. LaGrand, supported by Com. Lumpkins, moved adoption of the following resolution under the Consent Agenda:

RESOLVED:

1. That the application of Mico Industries for an Industrial Facilities Exemption Certificate shall remain on file in the Economic Development Office for consideration by the public.

2. That the City Commission shall meet in the City Commission Chambers, City Hall, Grand Rapids, Michigan, on April 22, 2008 at 7:00 p.m.; at which time and place the City Commission shall afford the applicant, the City Assessor, and a representative of each of the taxing units an opportunity to be heard on the question of the approval of the application for an Industrial Facilities Exemption Certificate for Mico Industries.

3. That the City Clerk shall notify in writing the City Assessor and the legislative body of each taxing unit which levies ad valorem property taxes in the City of the receipt of the application and also the date, time, and location at which the City Commission shall afford the applicant, the Assessor, and a representative of each affected taxing unit an opportunity for a hearing.

4. That the cost of the industrial property at 219 Canton SW, excluding land and inventory, is estimated at \$2,462,000.

***77129** Com. LaGrand, supported by Com. Lumpkins, moved adoption of the following resolution under the Consent Agenda:

WHEREAS, the Michigan Department of Transportation is planning to perform preventative maintenance repairs along US-131 from the South City Limits (Alger Street) north to Wealthy Street and along M-44 (East Beltline) from I-96 north to the North City Limits (Peregrine Drive); and

WHEREAS, in order to expedite the time frame for the construction of the aforesaid project, the Michigan Department of Transportation desires to offer the opportunity for its contractors to perform construction activities weekday and weekend nights between the hours of 10:00 p.m. and 7:00 a.m.; and

WHEREAS, Federal Highway Administration regulations require that any such night-time construction activities comply with applicable local ordinances; and

WHEREAS, the City's Noise Control Ordinance, Article 5 of Chapter 151 of Title IX of the City Code, prohibits certain construction activities within 600 feet of a residence or hospital between the hours of 10:00 p.m. and 7:00 a.m., except for work on essential services as defined in the aforesaid Noise Control Ordinance; and

WHEREAS, the Michigan Department of Transportation has requested a variance from the aforesaid Noise Control Ordinance in connection with the aforesaid project; therefore

RESOLVED:

1. That a public hearing be held on April 22, 2008, at 7:00 p.m. in the City Commission Chambers, 9th Floor, City Hall, 300 Monroe Avenue, N.W., Grand Rapids, Michigan, for the purpose of hearing all persons affected by the aforesaid request by the Michigan Department of Transportation for a variance from the City's Noise Control Ordinance in connection with preventative maintenance repairs along US-131 from the South City Limits (Alger Street) north to Wealthy Street and along M-44 (East Beltline) from I-96 north to the North City Limits (Peregrine Drive).
2. That the City Clerk publishes and serves all notices required by law of the aforesaid request for a variance from the Noise Control Ordinance and public hearing.

***77130** Com. LaGrand, supported by Com. Lumpkins, moved adoption of the following resolution under the Consent Agenda:

WHEREAS, it is necessary to enter into an agreement with the Michigan Department of Transportation in connection with the Rehabilitation of the Ann Street Bridge over the Grand River (hereinafter referred to as the "Project") and to authorize expenditures in connection therewith; and

WHEREAS, bids were received on March 7, 2008 by the Michigan Department of Transportation for the Project and J. Slagter & Son Construction Co. submitted the low bid of \$686,019.72 for which the Consultant Engineer's - DLZ Michigan, Inc. (hereinafter referred to as DLZ) estimate is \$747,489.00; therefore

RESOLVED:

1. That the City enter into an agreement with the Michigan Department of Transportation in connection with the Project and that, upon approval by the City Attorney, the Mayor is hereby authorized to execute the same on behalf of the City.
2. That expenditures for the City's share of costs for the Project be authorized in an amount not to exceed \$294,000 which includes the construction contract, street lighting force account work, DLZ's construction engineering/inspection phase services including reimbursable expenses, subconsultant services and testing, public information program, administration, and contingencies. Said amount of \$294,000 to be charged as follows: \$165,000 to Code No. 2260406-986-227915, \$48,000 to Code No. 2260405-986-226559, and \$81,000 to Code No. 1950120/401-986-19C890.
3. That the City Comptroller is hereby authorized and directed to make payment, in amounts and to said payees, as the City Engineer requests in connection with the Project.
4. That the City, pursuant to Section 1.150-2 of the Treasury Regulations promulgated pursuant to the Internal Revenue Code of 1986, as amended, declares its intent to reimburse itself the costs of the Project and other related costs as referenced herein in an amount not to exceed \$165,000 (Street Fund) through the issuance of tax-exempt bonds.
5. That a copy of this resolution be available for inspection at the City Clerk's Office, 2nd Floor, City Hall, 300 Monroe Avenue, N.W., Grand Rapids, Michigan 49503.

***77131** Com. LaGrand, supported by Com. Lumpkins, moved adoption of the following resolution under the Consent Agenda:

WHEREAS, it is necessary to enter into an agreement with the Michigan Department of Transportation in connection with Improvements in Turner Avenue from Fourth Street to Leonard Street (Turner Gateway Beautification Project - Phase II) and to authorize expenditures in connection therewith; and

WHEREAS, bids were received on March 7, 2008 by the Michigan Department of Transportation for the aforesaid project, and Rivertown Contractors, Inc. submitted the low bid of \$312,621.01 for which the Consultant Engineers' (O'Boyle, Cowell, Blalock & Associates, Inc. and Fishbeck, Thompson, Carr & Huber, Inc.) estimate is \$429,876.25; therefore,

RESOLVED:

1. That the City enter into an agreement with the Michigan Department of Transportation in connection with the aforesaid project and that, upon approval by the City Attorney, the Mayor is hereby authorized to execute the same on behalf of the City.
2. That the City's expenditures for the local share of costs for the aforesaid project be authorized in an amount not to exceed \$136,499 which includes the construction contract, public information program, engineering/inspection, and contingencies. Said amount of \$136,499 to be charged as follows: \$86,499 to Code No. 2260405-986-226566 and \$50,000 to Code No. 3570200701-818-35CD07 (CDBG).
3. That the City Comptroller is hereby authorized and directed to make payment, in amounts and to said payees, as the City Engineer requests in connection with the aforesaid project.

***77132** Com. LaGrand, supported by Com. Lumpkins, moved adoption of the following resolution under the Consent Agenda:

WHEREAS, it is necessary to enter into an agreement with the Michigan Department of Transportation for Reconstruction of Scribner Avenue Bridge over Eastbound Highway I-196 and to authorize the City's share of costs in connection therewith; therefore,

RESOLVED:

1. That the City enter into an agreement with the Michigan Department of Transportation for Reconstruction of Scribner Avenue Bridge over Eastbound Highway I-196, and that the Mayor is hereby authorized to

execute the same on behalf of the City, contingent upon approval of the same by the City Attorney.

2. That the City's total expenditures be authorized in an amount not to exceed \$10,000 which includes the City's share of costs for the aforesaid project (including the Michigan Department of Transportation's design and inspection fees), administration, and contingencies. Said amount of \$10,000 to be charged to Code No. 2260405-986-228001.
3. That the City Comptroller is hereby authorized and directed to make payment, in amounts and to said payees, as the City Engineer requests in connection with the aforesaid project.

***77133** Com. LaGrand, supported by Com. Lumpkins, moved adoption of the following resolution under the Consent Agenda:

WHEREAS, on December 19, 2006 (Commission Proceeding No. 75802), the City approved an encroachment agreement with Van Andel Research Institute to encroach into the Crescent Street right-of-way, east of Division Avenue for purposes of constructing and maintaining a temporary earth retention system and permanent concrete retaining wall foundation which will support the proposed surface parking lot as part of the construction of the second phase of the Institute project (hereinafter referred to as "Encroachment Agreement"); and

WHEREAS, subsequent to the approval of the Encroachment Agreement, Van Andel Research Institute has requested permission to encroach into the right-of-way on the west side of Bostwick Avenue, south of Michigan Street for the purposes of constructing and maintaining operable bollard systems, and is willing to enter into an amendment to the Encroachment Agreement which sets forth the conditions under which the City would permit the aforesaid encroachment into the right-of-way on the west side of Bostwick Avenue, south of Michigan Street; and

WHEREAS, Van Andel Research Institute agrees to pay all costs associated with the aforesaid amendment to the Encroachment Agreement; therefore

RESOLVED:

1. That the City of Grand Rapids enter into an amendment to the Encroachment Agreement with Van Andel Research Institute, contingent upon approval of the same by the City Attorney, that consents, with conditions, to the construction and maintenance of operable bollard systems into the right-of-way on the west side of Bostwick Avenue, south of Michigan Street; therefore

2. That the Mayor is hereby authorized to execute the aforesaid amendment to the Encroachment Agreement with Van Andel Research Institute, contingent upon approval of the same by the City Attorney.
3. That the City Clerk is hereby authorized and directed to record the aforesaid amendment to the Encroachment Agreement with the Kent County Register of Deeds.

***77134** Com. LaGrand, supported by Com. Lumpkins, moved adoption of the following resolution under the Consent Agenda:

WHEREAS, it is necessary to accept a Warranty Deed and dedicate the same as public right-of-way, and authorize a payment for said Warranty Deed in connection with Eastside Sewer Improvements Program Separation Project Contract No. 13 - Reconstruction of Ionia Avenue from Pleasant Street to Buckley Street, Buckley Street from Ionia Avenue to Sheldon Avenue, Sheldon Avenue from Buckley Street to Logan Street, and Division Avenue from 100 feet south of Buckley Street to 100 feet north of Buckley Street; therefore

RESOLVED:

1. That the City accept a Warranty Deed from the following property owner for the described property for the compensation amount noted, in connection with the aforesaid project.

Tillman Development LLC	\$25,000
630 Division Avenue, S.	
Grand Rapids, Michigan 49503	

Commencing at the Northwest corner of Lot 29 of the Amended Plat of Lots 1 through 25 and all of the adjoining North and South vacated alley known locally as Cody Court Alley, and all of adjoining Cody Place both existing and vacated and known locally as Cody Court, all part of Barnhard Subdivision of part of Block 2 of Blakeley's Addition to the City of Grand Rapids, part of the Northwest fractional 1/4 of Section 31, Town 7 North, Range 11 West, City of Grand Rapids, Kent County, Michigan, as recorded in Liber 115 of Plats, Pages 45 and 46, Kent County Records; thence S89°37'33"E 197.54 feet along the North line of said Lot 29, said line also being the South line of Buckley Street (64 feet wide); thence S82°43'11"W 168.95 feet; thence N89°37'33"W 29.00 feet, more or less, to the West line of said Lot 29; thence along said West line, said line also being the East line of Division Avenue (83 feet wide), N02°25'24"W 22.53 feet, more or less, to the place of Beginning. Contains 2549 sq. ft., more or less.

- A. That the above-described property be and is hereby dedicated to street and highway purposes.
 - B. That, subject to the supervision and control of the City Manager, the Director of Public Service shall manage and have charge of the above-described property in accordance with Title VI, Section 9, of the Charter of the City of Grand Rapids.
 - C. That the City Engineer and other affected City officials and departments are hereby directed to designate and delineate said property on the official maps and records of the City as public right-of-way to be known as Buckley Street for the use and benefit of the public at large.
 - D. That the City Clerk be authorized and directed to notify the State Treasurer of the State of Michigan of the dedication of the aforesaid property by the City of Grand Rapids as public right-of-way.
2. That the City Clerk is hereby authorized and directed to record the aforesaid Warranty Deed and this resolution with the Kent County Register of Deeds.
 3. That the City Comptroller is hereby authorized and directed to make payment(s) to such payee(s) and in such amounts as the City Engineer requests in a total amount not to exceed \$25,000 in connection with the aforesaid property acquisition. Said amount of \$25,000 to be charged to Code No. 2260406-986-227914.
 4. That the City, pursuant to Section 1.150-2 of the Treasury Regulations promulgated pursuant to the Internal Revenue Code of 1986, as amended, declares its intent to reimburse itself the costs of the aforesaid property acquisition and other related costs as referenced herein in an amount not to exceed \$25,000 (Street Fund) through the issuance of tax-exempt bonds.
 5. That a copy of this resolution be available for inspection at the City Clerk's Office, 2nd Floor, City Hall, 300 Monroe Avenue N.W., Grand Rapids, Michigan 49503.

***77135** Com. LaGrand, supported by Com. Lumpkins, moved adoption of the following resolution under the Consent Agenda:

WHEREAS, bids were received on March 18, 2008 for the following project:

Painting of the Burton Water Reservoir (hereinafter referred to as the "Project")

and Dave Cole Decorators, Inc. (Dave Cole) submitted a bid of \$120,150 for which the Engineer's estimate is \$250,000; therefore

RESOLVED:

1. That the bid of Dave Cole Decorators, Inc. be accepted and that, upon approval by the City Attorney, the Mayor be authorized to execute the contract documents for the Project on behalf of the City.
2. That total expenditures be authorized in an amount not to exceed \$156,000, which includes the costs of the construction contract, Progressive AE's construction engineering/inspection phase services including reimbursable expenses, administration, and contingencies. Said amount of \$156,000 to be charged to Code No. 432201-930.
3. That the City Comptroller is hereby authorized and directed to make payment, in amounts and to said payees, as the City Engineer requests in connection with the aforesaid project.

RESOLUTIONS

77136 Com. Bliss, supported by Com. Jendrasiak, moved adoption of the following resolution:

RESOLVED that the request from Canal Street Brewing LLC for Temporary Authorization for a Temporary Outdoor Service Permit to be used on June 21, 2008, in conjunction with an outdoor beer and music festival celebrating Founders' 11th Anniversary, be approved.

Adopted: Yeas: -6 Coms. Bliss, Gutowski, Jendrasiak,
Lumpkins, White, Mayor Heartwell Nays: -1 Com. LaGrand

77137 Com. Gutowski, supported by Com. Bliss, moved to suspend the rules in order to consider the following resolution.

Carried: Yeas: -6 Coms. Bliss, Gutowski, LaGrand, Lumpkins,
White, Mayor Heartwell Nays: -1 Com. Jendrasiak

Com. Gutowski, supported by Com. Lumpkins, moved to adopt the following resolution:

WHEREAS, the City has entered into an Amended and Restated City Center Ramp Site Development Agreement dated January 29, 2008 (the "Development Agreement"), with Two West Fulton LLC (the "Developer") related to the purchase and mixed use development of City-owned property at the southwest corner of Division Avenue and Fulton Street in the City (the "Property"); and

WHEREAS, the Development Agreement provides the Developer is to acquire the Property from the City on or before March 31, 2008, subject to the Developer meeting certain conditions; and

WHEREAS, the Development Agreement further provides that the Developer may request from the City an extension of time to acquire the Property which the City may grant at its sole discretion; and

WHEREAS, because of the unprecedented state of the financial credit markets the Developer has been unable to finalize its project financing which is a condition precedent for its acquisition of the Property and therefore has requested an extension to May 30, 2008, to acquire the Property; and

WHEREAS, subject to the terms and conditions of this resolution the City is willing to grant such extension.

RESOLVED:

1. That pursuant to the Development Agreement the Developer is granted an extension to May 30, 2008, to meet the financing condition of purchase and to acquire the Property provided Developer deposits with the City immediately upon adoption of this resolution \$95,000 which amount along with the \$25,000 already deposited with the City shall be forfeited if closing on the Property does not occur on or before May 30, 2008, or shall be applied towards the purchase price of the Property if closing shall occur on or before said date.

2. That the Mayor and City Clerk are authorized and directed to enter into an extension agreement reflecting this resolution approved as to content by the City Manager or his designee and as to form by the City Attorney or special counsel.

3. That all resolutions or parts of resolution in conflict herewith shall be and the same are hereby rescinded.

Adopted: Yeas: -6 Coms. Bliss, Gutowski, LaGrand, Lumpkins,
White, Mayor Heartwell Nays: -1 Com. Jendrasiak

77138 Com. Jendrasiak, supported by Com. LaGrand, moved to adopt the following resolution:

WHEREAS, the Commission held a public hearing on April 10, 2007, as required by the City Charter and Chapter 10 of the City Ordinance Code, concerning the acquisition and construction of public improvements in Special Assessment District No. 8644; and

WHEREAS, the Commission deems it advisable and necessary to proceed with the acquisition and construction of said improvements; therefore

RESOLVED:

1. That the Commission hereby approves the map for said proposed Special Assessment District No. 8644 and approves the estimate of the cost and plans and specifications of said proposed public improvements, all as prepared and submitted by the City Manager.
2. That the Commission hereby declares and determines the public improvements hereinafter described to be necessary, and hereby orders that the same shall be acquired and constructed and that such part of the total estimated cost as is hereinafter provided for said public improvements shall be defrayed by special assessment upon the property especially benefited from said public improvements, in proportion to the benefits thereto, said public improvements and the character thereof being described and determined as follows:

Special Assessment District No. 8644

Sidewalk in Knapp Street (both sides) from Dean Lake Avenue to 1,290 feet east of Dean Lake Avenue, consisting of concrete sidewalk and appurtenant work; and

3. That the City Commission determines that the total estimated cost of said public improvements, including all incidental expenses, the cost of which shall be spread and levied upon the property especially benefited, the amount of the total cost which shall be paid by the City, and the lots and parcels of land constituting the Special Assessment District against which the cost of said public improvements shall be assessed, all to be as follows:

Assessment share (\$17.00 x 2,521.33 front feet)	\$42,862.61
City share	<u>1,537.39</u>
Total	\$44,400.00

(Map and Description of District attached here)

4. That it is hereby determined that the cost of said public improvements may be met by issuing bonds by the City therefore in anticipation of the collection of the special assessments to defray the cost thereof, and that said bonds would be issued in accordance with and subject to the limitations prescribed by the City Charter and the statutes of the State of Michigan in such case made and provided.

5. That there shall be transmitted to the Assessor a certified copy of this resolution and a map for the Special Assessment District as provided by this resolution, and the City Manager shall transmit to the Assessor such facts respecting said public improvements that may be necessary to make a proper assessment, and the Assessor is hereby ordered to prepare a special assessment roll for said public improvements in the manner required by this resolution, Chapter 10 of the Ordinance Code of the City of Grand Rapids, the Charter of the City of Grand Rapids and the laws of the State of Michigan.
6. That all resolutions and parts of resolutions, insofar as the same conflict with the provisions of this resolution, be and the same hereby are rescinded.

Adopted: Yeas: -6 Coms. Gutowski, Jendrasiak, LaGrand,
Lumpkins, White, Mayor Heartwell Nays: -0 Abstentions: -1 Com.
Bliss

CITY COMMISSION RESOLUTIONS

77139 Com. Lumpkins, supported by Com. Bliss, moved to suspend the rules in order to consider the following resolution.

Carried: Yeas: -7 Nays: -0

Com. Lumpkins, supported by Com. Bliss, moved to adopt the following resolution:

RESOLVED that Lauri S. Parks be elected City Clerk for a term beginning April 7, 2008 and expiring the first Monday of January, 2009; and that her compensation shall be established at the rate of \$82,896 per year.

FURTHER RESOLVED, that an Employment Agreement is hereby authorized with terms as agreed upon by the City Commission and the City Clerk, and the Mayor be authorized to execute the same on behalf of the City.

Adopted: Yeas: -7 Nays: -0

PUBLIC HEARINGS

77140 Pursuant to Commission File No. 77091, dated March 18, 2008, a public hearing was held on this date to consider an application for an Industrial Facilities Exemption Certificate pursuant to P.A. 198 for Able Manufacturing located at 601 Crosby St., N.W.

At the conclusion of said hearing, the Mayor declared the hearing closed and referred the matter to the Committee of the Whole.

April 1, 2008

CITY COMMISSION

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77141 Pursuant to Commission File No. 77092, dated March 18, 2008, a public hearing was scheduled to be held on this date to consider an application pursuant to Act 328 for a Personal Property Exemption Certificate for Cancer & Hematology Centers of Western Michigan PC located at 145 Michigan St., N.E.

At the conclusion of said hearing, the Mayor declared the hearing closed and referred the matter to the Committee of the Whole.

Commission adjourned at 7:55 p.m.

MARIE A. GOWELL
Acting City Clerk